STATE OF NEW YORK

S. 8006--C A. 9006--C

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to foundation aid; to amend the education law, in relation to maintenance of equity aid; to amend chapter 56 of the laws of 2021, relating to funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021, in relation to every local educational agency receiving funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021 shall be required to post on its website a plan by school year of how such funds will be expended; to amend the education law, in relation to building aid and the New York state energy research and development authority P-12 schools clean green schools initiative; to amend the education law, in relation to building aid final cost report penalties; transportation contract penalties; to amend the education law, in relation to modifying the length of school sessions; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to extending the state education department's authority to administer the statewide universal full-day pre-

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

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kindergarten program; to amend the education law, in relation to universal prekindergarten expansions; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement for the 2022-2023 school year, withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to lunch meal state subsidy; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to making certain provisions thereof permanent; to amend the No Child Left Behind Act of 2001, in relation to making the provisions thereof permanent; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; providing for school bus driver training grants; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to extending the school years to which apportionment for salary expenses apply; to amend the education law, in relation to permitting the city school district of the city of Rochester to make certain purchases from the board of cooperative educational services of the supervisory district serving its geographic region; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; providing for set-asides from the state funds which certain districts are receiving from the total foundation aid; providing for support of public libraries; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law and the local finance law, in relation to zero-emission school buses (Subpart A); to amend the public authorities law, in relation to the creation of a zero-emission bus roadmap (Subpart B)(Part B); intentionally omitted (Part C); to amend the education law, in relation to state appropriations for reimbursement of tuition credits (Part D); to amend the education law, in relation to the expansion of the part-time tuition assistance program (Part E); to amend the education law, in relation to eligibility requirements and conditions for tuition assistance program awards; and to repeal certain provisions of the education law relating to the ban on incarcerated individuals to be eligible to receive state aid (Part F); to amend the education law, in relation to setting tuition rates charged for recipients of the excelsior scholarship (Part G); to amend the education law, in relation to including certain apprenticeships in the definition of "eligible educational institution" for the New York state college

choice tuition savings program (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the social services law, in relation to child care assistance (Part L); to amend part N of chapter 56 of the laws of 2020, amending the social services law relating to restructuring financing for residential school placements, in relation to the effectiveness thereof (Part M); to amend part C of chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Part N); to amend the social services law, in relation to reimbursement for a portion of the costs of social services districts for care provided to foster children in institutions, group residences, group homes, and agency operated boarding homes (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend the executive law, in relation to increasing the amount of reimbursement the division of veterans' affairs shall provide to local veterans' service agencies for the cost of maintenance of such agencies (Part R); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part S); to amend part W of chapter 54 of the laws of 2016 amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Part T); to amend the social services law, in relation to the public benefits and requirements; and to repeal certain provisions of such law relating thereto (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to utilize reserves in the mortgage insurance fund for various housing purposes (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend the executive law, in relation to the state's language access policy (Part GG); to amend the retirement and social security law, in relation to waiving approval and income limitations on retirees employed in school districts and board of cooperative educational services; and providing for the repeal of such provisions upon expiration thereof (Part HH); intentionally omitted (Part II); to amend chapter 277 of the laws of 2021 amending the labor law relating to the calculation of weekly employment insurance benefits for workers who are partially unemployed, in relation to the effectiveness thereof (Part JJ); directing the office of temporary and disability assistance to conduct a public outreach program regarding utilities assistance (Part KK); to amend the social services law, in relation to the savings plan demonstration project in the city of New York; and to amend part K of chapter 58 of the laws of 2010 amending the social services law relating to establishing the savings plan demonstration project, in relation to the effectiveness thereof (Part LL); to repeal section 106 of the social services law relating to mortgage repayment liens for public assistance beneficiaries (Part MM); requiring the state university of New York and the city university of New York to report on the hiring of faculty pursuant to any state funding appropriated for such purposes (Part NN); to amend the education law, in relation to removing the limit on the total annual costs of the Senator Patricia K. McGee nursing faculty scholarship program and relates to the number of awards that may be given under the New York state young farmers loan forgiveness incen-

tive program (Part OO); in relation to constituting chapter 13 of the consolidated laws establishing the veterans' services law and the department of veterans' services; to amend the domestic relations law, the education law, the election law, the environmental conservation law, the executive law, the general municipal law, the labor law, the mental hygiene law, the not-for-profit corporation law, the public health law, the social services law, the state finance law, the New York state defense emergency act, the administrative code of the city of New York, the New York city charter, the cannabis law, the state technology law, the county law, the economic development law, the correction law, the civil service law, the general business law, the general construction law, the highway law, the insurance law, the judiciary law, the military law, the public housing law, the public officers law, the private housing finance law, the real property tax law, the tax law, the town law, the vehicle and traffic law, and the workers' compensation law, in relation to replacing all instances of the term "division of veterans services" with the term "department of veterans' services" and making related conforming technical changes; and to repeal certain provisions of the executive law relating to veterans' services and of the military law relating to certain awards and medals (Part PP); to establish the "ethics commission reform act of 2022"; to amend the executive law, in relation to creating a commission on ethics and lobbying in government; to amend the legislative law, the public officers law, and the executive law, in relation to making technical corrections thereto; and to repeal certain provisions of the executive law relating thereto (Part QQ); to amend the racing, pari-mutuel wagering and breeding law, in relation to gaming facility determinations and licensing (Part RR); to amend the retirement and social security law, in relation to enacting reforms related to public service performed during the COVID-19 pandemic (Part SS); to amend the retirement and social security law, in relation to providing reforms to Tier 5 and Tier 6 of the retirement system (Part TT); to amend the penal law, in relation to criminal sale of firearms (Subpart A); to amend the criminal procedure law, in relation to appearance tickets issued to certain persons (Subpart B); to amend the criminal procedure law, in relation to certain information the court must consider and take into account for securing an order (Subpart C); to amend the criminal procedure law, in relation to the failure to comply with a discovery order and certificates of compliance (Subpart D); to amend the family court act, in relation to the statute of limitations and jurisdiction for juvenile delinquency proceedings; and community based treatment referrals (Subpart E); and to amend the criminal procedure law, in relation to release for mental health assessment and evaluation and involuntary commitment pending release (Subpart F); and to amend the judiciary law and the executive law, in relation to certain reports on pretrial release and detention (Subpart G); to amend Kendra's law, in relation to extending the expiration thereof; and to amend the mental hygiene law, in relation to extending Kendra's law and assisted outpatient treatment (Subpart H) (Part UU); in relation to enacting the private activity bond allocation act of 2022; and providing for the repeal of certain provisions upon expiration thereof (Part VV); to amend the public officers law, in relation to permitting videoconferencing and remote participation in public meetings under certain circumstances; and providing for the repeal of such provisions upon expiration thereof (Part WW); to amend the public health law, in relation to the minimum wage of home care aides (Part

XX); to amend chapter 252 of the laws of 1968 relating to the construction and financing of a stadium by the county of Erie and authorizing, in aid of such financing, the leasing of such stadium and exemption from current funds requirements, in relation to confirming the intention of the legislature that the purposes mentioned therein are public and governmental purposes of the county of Erie for which exemption shall be allowed from real property taxation (Part YY); to amend the social services law, in relation to establishing the health care and mental hygiene worker bonuses (Part ZZ); to amend the social services law, in relation to expanding Medicaid eligibility requirements for seniors and disabled individuals; and relating to expanding eligibility for the medicare savings program (Part AAA); to amend the public health law and the social services law, in relation to permitting the commissioner of health to submit a waiver that expands eligibility for New York's basic health program and increases the federal poverty limit cap for basic health program eligibility from two hundred to two hundred fifty percent; to amend the social services law, in relation to allowing pregnant individuals to be eligible for the basic health program and maintain coverage in the basic health program for one year post pregnancy and to deem a child born to an individual covered under the basic health program to be eligible for medical assistance; to amend the social services law, in relation to cost-sharing obligations for certain services and supports; and providing for the repeal of certain provisions upon the expiration thereof (Part BBB); to amend the social services law, in relation to including expanded pre-natal and post-partum care as standard coverage when determined to be necessary; and to repeal section 369-hh of the social services law (Part CCC); to amend the public health law, in relation to expanding benefits in the Child Health Plus Program, eliminating the premium contribution for certain households and transferring Child Health Plus rate setting authority from the Department of Financial Services to the Department of Health (Part DDD); 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 extending the effectiveness thereof; and to amend the judiciary law and the state finance law, in relation to monies allocated to the chief administrator of the courts and the division of criminal justice services for the purpose of completing certain reports (Part EEE); and 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 D3 of chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, in relation to the deposit provisions of the tobacco settlement financing corporation act; 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 amend the New York state urban development corporation act, in relation to permitting the dormitory authority, the New York state urban development corporation, and the thruway authority to issue bonds for the purpose of refunding obligations of the power authority of the state of New York to fund energy efficiency projects at state agencies; 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 FFF)

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 education, labor, housing and family assistance budget for the 2022-2023 state fiscal year. Each component is wholly contained within a Part identified as Parts A through FFF. 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. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two

thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand sixteen--two thousand seventeen school year; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand eighteen--two thousand nineteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand nineteen--two thousand twenty school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eighteen--two thousand nineteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand nineteen--two thousand twenty school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty--two thousand twenty-one school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand nineteen--two thousand twenty school year; and provided further that, a school district that submitted a contract for excellence for the two thousand twenty--two thousand twenty-one school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty-one--two thousand twenty-two school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twenty--two

thousand twenty-one school year; and provided further that, a school district that submitted a contract for excellence for the two thousand twenty-one--two thousand twenty-two school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty-two--two thousand twenty-three school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twenty-one--two thousand twenty-two school year. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

§ 2. Subdivision 4 of section 3602 of the education law is amended by adding a new paragraph j to read as follows:

j. Foundation aid payable in the two thousand twenty-two--two thousand twenty-three school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand twenty-two--two thousand twenty-three school year shall be equal to the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the greater of (a) the product of the phase-in foundation increase factor as computed pursuant to subparagraph (ii) of paragraph b of this subdivision multiplied by the positive difference, if any, of (i) total foundation aid computed pursuant to paragraph a of this subdivision less (ii) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section, or (b) the product of three hundredths (0.03) multiplied by the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

§ 3. Section 3602 of the education law is amended by adding a new subdivision 4-a to read as follows:

4-a. Foundation Aid Maintenance of Equity Aid. 1. For purposes of this subdivision the following terms shall be defined as follows:

a. "High-need LEAs" shall mean local educational agencies with (1) the highest percentage of economically disadvantaged students as calculated based on the most recent small area income and poverty estimates provided by the United States census bureau and (2) the cumulative sum of local educational agency enrollment for the base year is greater than or equal to the product of five-tenths (0.5) and the statewide total of such enrollment.

b. "Highest-poverty LEAs" shall mean local educational agencies with (1) the highest percentage of economically disadvantaged students as

calculated based on the most recent small area income and poverty estimates provided by the United States census bureau and (2) the cumulative sum of local educational agency enrollment for the base year is greater than or equal to the product of two-tenths (0.2) and the statewide total of such enrollment.

c. "Eligible districts" shall mean school districts defined as high-need LEAs or highest-poverty LEAs in the current year which are subject to the state level maintenance of equity requirement in the American Rescue Plan Act of 2021, Section 2004, Part 1, Subtitle A, Title II, (Public Law 117-2) for the current year.

d. "State funding" shall mean any apportionment provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, and seven hundred fifty-three of this chapter plus apportionments pursuant to subdivisions four, five-a, ten, twelve, and sixteen of this section.

e. "Local Educational Agency Enrollment" shall mean the unduplicated count of all children registered to receive educational services in grades kindergarten through twelve, including children in ungraded programs, as registered on the date prior to November first that is specified by the commissioner as the enrollment reporting date, registered in a local educational agency as defined pursuant to section 7801 of title 20 of the United States Code.

2. Eligible districts shall receive an apportionment of foundation aid maintenance of equity aid in the current year if the commissioner, in consultation with the director of the budget, determines the district would otherwise receive a reduction in state funding on a per pupil basis inconsistent with the federal state level maintenance of equity requirement. This apportionment shall be equal to the amount necessary to ensure compliance with the federal state level maintenance of equity requirement. This apportionment shall be paid in the current year pursuant to section thirty-six hundred nine-a of this part.

§ 4. Clause (ii) of paragraph j of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(ii) For aid payable in the two thousand eight--two thousand nine school year and thereafter, the total foundation aid base shall equal the total amount a district was eligible to receive in the base year pursuant to subdivision four of this section plus foundation aid maintenance of equity aid pursuant to subdivision four-a of this section.

§ 5. Section 3602-b of the education law is amended by adding a new subdivision 3 to read as follows:

3. a. In addition to apportionments calculated pursuant to subdivisions one and two of this section, each school district employing fewer than eight teachers defined as eligible pursuant to paragraph one of subdivision four-a of section thirty-six hundred two of this part shall receive an additional apportionment of public money in the current year if the commissioner, in consultation with the director of the budget, determines the district would otherwise receive a reduction in state funding, as defined in subparagraph d of paragraph one of subdivision four-a of section thirty-six hundred two of this part, on a per pupil basis inconsistent with the federal state level maintenance of equity requirement.

b. The maintenance of equity aid shall be equal to the amount necessary to ensure compliance with the federal state level maintenance of equity requirement in the American Rescue Plan Act of 2021, Section

2004, Part 1, Subtitle A, Title II, (Public Law 117-2) for the current year.

§ 5-a. Section 9-a of part A of chapter 56 of the laws of 2021, relating to funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021, is amended to read as follows:

§ 9-a. **(1)** On or before July 1, 2021, every local educational agency receiving funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021 shall be required to post on its website a plan by school year of how such funds will be expended and how the local educational agency will prioritize spending on non-recurring expenses in the areas of: safely returning students to in-person instruction; maximizing in-person instruction time; operating schools and meeting the needs of students; purchasing educational technology; addressing the impacts of the COVID-19 pandemic on students, including the impacts of interrupted instruction and learning loss and the impacts on low-income students, children with disabilities, English language learners, and students experiencing homelessness; implementing evidence-based strategies to meet students' social, emotional, mental health, and academic needs; offering evidence-based summer, afterschool, and other extended learning and enrichment programs; and supporting early childhood education. Provided further, that local educational agencies shall identify any programs utilizing such funding that are expected to continue beyond the availability of such federal funds and identify local funds that will be used to maintain such programs in order to minimize disruption to core academic and other school programs. Before posting such plan, the local educational agency shall seek public comment from parents, teachers and other stakeholders on the plan and take such comments into account in the development of the plan.

(2) On or before July 1, 2022, every local educational agency receiving funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021 shall be required to post on its website an updated plan as described in subdivision one of this section. This updated plan shall include an analysis of public comments, goals and ratios for pupil support, detailed summaries of investments in current year initiatives, and balance funds spent in priority areas. The local educational agency shall submit such plan to the state education department in a form prescribed by the department, and the department shall post all of the collected plans on its website.

§ 5-b. Section 10-d of part A of chapter 56 of the laws of 2021, relating to funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021, is amended to read as follows:

§ 10-d. For the 2021-22, 2022-23 and 2023-24 school years, each school district receiving a foundation aid increase of more than: (i) ten percent; or (ii) ten million dollars in a school year shall, on or before July 1 of each school year, post to the district's website a plan by school year of how such funds will be used to address student performance and need, including but not limited to: (i) increasing graduation rates and eliminating the achievement gap; (ii) reducing class sizes; (iii) providing supports for students who are not meeting, or at risk of not meeting, state learning standards in core academic subject areas; (iv) addressing student social-emotional health; [~~and~~] (v) providing adequate resources to English language learners, students with disabilities; and students experiencing homelessness**; (vi) goals and**

ratios for pupil support; and (vii) detailed summaries of investments in current year initiatives and balance funds spent in priority areas. Prior to posting such plan, each school district shall seek public comment from parents, teachers and other stakeholders on the plan [~~and~~], take such comments into account in the development of the plan, and include an analysis of the public comments within the plan. The district shall submit such plan to the state education department in a form prescribed by the department, and the department shall post all of the collected plans on its website.

§ 6. Section 3602 of the education law is amended by adding a new subdivision 6-i to read as follows:

6-i. Building aid and the New York state energy research and development authority P-12 schools: clean green schools initiative. 1. For aid payable in the school years two thousand twenty-two--two thousand twenty-three and thereafter, notwithstanding any provision of law to the contrary, the apportionment to any district under subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section for capital outlays for school building projects for energy efficiency shall not exclude grants authorized pursuant to the New York state energy research and development authority P-12 schools: clean green schools initiative from aidable expenditures, provided that the sum of apportionments for these projects calculated pursuant to subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section and such grants shall not exceed the actual project expenditures.

2. The New York state energy research and development authority shall provide a list of energy efficiency grants awarded to each school district to the commissioner no later than one month prior to the end of each calendar year and each school year. This list shall include the capital construction project or projects funded by the grants, the award amounts of each individual project grant, the district receiving such grants, the schools receiving such grants, the date on which the grant was received, and any other information necessary for the calculation of aid pursuant to subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section.

§ 7. Paragraph a of subdivision 4 of section 3204 of the education law is amended to read as follows:

a. A full time day school or class, except as otherwise prescribed, shall be in session for not less than one hundred [~~ninety~~] eighty days each year, [~~inclusive~~] exclusive of legal holidays that occur during the term of said school and exclusive of Saturdays.

§ 8. Paragraph s of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

s. "Extraordinary needs count" shall mean the sum of the product of the [~~limited English proficiency~~] English language learner count multiplied by fifty percent, plus, the poverty count and the sparsity count.

§ 9. Subdivision 6 of section 3602 of the education law is amended by adding a new paragraph k to read as follows:

k. Final cost report penalties. (1) All acts done and proceedings heretofore had and taken, or caused to be had and taken, by school districts and by all its officers or agents relating to or in connection with final building cost reports required to be filed with the commissioner for approved building projects for which a certificate of substantial completion was issued on or after April first, nineteen hundred ninety-five, and where a final cost report was not submitted by June thirtieth of the school year in which the certificate of substan-

tial completion of the project was issued by the architect or engineer, or six months after issuance of such certificate, whichever was later, and all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the approval and filing provisions of the education law or any other law or any other statutory authority, rule or regulation, in relation to any omission, error, defect, irregularity or illegality in such proceedings had and taken.

(2) The commissioner is hereby directed to consider the approved costs of the aforementioned projects as valid and proper obligations of such school districts and shall not recover on or after July first, two thousand thirteen any penalty arising from the late filing of a final cost report, provided that any amounts already so recovered on or after July first, two thousand thirteen shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision five of section thirty-six hundred four of this part and shall be paid to the appropriate district pursuant to such provision, provided that:

(a) such school district submitted the late or missing final building cost report to the commissioner;

(b) such cost report is approved by the commissioner;

(c) all state funds expended by the school district, as documented in such cost report, were properly expended for such building project in accordance with the terms and conditions for such project as approved by the commissioner; and

(d) the failure to submit such report in a timely manner was an inadvertent administrative or ministerial oversight by the school district, and there is no evidence of any fraudulent or other improper intent by such district.

§ 10. Section 3625 of education law is amended by adding a new subdivision 5 to read as follows:

5. Transportation contract penalties. a. All acts done and proceedings heretofore had and taken, or caused to be had and taken, by school districts and by all its officers or agents relating to or in connection with a transportation contract, to be filed with the department, where such contract was not timely executed and/or filed within one hundred twenty days of the commencement of service under such contract pursuant to subdivision two of this section and/or where the advertisement for bids for such contract did not meet the requirements set forth in paragraph a of subdivision fourteen of section three hundred five of this chapter, and all acts incidental hereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with such filing and/or advertising provision or provisions, provided that the conditions in subparagraphs one, two, three, and four of paragraph b of this subdivision are met.

b. The department is hereby directed to consider the aforementioned contracts for transportation aid as valid and proper obligations and shall not recover from such school districts any penalty arising from the failure to execute and/or file a transportation contract in a timely manner and/or meet such advertisement requirements, provided that any amounts already so recovered shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision five of section thirty-six hundred four of this article and shall be paid to the school district pursuant to such provision, provided that:

(1) such school district submitted the contract to the commissioner and such contract is for services in the two thousand twelve--two thousand thirteen school year or thereafter;

(2) such contract is approved by the commissioner;

(3) all state funds expended by the school district were properly expended for such transportation as approved by the commissioner; and

(4) the failure to execute or file such contract in a timely manner and/or meet such advertisement requirements was an inadvertent administrative or ministerial oversight by the school district or due to extenuating circumstances, and there is no evidence of any fraudulent or other improper intent by such district, as determined by the commissioner.

§ 11. Subdivision 2 of section 3625 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

2. Filing of transportation contracts. Every transportation contract shall be filed with the department within one hundred twenty days of the commencement of service under such contract. No transportation expense shall be allowed for a period greater than one hundred twenty days prior to the filing of any contract for the transportation of pupils with the education department. No contract shall be considered filed unless it bears an original signature**, in the case of a written document, or a certification, in the case of an approved electronic form,** of the superintendent of a school district or the designee of the superintendent and the sole trustee or president of the board of education of the school district. The final approval of any such contract by the commissioner shall not, however, obligate the state to allow transportation expense in an amount greater than the amount that would be allowed under the provisions of this part. The state, acting through the department of audit and control, may examine any and all accounts of the contractor in connection with a contract for the transportation of pupils, and every such contract shall contain the following provision: "The contractor hereby consents to an audit of any and all financial records relating to this contract by the department of audit and control."

§ 11-a. Subdivision 1 of section 3625 of the education law, as amended by section 47 of part L of chapter 405 of the laws of 1999, is amended to read as follows:

1. Form of transportation contracts. Every contract for transportation of school children shall be in writing **or in an electronic form approved by the commissioner when available**, and before such contract is filed with the department as required by subdivision two of this section, the same shall be submitted for approval to the superintendent of schools of said district and such contract shall not be approved and filed by such superintendent unless he or she shall first investigate the same with particular reference to the type of conveyance, the character and ability of the driver, the routes over which the conveyances shall travel, the time schedule, and such other matters as in the judgement of the superintendent are necessary for the comfort and protection of the children while being transported to and from school. Every such contract for transportation of children shall contain an agreement upon the part of the contractor that the vehicle shall come to a full stop before crossing the track or tracks of any railroad and before crossing any state highway.

§ 11-b. Subdivision 4 of section 3627 of the education law, as amended by section 14-f of part A of chapter 56 of the laws of 2020, is amended to read as follows:

4. Notwithstanding any other provision of law to the contrary, any expenditures for transportation provided pursuant to this section in the two thousand thirteen--two thousand fourteen school year and thereafter and otherwise eligible for transportation aid pursuant to subdivision

seven of section thirty-six hundred two of this article shall be considered approved transportation expenses eligible for transportation aid, provided further that for the two thousand thirteen--two thousand fourteen school year such aid shall be limited to eight million one hundred thousand dollars and for the two thousand fourteen--two thousand fifteen school year such aid shall be limited to the sum of twelve million six hundred thousand dollars plus the base amount and for the two thousand fifteen--two thousand sixteen school year through two thousand eighteen--two thousand nineteen school year such aid shall be limited to the sum of eighteen million eight hundred fifty thousand dollars plus the base amount[~~,~~] and for the two thousand nineteen--two thousand twenty school year such aid shall be limited to the sum of nineteen million three hundred fifty thousand dollars plus the base amount[~~,~~] and for the two thousand twenty--two thousand twenty-one school year [~~and thereafter~~] such aid shall be limited to the sum of nineteen million eight hundred fifty thousand dollars plus the base amount **and for the two thousand twenty-two--two thousand twenty-three school year and thereafter such aid shall be limited to the sum of twenty-two million three hundred fifty thousand dollars plus the base amount**. For purposes of this subdivision, "base amount" means the amount of transportation aid paid to the school district for expenditures incurred in the two thousand twelve--two thousand thirteen school year for transportation that would have been eligible for aid pursuant to this section had this section been in effect in such school year, except that subdivision six of this section shall be deemed not to have been in effect. And provided further that the school district shall continue to annually expend for the transportation described in subdivision one of this section at least the expenditures used for the base amount.

§ 12. Intentionally omitted.

§ 13. Intentionally omitted.

§ 14. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 12-b of part A of chapter 56 of the laws of 2021, is amended to read as follows:

For the two thousand eight--two thousand nine school year, each school district shall be entitled to an apportionment equal to the product of fifteen percent and the additional apportionment computed pursuant to this subdivision for the two thousand seven--two thousand eight school year. For the two thousand nine--two thousand ten through two thousand [~~twenty-one~~] **twenty-two**--two thousand [~~twenty-two~~] **twenty-three** school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".

§ 15. Subdivision 12 of section 3602 of the education law, as amended by section 13-a of part A of chapter 56 of the laws of 2021, is amended to read as follows:

12. Academic enhancement aid. **a.** A school district that as of April first of the base year has been continuously identified as a district in need of improvement for at least five years shall, for the two thousand eight--two thousand nine school year, be entitled to an additional apportionment equal to the positive remainder, if any, of (a) the lesser of fifteen million dollars or the product of the total foundation aid base, as defined by paragraph j of subdivision one of this section, multiplied by ten percent (0.10), less (b) the positive remainder of (i)

the sum of the total foundation aid apportioned pursuant to subdivision four of this section and the supplemental educational improvement grants apportioned pursuant to subdivision eight of section thirty-six hundred forty-one of this article, less (ii) the total foundation aid base.

b. For the two thousand nine--two thousand ten through two thousand fourteen--two thousand fifteen school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

c. For the two thousand fifteen--two thousand sixteen year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2014-15 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

d. For the two thousand sixteen--two thousand seventeen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2015-16 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fifteen--two thousand sixteen school year and entitled "SA151-6", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

e. For the two thousand seventeen--two thousand eighteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

f. For the two thousand eighteen--two thousand nineteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand seventeen--two thousand eighteen school year and entitled "SA171-8", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

g. For the two thousand nineteen--two thousand twenty school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2018-19 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand eighteen--two thousand nineteen school year and entitled

"SA181-9", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

h. For the two thousand twenty--two thousand twenty-one school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2019-20 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nineteen--two thousand twenty school year and entitled "SA192-0", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

i. For the two thousand twenty-one--two thousand twenty-two school year and the two thousand twenty-two--two thousand twenty-three school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2020-21 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand twenty--two thousand twenty-one school year and entitled "SA202-1", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

§ 16. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 14-a of part A of chapter 56 of the laws of 2021, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through two thousand [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three school years equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

§ 17. Subdivision 16 of section 3602-ee of the education law, as amended by section 23 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

16. The authority of the department to administer the universal full-day pre-kindergarten program shall expire June thirtieth, two thousand [~~twenty-two~~] twenty-three; provided that the program shall continue and remain in full effect.

§ 17-a. Paragraph (c) of subdivision 8 of section 3602-ee of the education law, as amended by section 31-a of part YYY of chapter 59 of the laws of 2017, subparagraph (ii) as amended by section 23-b of part A of chapter 56 of the laws of 2021, is amended to read as follows:

(c) [~~(i)~~] for eligible agencies as defined in paragraph b of subdivision one of section thirty-six hundred two-e of this part that are not schools, a bachelor's degree in early childhood education [~~or a related field and a written plan to obtain a certification valid for service in the early childhood grades as follows:~~]. Provided however, beginning with the two thousand twenty-two--two thousand twenty-three school year, a school district may annually apply to the commissioner by August first of the current school year for a waiver that would allow personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency. Provided further that the commissioner shall annually submit a report by September first to the chairperson of the assembly ways and means committee, the chairperson of the senate finance committee and the director of the budget which shall include but not be limited to the following: (a) a listing of the school districts receiving a waiver pursuant to this paragraph from the commissioner for the current school year; (b) the number and proportion of students within each district receiving a waiver pursuant to this paragraph for the current school year that are receiving instruction from personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department; and (c) the number and proportion of total prekindergarten personnel for each school district that are providing instructional services pursuant to this paragraph that are employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency.

[~~(1) for teachers hired on or after the effective date of this section as the teacher for a universal full-day pre-kindergarten classroom, within three years after commencing employment, at which time such certification shall be required for employment; and~~

~~(2) for teachers hired by such provider prior to the effective date of this section for other early childhood care and education programs, no later than June thirtieth, two thousand seventeen, at which time such certification shall be required for employment.~~

~~(ii) Provided that, notwithstanding any provisions of this paragraph to the contrary, for the two thousand seventeen-two thousand eighteen through the two thousand twenty-one--two thousand twenty-two school years an exemption to the certification requirement of subparagraph (i) of this paragraph may be made for a teacher without certification valid for service in the early childhood grades who possesses a written plan to obtain certification and who has registered in the ASPIRE workforce registry as required under regulations of the commissioner of the office~~

~~of children and family services. Notwithstanding any exemption provided by this subparagraph, certification shall be required for employment no later than June thirtieth, two thousand twenty-two; provided that for the two thousand twenty-one--two thousand twenty-two school year, school districts with teachers seeking an exemption to the certification requirement of subparagraph (i) of this paragraph shall submit a report to the commissioner regarding (A) the barriers to certification, if any, (B) the number of uncertified teachers registered in the ASPIRE work-force registry teaching pre-kindergarten in the district, including those employed by a community-based organization, (C) the number of previously uncertified teachers who have completed certification as required by this subdivision, and (D) the expected certification completion date of such teachers.~~]

§ 17-b. Paragraph d of subdivision 12 of section 3602-e of the education law, as amended by section 19 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

d. transitional guidelines and rules which allow a program to meet the required staff qualifications and any other requirements set forth pursuant to this section and regulations adopted by the board of regents and the commissioner; **provided that such guidelines include an annual process by which a district may apply to the commissioner by August first of the current school year for a waiver that would allow personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency. Provided, further, that the commissioner shall annually submit a report by September first to the chairperson of the assembly ways and means committee, the chairperson of the senate finance committee and the director of the budget which shall include but not be limited to the following: (a) a listing of the school districts receiving a waiver pursuant to this paragraph from the commissioner for the current school year; (b) the number and proportion of students within each district receiving a waiver pursuant to this paragraph for the current school year that are receiving instruction from personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department; and (c) the number and proportion of total prekindergarten personnel for each school district that are providing instructional services pursuant to this paragraph that are employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency.**

§ 17-c. Subparagraph (viii) of the opening paragraph of subdivision 10 of section 3602-e of the education law, as amended by section 23-c of part A of chapter 56 of the laws of 2021, is amended and a new subparagraph (ix) is added to read as follows:

(viii) for the two thousand twenty-one--two thousand twenty-two school year [~~and thereafter~~], each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the prior year excluding amounts subject to section thirty-six hundred two-ee of this part and further excluding amounts paid pursuant to subdivision nineteen of this section plus (B) the Full-day 4-Year-Old Universal Prekindergarten Expansion added pursuant to paragraph e of

subdivision nineteen of this section, provided that such school district has met all requirements pursuant to this section and such grants shall be added into a four-year-old grant amount based on the amount each district was eligible to receive in the base year to serve four-year-old prekindergarten pupils[~~, plus (C) the amount awarded to such school district, subject to an available appropriation, through the prekindergarten expansion grant for the prior year, provided that such school district has met all requirements pursuant to this section and for purposes of calculating the maintenance of effort reduction in subdivision eleven of this section that such grant amounts shall be divided into a four-year-old grant amount based on the amount each district was eligible to receive in the base year to serve four-year-old prekindergarten pupils and a three-year-old grant amount based on the amount each district was eligible to receive in the base year to serve three-year-old pupils~~], and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner[~~.~~]~~,~~ and

(ix) for the two thousand twenty-two--two thousand twenty-three school year and thereafter, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the prior year excluding amounts subject to section thirty-six hundred two-ee of this part and further excluding amounts paid pursuant to subdivision nineteen of this section plus (B) the Full-day 4-Year-Old Universal Prekindergarten Expansion added pursuant to paragraph e of subdivision nineteen of this section, provided that such school district has met all requirements pursuant to this section and such grants shall be added into a four-year-old grant amount based on the amount each district was eligible to receive in the base year to serve four-year-old prekindergarten pupils, plus (C) funds allocated pursuant to a universal prekindergarten expansion under subdivision twenty of this section as of the school aid computer listing produced by the commissioner in support of the enacted budget for the current year, provided that such grant amounts shall be divided into a four-year-old grant amount based on the amount each district was eligible to receive in the base year to serve four-year-old prekindergarten pupils, if any, and a three-year-old grant amount based on the amount each district was eligible to receive in the base year to serve three-year-old pupils, if any, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

§ 17-d. Subparagraph (ii) of paragraph b of subdivision 10 of section 3602-e of the education law, as amended by section 23-c of part A of chapter 56 of the laws of 2021, is amended to read as follows:

(ii) (1) "Eligible Full-day four-year-old prekindergarten pupils" shall equal:

For the two thousand seventeen--two thousand eighteen school year the sum of, from the priority full-day prekindergarten program, (A) the maximum aidable pupils such district was eligible to serve in the base year plus (B) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

For the two thousand eighteen--two thousand nineteen school year the sum of, from the programs pursuant to this section, (A) the maximum aidable full-day prekindergarten pupils such district was eligible to

serve in the base year plus (B) the maximum aidable number of half-day prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand nineteen--two thousand twenty school year the sum of, from each of (A) the programs pursuant to this section, (B) the federal preschool development expansion grant, (C) the expanded prekindergarten program, (D) the expanded prekindergarten program for three- and four-year-olds, and (E) the prekindergarten expansion grant, (1) the maximum aidable full-day four-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand twenty--two thousand twenty-one school year the sum of, from each of (A) the programs pursuant to this section and (B) the pre-kindergarten expansion grant, (1) the maximum aidable full-day four-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand twenty-one--two thousand twenty-two school year [~~and thereafter~~], the sum of, from the programs pursuant to this subdivision, (1) the maximum aidable full-day four-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year, plus (3) expansion slots added pursuant to paragraph e of subdivision nineteen of this section.

For the two thousand twenty-two--two thousand twenty-three school year and thereafter, the sum of, from the programs pursuant to this subdivision, (1) the maximum aidable full-day four-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year, plus (3) expansion slots calculated pursuant to subdivision twenty of this section.

§ 17-e. Section 3602-e of the education law is amended by adding a new subdivision 20 to read as follows:

20. Universal prekindergarten expansions.

a. Two thousand twenty-two--two thousand twenty-three school year.

(i) The universal prekindergarten expansion for the two thousand twenty-two--two thousand twenty-three school year shall be equal to twice the product of (1) expansion slots multiplied by (2) selected aid per prekindergarten pupil calculated pursuant to subparagraph (i) of paragraph b of subdivision ten of this section for the two thousand twenty-two--two thousand twenty-three school year.

(ii) For purposes of this paragraph, "expansion slots" shall be slots for new full-day four-year-old prekindergarten pupils for purposes of subparagraph (ii) of paragraph b of subdivision 10 of this section. Expansion slots shall be equal to the positive difference, if any, of (1) the product of fifty-nine hundred and nineteen ten thousandths (0.5919) multiplied by unserved four-year-old prekindergarten pupils as defined in subparagraph (iv) of paragraph b of subdivision ten of this section less (2) the eligible four-year old students. If such expansion slots are greater than or equal to ten but less than twenty, the expansion slots shall be twenty; if such expansion slots are less than ten, the expansion slots shall be zero; and for a city school district in a

city having a population of one million or more, the expansion slots shall be zero.

(iii) For purposes of this paragraph, "eligible four-year old students" shall be equal to the sum of (1) eligible full-day four-year-old prekindergarten pupils as defined in subparagraph (ii) of paragraph b of subdivision ten of this section for the base year plus (2) the product of five tenths (0.5) and the eligible half-day four-year-old prekindergarten pupils as defined in subparagraph (ii) of paragraph b of subdivision ten of this section for the base year, plus (3) the maximum number of students that may be served by uncertified classroom teachers in full-day prekindergarten programs funded by grants pursuant to section thirty-six hundred two-ee of this part in the base year, plus (4) expansion slots for the base year pursuant to subdivision nineteen of this section.

§ 18. Intentionally omitted.

§ 19. The opening paragraph of section 3609-a of the education law, as amended by section 26 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision five of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled [~~"SA212-2"~~] "SA222-3".

§ 19-a. Paragraph k of subdivision 4 of section 4405 of the education law, as added by section 37-f of part A of chapter 56 of the laws of 2021, is amended to read as follows:

k. (i) The tuition methodology established pursuant to this subdivision for the two thousand twenty-one--two thousand twenty-two school year [~~and annually thereafter~~] shall authorize approved private residential or non-residential schools for the education of students with disabilities that are located within the state, and special act school districts to retain funds in excess of their allowable and reimbursable costs incurred for services and programs provided to school-age students. The amount of funds that may be annually retained shall not exceed one percent of the school's or school district's total allowable and reimbursable costs for services and programs provided to school-age students for the school year from which the funds are to be retained; provided that the total accumulated balance that may be retained shall not exceed four percent of such total costs for such school year; and provided further that such funds shall not be recoverable on reconciliation of tuition rates, and shall be separate from and in addition to any other authorization to retain surplus funds on reconciliation.

(ii) The tuition methodology established pursuant to this subdivision for the two thousand twenty-two--two thousand twenty-three school year and annually thereafter shall authorize approved providers to retain funds in excess of their allowable and reimbursable costs incurred for services and programs provided to school-age and preschool students. The amount of funds that may be annually retained shall not exceed the allowable surplus percentage of the approved provider's total allowable and reimbursable costs for services and programs provided to school-age and preschool students for the school year from which the funds are to be retained, as defined in subparagraph (iii) of this paragraph; provided that such funds shall not be recoverable on reconciliation of tuition rates. For purposes of this subparagraph, "approved providers" shall mean private residential or non-residential schools for the education of students with disabilities that are located within the state, special act school districts, and programs approved pursuant to section forty-four hundred ten of this article that are subject to tuition rate reconciliation.

(iii) The approved surplus percentage shall be as follows: eleven percent for the two thousand twenty-two--two thousand twenty-three through two thousand twenty-four--two thousand twenty-five school years, eight percent for the two thousand twenty-five--two thousand twenty-six school year, five percent for the two thousand twenty-six--two thousand twenty-seven school year, and two percent for the two thousand twenty-seven--two thousand twenty-eight school year and annually thereafter.

(iv) Funds authorized to be retained under this paragraph may be expended only pursuant to an authorization of the governing board of the school [~~or~~], school district or program approved pursuant to section forty-four hundred ten of this article, for a purpose expressly authorized as part of the approved tuition methodology for the year in which the funds are to be expended, provided that funds may be expended to pay prior year outstanding debts. Any school [~~or~~], school district, or program approved pursuant to section forty-four hundred ten of this article that retains funds pursuant to this paragraph shall be required to annually report a statement of the total balance of any such retained funds, the amount, if any, retained in the prior school year, the amount, if any, dispersed in the prior school year, and any additional

information requested by the department as part of the financial reports that are required to be annually submitted to the department.

§ 20. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 39 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for the reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, reimbursement for the 2019--2020 school year shall not exceed 57.7 percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty cents per contact hour, reimbursement for the 2020--2021 school year shall not exceed 56.9 percent of the lesser of such approvable costs per contact hour or sixteen dollars and twenty-five cents per contact hour, [~~and~~] reimbursement for the 2021--2022 school year shall not exceed 56.0 percent of the lesser of such approvable costs per contact hour or sixteen dollars and forty cents per contact hour, **and reimbursement for the 2022--2023 school year shall not exceed 55.7 percent of the lesser of such approvable costs per contact hour or sixteen dollars and sixty cents per contact hour,** and where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444); for the 2020--2021 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926); [~~and~~] for the 2021--2022 school year such contact hours shall not exceed one million four hundred sixteen thousand one hundred twenty-two (1,416,122)**; and for the 2022--2023 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926)**. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

§ 21. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision aa to read as follows:

aa. The provisions of this subdivision shall not apply after the completion of payments for the 2022-23 school year. Notwithstanding any inconsistent provisions of law, the commissioner of education shall withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed thirteen million dollars ($13,000,000).

§ 22. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for

worker education in New York city, as amended by section 41 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [~~2022~~] 2023.

§ 22-a. Paragraph a-1 of subdivision 11 of section 3602 of the education law, as amended by section 41-a of part A of chapter 56 of the laws of 2021, is amended to read as follows:

a-1. Notwithstanding the provisions of paragraph a of this subdivision, for aid payable in the school years two thousand--two thousand one through two thousand nine--two thousand ten, and two thousand eleven--two thousand twelve through two thousand [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three, the commissioner may set aside an amount not to exceed two million five hundred thousand dollars from the funds appropriated for purposes of this subdivision for the purpose of serving persons twenty-one years of age or older who have not been enrolled in any school for the preceding school year, including persons who have received a high school diploma or high school equivalency diploma but fail to demonstrate basic educational competencies as defined in regulation by the commissioner, when measured by accepted standardized tests, and who shall be eligible to attend employment preparation education programs operated pursuant to this subdivision.

§ 22-b. Section 5 of chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, as added by section 2 of part B of chapter 56 of the laws of 2018, is amended to read as follows:

§ 5. a. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2019 and [~~each July 1 thereafter~~] ending June 30, 2022, a school food authority shall be eligible for a lunch meal State subsidy of twenty-five cents, which shall include any annual State subsidy received by such school food authority under any other provision of State law, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the State Education Department through the application submitted pursuant to subdivision [~~b~~] c of this section that such food authority has purchased at least thirty percent of its total cost of food products for its school lunch service program from New York state farmers, growers, producers or processors in the preceding school year.

b. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2022 and each July 1 thereafter, a school food authority shall be eligible for a lunch meal State subsidy of twenty-five cents, which shall include any annual State subsidy received by such school food authority under any other provision of State law, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the Department of Agriculture and Markets through the application submitted pursuant to subdivision c of this section that such food authority has purchased at least thirty percent of its total cost of food products for its school lunch service program from New York state farmers, growers, producers or processors in the preceding school year.

c. The [~~State Education Department, in cooperation with the~~] Department of Agriculture and Markets in cooperation with the State Education Department, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline

and format prescribed by the commissioner of [~~education~~] agriculture and markets. Such application shall include, but not be limited to, documentation demonstrating the school food authority's total food purchases for its school lunch service program, and documentation demonstrating its total food purchases and percentages for such program from New York State farmers, growers, producers or processors in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that it purchased at least thirty percent of its total cost of food products for its school lunch service program from New York State farmers, growers, producers or processors in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy. After reviewing school food authorities' completed applications for an additional State subsidy pursuant to this section, the Department of Agriculture and Markets shall certify to the State Education Department the school food authorities approved for such additional State subsidy and the State Education Department shall pay such additional State subsidy to such school food authorities.

[~~c.~~] d. The [~~State Education~~] Department of Agriculture and Markets shall annually publish information on its website commencing on September 1, [~~2010~~] 2022 and each September 1 thereafter, relating to each school food authority that applied for and received this additional State subsidy, including but not limited to: the school food authority name, student enrollment, average daily lunch participation, total food costs for its school lunch service program, total cost of food products for its school lunch service program purchased from New York State farmers, growers, producers or processors, and the percent of total food costs that were purchased from New York State farmers, growers, producers or processors for its school lunch service program.

§ 23. Subdivision 1 of section 167 of chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by section 33 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

1. Sections one through seventy of this act shall be deemed to have been in full force and effect as of April 1, 1994 provided, however, that sections one, two, twenty-four, twenty-five and twenty-seven through seventy of this act shall expire and be deemed repealed on March 31, 2000; provided, however, that section twenty of this act shall apply only to hearings commenced prior to September 1, 1994, and provided further that section twenty-six of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections four through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty, twenty-two and twenty-three of this act shall expire and be deemed repealed on March 31, [~~2022~~] 2024.

§ 24. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 42 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

§ 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [~~2022~~] 2023 when upon such date the provisions of this act shall be deemed repealed.

§ 25. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 43 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

§ 4. This act shall take effect July 1, 2002 and section one of this act shall expire and be deemed repealed June 30, 2019[~~, and sections two and three of this act shall expire and be deemed repealed on June 30, 2022~~].

§ 26. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 44 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

§ 5. This act shall take effect immediately[~~; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, 2022~~].

§ 27. Section 2 of chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, as amended by section 45 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

§ 2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law and shall remain in full force and effect until January 1, [~~2023~~] **2028**, when upon such date the provisions of this act shall be deemed repealed.

§ 28. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2022-2023 through the 2026-2027 school years, subject to available appropriation, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

§ 29. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2023 and not later than the last day of the third full business week of June 2023, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2023, for salary expenses incurred between April 1 and June 30, 2022 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education

law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph 4 of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph 2 of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph 2 of such paragraph followed by the fixed fall payments payable pursuant to subparagraph 4 of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph 1 of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

§ 30. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2023, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2023 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the

commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph 4 of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph 2 of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph 2 of such paragraph followed by the fixed fall payments payable pursuant to subparagraph 4 of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph 1 of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

§ 30-a. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 46-a of part A of chapter 56 of the laws of 2021, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year through the [~~2021-22~~] **2022-23** school year, four million dollars ($4,000,000); for the [~~2022-23~~] **2023-24** school year, three million dollars ($3,000,000); for the [~~2023-24~~] **2024-25** school year, two million dollars ($2,000,000); for the [~~2024-25~~] **2025-26** school year, one million dollars ($1,000,000); and for the [~~2025-26~~] **2026-27** school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

§ 31. Section 1950 of the education law is amended by adding a new subdivision 8-d to read as follows:

8-d. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region, may purchase from

such board as a non-component school district, services required by article nineteen of the education law.

§ 31-a. Subdivision 6-a of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 41 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(6-a) Section seventy-three of this act shall take effect July 1, 1995 and shall be deemed repealed June 30, [~~2022~~] **2027**;

§ 32. The amounts specified in this section shall be a set-aside from the state funds which each such district is receiving from the total foundation aid:

a. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2022--2023 school year. For the city school district of the city of New York there shall be a set-aside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); for the White Plains city school district, nine hundred thousand dollars ($900,000); for the Niagara Falls city school district, six hundred thousand dollars ($600,000); for the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); for the Utica city school district, two million dollars ($2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); for the Middletown city school district, four hundred thousand dollars ($400,000); for the Freeport union free school district, four hundred thousand dollars ($400,000); for the Greenburgh central school district, three hundred thousand dollars ($300,000); for the Amsterdam city school district, eight hundred thousand dollars ($800,000); for the Peekskill city school district, two hundred thousand dollars ($200,000); and for the Hudson city school district, four hundred thousand dollars ($400,000).

b. Notwithstanding any inconsistent provision of law to the contrary, a school district setting aside such foundation aid pursuant to this section may use such set-aside funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to promote diversity and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students.

c. The commissioner of education shall not be authorized to withhold foundation aid from a school district that used such funds in accordance

with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner for the purpose of attendance improvement and dropout prevention for the 2022--2023 school year, and for any city school district in a city having a population of more than one million, the set-aside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2022--2023 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this section to community-based organizations. Any increase required pursuant to this section to community-based organizations must be in addition to allocations provided to community-based organizations in the base year.

d. For the purpose of teacher support for the 2022--2023 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

§ 33. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2022 enacting the aid to localities budget shall be apportioned for the 2022--2023 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001--2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2022--2023 by a chapter of the laws of 2022 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be

reduced proportionately to ensure that the total amount of aid payable does not exceed the total appropriations for such purpose.

§ 34. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act 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 or part of this act 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.

§ 35. 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:

1. Sections one, two, seven, eight, eleven-b, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-two, twenty-five, twenty-six, twenty-eight, thirty-one, and thirty-two, of this act shall take effect July 1, 2022;

2. Sections three, four, and five shall take effect immediately and shall expire September 30, 2024 when upon such date the provisions of such sections shall be deemed repealed;

3. The amendments to paragraph d of subdivision 12 of section 3602-e of the education law made by section seventeen-b of this act shall take effect upon the repeal of subdivision 4 of section 51 of part B of chapter 57 of the laws of 2008, as amended; and

4. The amendments to chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by a consortium for worker education in New York city made by sections twenty and twenty-one of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith.

PART B

Section 1. This Part enacts into law major components of legislation relating to promoting zero-emission school buses. Each component is wholly contained within a Subpart identified as Subparts A and B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. The education law is amended by adding a new section 3638 to read as follows:

§ 3638. Zero-emission school buses. 1. For the purposes of this section "zero-emission school bus" shall mean a school bus that: is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operations and draws electricity from a hydrogen fuel cell or battery; or otherwise operates without direct emission of atmospheric pollutants.

2. (a) No later than July first, two thousand twenty-seven, every school district shall:

(i) only purchase or lease zero-emission school buses when purchasing or leasing new buses;

(ii) include requirements in any procurement for school transportation services that any contractors providing transportation services for the school district must only purchase or lease zero-emission school buses when purchasing or leasing new school buses; and

(iii) include requirements in any procurement for the manufacturing or retrofitting of a zero-emission school bus and charging or fueling infrastructure that the components and parts used or supplied in the performance of the contract or any subcontract thereto shall be produced or made in whole or substantial part in the United States, its territories or possessions and that final assembly of the zero-emission school bus and charging or fueling infrastructure shall occur in the United States, its territories or possessions.

(b) The commissioner, in consultation with the New York state energy research and development authority and office of general services, may waive the contracting requirements set forth in subparagraph (iii) of paragraph (a) of this subdivision if the commissioner determines that the requirements would not be in the public interest, would result in unreasonable costs, or that obtaining such zero-emission school buses and charging or fueling infrastructure components and parts in the United States would increase the cost of a school district's contract for zero-emission school buses and charging or fueling infrastructure by an unreasonable amount, or such zero-emission school busses and charging or fueling infrastructure components and parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Such determination must be made on an annual basis no later than December thirty-first, after providing notice and an opportunity for public comment, and be made publicly available, in writing, on the department's website with a detailed explanation of the findings leading to such determination. If the commissioner has issued determinations for three consecutive years that no such waiver is warranted pursuant to this paragraph, then the commissioner shall no longer be required to provide the annual determinations required by this paragraph.

3. No later than July first, two thousand thirty-five, every school district shall:

(a) only operate and maintain zero-emission school buses; and

(b) include requirements in any procurement for school transportation services that any contractors providing transportation services for the school district must only operate zero-emission school buses when providing such transportation services to the school district.

4. A school district may apply to the commissioner, and the department may grant a one-time extension of up to twenty-four months to comply with the requirements of subdivision two of this section. The commissioner shall consider a school district's effort to meet the requirements of subdivision two of this section when granting an extension, including but not limited to, procurement efforts made by the school district, applications for state or federal funds, changes needed to school district operations to meet the requirements of this section, employee training, and receipt of technical assistance, if any. Upon a school district receiving an extension, the New York state energy research and development authority, in consultation with the department,

shall provide any additional technical assistance necessary to the district to meet the requirements of subdivision two of this section.

5. (a) Nothing in this section shall alter the rights or benefits, and privileges, including, but not limited to terms and conditions of employment, civil service status, and collective bargaining unit membership, of any current employees of school districts or any entity contracted to provide pupil transportation services, or services attendant thereto, including but not limited to drivers, attendants, dispatchers, and mechanics.

(b) Nothing in this section shall result in: (i) the discharge, displacement, or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits; (ii) the impairment of existing collective bargaining agreements; (iii) the transfer of existing duties and functions; or (iv) the transfer of future duties and functions, of any currently employed worker impacted by the proposed purchase or lease who agrees to be retrained.

(c) Prior to the beginning of the procurement process for new zero-emission school buses, omnibuses, vehicles, charging infrastructure or equipment, fueling infrastructure or equipment, or other equipment, the school district, private school bus company, or other employer whose workers provide pupil transportation services or services attendant thereto, shall create and implement a workforce development report that: (i) estimates the number of current positions that would be eliminated or substantially changed as a result of the purchase or lease, and the number of positions expected to be created at the school district, private school bus company or other employer whose workers provide pupil transportation services or services attendant thereto by the proposed purchase or lease over the intended life of the proposed purchase or lease; (ii) identifies gaps in skills of its current workforce that are needed to operate and maintain zero-emission school buses, omnibuses, vehicles, charging infrastructure or equipment, fueling infrastructure or equipment, or other equipment; (iii) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase or lease; and (iv) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase or lease.

(d) Nothing in this section shall: (i) limit rights of employees pursuant to a collective bargaining agreement, or (ii) alter the existing representational relationships among collective bargaining representatives or the bargaining relationships between the employer and any collective bargaining representative. Employees of public entities serving in positions in newly created titles shall be assigned to the appropriate bargaining unit.

(e) Prior to beginning the procurement process for zero-emission school buses, omnibuses, vehicles, charging infrastructure or equipment, fueling infrastructure or equipment, or other equipment, any employer of workers covered by this section shall inform its employees' collective bargaining representative of any potential impact on its members or unit, including positions that may be affected, altered, or eliminated as a result of the purchase.

6. When purchasing zero-emission school buses and charging or fueling infrastructure, school districts are encouraged to utilize the centralized contracts for zero emission school buses and charging or fueling infrastructure established by the office of general services.

§ 2. Paragraphs c, d and e of subdivision 2 of section 3623-a of the education law, paragraph c as amended by chapter 453 of the laws of 2005, paragraph d as added by chapter 474 of the laws of 1996, and paragraph e as amended by section 68 of part A of chapter 436 of the laws of 1997, are amended and a new paragraph f is added to read as follows:

c. The purchase of equipment deemed a proper school district expense, including: (i) the purchase of two-way radios to be used on old and new school buses, (ii) the purchase of stop-arms, to be used on old and new school buses, (iii) the purchase and installation of seat safety belts on school buses in accordance with the provisions of section thirty-six hundred thirty-five-a of this article, (iv) the purchase of school bus back up beepers, (v) the purchase of school bus front crossing arms, (vi) the purchase of school bus safety sensor devices, (vii) the purchase and installation of exterior reflective marking on school buses, (viii) the purchase of automatic engine fire extinguishing systems for school buses used to transport students who use wheelchairs or other assistive mobility devices, and (ix) the purchase of other equipment as prescribed in the regulations of the commissioner; [~~and~~]

d. Other transportation capital, debt service and lease expense, as approved pursuant to regulations of the commissioner[~~.~~]; **__**

e. Any approved cost of construction, reconstruction, lease or purchase of a transportation storage facility or site in the amount of ten thousand dollars or more shall be aidable in accordance with subdivision six of section thirty-six hundred two of this article and shall not be aidable as transportation expense[~~.~~]; **and**

f. Approved costs relating to the lease, purchase, construction, or installation of zero-emission school bus electric charging or hydrogen fueling stations. For the purposes of this section, a zero-emission school bus electric charging station is a station that delivers electricity from a source outside a zero-emission school bus into one or more zero-emission school buses. An electric school bus charging station may include several charge points simultaneously connecting several zero-emission school buses to the station and any related equipment needed to facilitate charging plug-in zero-emission school buses. Any work related to the construction or installation of zero-emission school bus electric charging or hydrogen fueling stations under this paragraph shall be considered public work and shall be subject to prevailing wage requirements in accordance with section two hundred twenty and two hundred twenty-b of the labor law.

§ 3. Paragraph e of subdivision 7 of section 3602 of the education law, as amended by section 4 of part L of chapter 57 of the laws of 2005, is amended to read as follows:

e. In determining approved transportation capital, debt service and lease expense for aid payable in the two thousand five--two thousand six school year and thereafter, the commissioner, after applying the provisions of paragraph c of this subdivision to such expense, shall establish an assumed amortization pursuant to this paragraph to determine the approved capital, debt service and lease expense of the school district that is aidable in the current year, whether or not the school district issues debt for such expenditures, subject to any deduction pursuant to paragraph d of this subdivision. Such assumed amortization shall be for a period of five years**, and for the two thousand twenty-two--two thousand twenty-three school year and thereafter such assumed amortization for zero-emission school buses as defined in section thirty-six hundred thirty-eight of this article and related costs pursuant to paragraph f of subdivision two of section thirty-six hundred twenty-**

three-a of this article shall be for a period of twelve years, and shall commence twelve months after the school district enters into a purchase contract[~~,~~] or lease of the school bus, charging station, hydrogen fueling station, or equipment, or a general contract for the construction, reconstruction, lease or purchase of a transportation storage facility or site in an amount less than ten thousand dollars[~~; except that where expenses were incurred for the purchase or lease of a school bus or equipment or the construction, reconstruction, lease or purchase of a transportation storage facility or site prior to July first, two thousand five and debt service was still outstanding or the lease was still in effect as of such date, the assumed amortization shall commence as of July first, two thousand five and the period of the amortization shall be for a period equal to five years less the number of years, rounded to the nearest year, elapsed from the date upon which the school district first entered into such purchase contract or general contract and July first, two thousand five, as determined by the commissioner, or the remaining term of the lease as of such date~~]. Such assumed amortization shall provide for equal semiannual payments of principal and interest based on an assumed interest rate established by the commissioner pursuant to this paragraph. By the first day of September of the current year commencing with the two thousand five--two thousand six school year, each school district shall provide to the commissioner in a format prescribed by the commissioner such information as the commissioner shall require for all capital debt incurred by such school district during the preceding school year for expenses allowable pursuant to subdivision two of section thirty-six hundred twenty-three-a of this article. Based on such reported amortizations and a methodology prescribed by the commissioner in regulations, the commissioner shall compute an assumed interest rate that shall equal the average of the interest rates applied to all such debt issued during the preceding school year. The assumed interest rate shall be the interest rate of each such school district applicable to the current year for the purposes of this paragraph and shall be expressed as a decimal to five places rounded to the nearest eighth of one-one hundredth.

§ 4. Subparagraph 7 of paragraph e of subdivision 1 of section 3623-a of the education law, as added by chapter 474 of the laws of 1996, is amended to read as follows:

(7) fuel, oil, tires, chains, maintenance and repairs for school buses, provided that for purposes of this article, fuel shall include electricity used to charge or hydrogen used to refuel zero-emission school buses for the aidable transportation of pupils, but shall not include electricity or hydrogen used for other purposes;

§ 5. Subdivision 29 of paragraph a of section 11.00 of the local finance law, as amended by chapter 300 of the laws of 1971, is amended to read as follows:

29. Motor vehicles. The purchase of a motor vehicle, five years. The term "motor vehicle," as used in this subdivision, shall mean a vehicle propelled by any power other than muscular power, except

(a) a passenger vehicle, other than a school bus, having a seating capacity of less than ten persons,

(b) a vehicle used for fighting fires,

(c) a motor cycle, traction engine, and electric truck with small wheels used in warehouses and railroad stations and a vehicle which runs only upon rails or tracks,

(d) machinery or apparatus for which a period of probable usefulness has been determined by subdivision twenty-eight of this paragraph, and

(e) a vehicle which is specially designed for use for the treatment, care or transport of sick or injured persons**, and**

(f) a zero-emission school bus as defined in section three thousand six hundred thirty-eight of the education law.

§ 6. Subdivision 21-a of section 1604 of the education law, as added by chapter 472 of the laws of 1998, is amended to read as follows:

21-a. To lease a motor vehicle or vehicles to be used for the transportation of the children of the district from a school district, board of cooperative educational services or county vocational education and extension board or from any other source, under the conditions specified in this subdivision. No such agreement for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when authorized by a vote of the qualified voters of the district such lease may have a term of up to five years**, or twelve years for the lease of zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter**. Where the trustee or board of trustees enter into a lease of a motor vehicle or vehicles pursuant to this subdivision for a term of one school year or less, such trustee or board shall not be authorized to enter into another lease for the same or an equivalent replacement vehicle or vehicles, as determined by the commissioner, without obtaining approval of the qualified voters of the school district.

§ 7. Paragraph i of subdivision 25 of section 1709 of the education law, as added by chapter 472 of the laws of 1998, is amended to read as follows:

i. In addition to the authority granted in paragraph e of this subdivision, the board of education shall be authorized to lease a motor vehicle or vehicles to be used for the transportation of the children of the district from sources other than a school district, board of cooperative educational services or county vocational education and extension board under the conditions specified in this paragraph. No such agreement for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when authorized by a vote of the qualified voters of the district such lease may have a term of up to five years**, or twelve years for the lease of zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter**. Where the board of education enters a lease of a motor vehicle or vehicles pursuant to this paragraph for a term of one school year or less, such board shall not be authorized to enter into another lease of the same or an equivalent replacement vehicle or vehicles, as determined by the commissioner, without obtaining approval of the voters.

§ 8. Subdivision 29-a of paragraph a of section 11.00 of the local finance law, as added by section 1 of part BB of chapter 58 of the laws of 2015, is amended to read as follows:

29-a. Transit motor vehicles. The purchase of municipally owned omnibus or similar surface transit motor vehicles, ten years**; and the purchase of zero-emission school buses owned by a school district defined pursuant to paragraph two of section 2.00 of this chapter, a city school district with a population of more than one hundred twenty-five thousand inhabitants, or board of cooperative educational services, twelve years.**

§ 9. This act shall take effect immediately.

SUBPART B

Section 1. Section 1854 of the public authorities law is amended by adding two new subdivisions 22 and 23 to read as follows:

22. To administer a program to provide technical assistance to school districts, school bus fleet operators and public transportation systems on managing zero-emission vehicle fleets and the charging or fueling infrastructure for such zero-emission vehicle fleets.

23. No later than December thirty-first, two thousand twenty-six, and annually thereafter, the authority shall issue a report on the availability of zero-emission school buses and charging or fueling infrastructure that meet the criteria established in subdivision two of section thirty-six hundred thirty-eight of the education law. The authority shall provide technical assistance to school districts, upon request, in pursuing state and federal grants and other funding opportunities to support the purchase and contracting requirements set forth in subdivision two of section thirty-six hundred thirty-eight of the education law.

§ 2. The public authorities law is amended by adding a new section 1884 to read as follows:

§ 1884. Zero-emission bus roadmap. 1. The authority, in consultation with the department of public service and the department of transportation, shall create a zero-emission public transportation system and school bus roadmap for the state which shall identify the actions needed to meet the fleet sales and conversion targets established in section thirty-six hundred thirty-eight of the education law. The roadmap shall include but not be limited to: (a) financial and technical guidance related to the purchasing, retrofitting, operation, and maintenance of zero-emission buses; (b) an identification and siting plan for charging and fueling infrastructure; (c) an identification of the necessary investments in the electric transmission and distribution grid; (d) an identification of how to ensure related facility upgrades are coordinated to maximize the cost effectiveness and overall system reliability; (e) the available federal, state, and local funding to purchase or lease zero-emission buses or convert existing buses to zero-emissions; (f) an identification of new incentives and programs to advance the deployment and adoption of zero-emission buses; and (g) streamlining actions to facilitate the conversion of public transportation systems and school bus fleets.

2. The authority shall convene a technical advisory group made up of diverse stakeholders to provide the authority with relevant technical, policy, and market expertise. The authority shall further develop a stakeholder engagement process to solicit feedback on the roadmap and raise consumer awareness and education across the state.

3. The authority shall report its findings and any recommendations to the governor, the temporary president of the senate, and the speaker of the assembly no later than one year after the effective date of this section. The roadmap shall be updated every three years and made publicly available on the authority's website.

§ 3. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of

the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Subparts A and B of this act shall be as specifically set forth in the last section of such Subparts.

PART C

Intentionally Omitted

PART D

Section 1. Subparagraph 4-b of paragraph h of subdivision 2 of section 355 of the education law, as added by section 1 of part GG of chapter 56 of the laws of 2021, is amended to read as follows:

(4-b) [~~(i)~~] In state fiscal year two thousand twenty-two--two thousand twenty-three **and thereafter**, the state shall appropriate and make available general fund operating support in the amount of [~~thirty-three percent of~~] the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter [~~for the two thousand twenty-two--two thousand twenty-three academic year.~~

~~(ii) In state fiscal year two thousand twenty-three--two thousand twenty-four, the state shall appropriate and make available general fund operating support in the amount of sixty-seven percent of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter for the two thousand twenty-three--two thousand twenty-four academic year.~~

~~(iii) Beginning in state fiscal year two thousand twenty-four--two thousand twenty-five and thereafter, the state shall appropriate and make available general fund operating support in the amount of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter~~] annually.

§ 2. Paragraph (f) of subdivision 7 of section 6206 of the education law, as added by section 2 of part GG of chapter 56 of the laws of 2021, is amended to read as follows:

(f) [~~(i)~~] In state fiscal year two thousand twenty-two--two thousand twenty-three **and thereafter**, the state shall appropriate and make available general fund operating support in the amount of [~~thirty-three percent of~~] the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter [~~for the two thousand twenty-two--two thousand twenty-three academic year.~~

~~(ii) In state fiscal year two thousand twenty-three--two thousand twenty-four, the state shall appropriate and make available general fund operating support in the amount of sixty-seven percent of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter for the two thousand twenty-three--two thousand twenty-four academic year.~~

~~(iii) Beginning in state fiscal year two thousand twenty-four--two thousand twenty-five and thereafter, the state shall appropriate and make available general fund operating support in the amount of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter~~] annually.

§ 3. This act shall take effect immediately.

PART E

Section 1. Section 667-c of the education law, as added by section 1 of part N of chapter 58 of the laws of 2006, is amended to read as follows:

§ 667-c. Part-time tuition assistance program awards. 1. Notwithstanding any law, rule or regulation to the contrary, the president of the higher education services corporation is authorized to make tuition assistance program awards to**:**

a. part-time students enrolled at the state university, a community college, the city university of New York, and a non-profit college or university incorporated by the regents or by the legislature who meet all requirements for tuition assistance program awards except for the students' part-time attendance**; or**

b. part-time students enrolled at a community college in a non-degree workforce credential program directly leading to the employment or advancement of a student in a "significant industry" as identified by the department of labor in its three most recent statewide significant industries reports published preceding the student's enrollment in such non-degree workforce credential program. The state university of New York and the city university of New York shall publish and maintain a master list of all eligible non-degree workforce credential program courses and update such list every semester. A student who successfully completes a non-degree workforce credential program and receives part-time tuition assistance program awards pursuant to this paragraph shall be awarded academic credit by the state university of New York or city university of New York upon matriculation into a degree program at such institution, provided that such credit shall be equal to the corresponding credit hours earned in the non-degree workforce credential program.

2. For purposes of this section[~~, a part-time student is one who~~]:

a. **for students defined in paragraph a of subdivision one of this section, a part-time student is one who: (i)** enrolled as a first-time freshman during the two thousand six--two thousand seven academic year or thereafter at a college or university within the state university, including a statutory or contract college, a community college established pursuant to article one hundred twenty-six of this chapter, the city university of New York, or a non-profit college or university incorporated by the regents or by the legislature;

[~~b. has earned at least twelve credits in each of two consecutive semesters at one of the institutions named in paragraph a of this subdivision by the time of the awards;~~

~~c.~~] **(ii)** is enrolled for at least six but less than twelve semester hours, or the equivalent, per semester in an approved undergraduate degree program; and

[~~d.~~] **(iii)** has a cumulative grade-point average of at least 2.00.

b. for students defined in paragraph b of subdivision one of this section, a part-time student is one who: (i) meets all requirements for tuition assistance program awards except for the student's part-time attendance and any other requirements that are inconsistent with the student's enrollment in a non-degree workforce credential program; and

(ii) is enrolled in an approved non-degree workforce credential program at a community college pursuant to paragraph b of subdivision one of this section.

3. a. For part-time students defined in this section, the award shall be calculated as provided in section six hundred sixty-seven of this article and shall be in an amount equal to the enrollment factor percent of the award the student would have been eligible for if the student were enrolled full-time. [~~The~~] **For part-time students defined in para-**

graph a of subdivision one of this section, the enrollment factor percent is the percentage obtained by dividing the number of credits the student is enrolled in, as certified by the school, by the number of credits required for full-time study in the semester, quarter or term as defined by the commissioner. For part-time students defined in paragraph b of subdivision one of this section, the enrollment factor shall be calculated pursuant to regulations established by the higher education services corporation.

b. [~~Any~~] (i) For part-time students defined in paragraph a of subdivision one of this section, any semester, quarter or term of attendance during which a student receives an award pursuant to this section shall be counted as the enrollment factor percent of a semester, quarter or term toward the maximum term of eligibility for tuition assistance awards pursuant to section six hundred sixty-seven of this article. The total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for that award.

(ii) For part-time students defined in paragraph b of subdivision one of this section, the total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for the non-degree workforce credential program pursuant to paragraph b of subdivision one of this section.

§ 2. This act shall take effect immediately.

PART F

Section 1. Subparagraph (v) of paragraph b-1 of subdivision 4 of section 661 of the education law is REPEALED.

§ 2. Subparagraphs (iii) and (iv) of paragraph b-1 of subdivision 4 of section 661 of the education law, as added by section 1 of part Z of chapter 58 of the laws of 2011, are amended to read as follows:

(iii) does not maintain good academic standing pursuant to paragraph c of subdivision six of section six hundred sixty-five of this subpart, and if there is no applicable existing academic standards schedule pursuant to such subdivision, then such recipient shall be placed on the academic standards schedule applicable to students enrolled in a four-year or five-year undergraduate program; or

(iv) is in default in the repayment of any state or federal student loan, has failed to comply with the terms of any service condition imposed by an academic performance award made pursuant to this article, or has failed to make a refund of any award[~~; or~~].

§ 3. Paragraph d of subdivision 6 of section 661 of the education law is REPEALED.

§ 4. This act shall take effect immediately.

PART G

Section 1. Subdivision 2 of section 669-h of the education law, as amended by section 1 of part G of chapter 56 of the laws of 2021, is amended to read as follows:

2. Amount. Within amounts appropriated therefor and based on availability of funds, awards shall be granted beginning with the two thousand seventeen--two thousand eighteen academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. The corporation shall grant such awards in an amount up to five thousand five hundred dollars or actual tuition, whichever is less; provided, however, (a) a student who receives educational grants and/or

scholarships that cover the student's full cost of attendance shall not be eligible for an award under this program; and (b) an award under this program shall be applied to tuition after the application of payments received under the tuition assistance program pursuant to section six hundred sixty-seven of this subpart, tuition credits pursuant to section six hundred eighty-nine-a of this article, federal Pell grant pursuant to section one thousand seventy of title twenty of the United States code, et seq., and any other program that covers the cost of attendance unless exclusively for non-tuition expenses, and the award under this program shall be reduced in the amount equal to such payments, provided that the combined benefits do not exceed five thousand five hundred dollars. Upon notification of an award under this program, the institution shall defer the amount of tuition. Notwithstanding paragraph h of subdivision two of section three hundred fifty-five and paragraph (a) of subdivision seven of section six thousand two hundred six of this chapter, and any other law, rule or regulation to the contrary, the undergraduate tuition charged by the institution to recipients of an award shall not exceed the tuition rate established by the institution for the two thousand sixteen--two thousand seventeen academic year provided, however, that in the two thousand [~~twenty-three~~] **twenty-two**--two thousand [~~twenty-four~~] **twenty-three** academic year and every year thereafter, the undergraduate tuition charged by the institution to recipients of an award shall be reset to equal the tuition rate established by the institution for the forthcoming academic year, provided further that the tuition credit calculated pursuant to section six hundred eighty-nine-a of this article shall be applied toward the tuition rate charged for recipients of an award under this program. Provided further that the state university of New York and the city university of New York shall provide an additional tuition credit to students receiving an award to cover the remaining cost of tuition.

§ 2. This act shall take effect immediately.

PART H

Section 1. Subdivision 5 of section 695-b of the education law, as amended by chapter 535 of the laws of 2000, is amended to read as follows:

5. "Eligible educational institution" shall mean **(a)** any institution of higher education defined as an eligible educational institution in section 529(e)(5) of the Internal Revenue Code of 1986, as amended**, or (b) any apprenticeship program described in section 529(c)(8) of the Internal Revenue Code of 1986, as amended**.

§ 2. This act shall take effect immediately.

PART I

Intentionally Omitted

PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Section 1. Subdivision 2 of section 410-u of the social services law, as added by section 52 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

2. The state block grant for child care shall be divided into two parts pursuant to a plan developed by the department and approved by the director of the budget. One part shall be retained by the state to provide child care on a statewide basis to special groups and for activities to increase the availability and/or quality of child care programs, including, but not limited to, the start-up of child care programs, the operation of child care resource and referral programs, training activities, the regulation and monitoring of child care programs, the development of computerized data systems, and consumer education, provided however, that child care resource and referral programs funded under title five-B of article six of this chapter shall meet additional performance standards developed by the department of social services including but not limited to: increasing the number of child care placements for persons who are at or below two hundred **percent of the state income standard, or three hundred** percent of the state income standard **effective August first, two thousand twenty-two, provided such persons are at or below eighty-five percent of the state median income,** with emphasis on placements supporting local efforts in meeting federal and state work participation requirements, increasing technical assistance to all modalities of legal child care to persons who are at or below two hundred **percent of the state income standard, or three hundred** percent of the state income standard[~~.~~] **effective August first, two thousand twenty-two, provided such persons are at or below eighty-five percent of the state median income,** including the provision of training to assist providers in meeting child care standards or regulatory requirements, and creating new child care opportunities, and assisting social services districts in assessing and responding to child care needs for persons at or below two hundred **percent of the state income standard, or three hundred** percent of the state income standard **effective August first, two thousand twenty-two, provided such persons are at or below eighty-five percent of the state median income**. The department shall have the authority to withhold funds from those agencies which do not meet performance standards. Agencies whose funds are withheld may have funds restored upon achieving performance standards. The other part shall be allocated to social services districts to provide child care assistance to families receiving family assistance and to other low income families.

§ 2. Subdivisions 1 and 3 of section 410-w of the social services law, as amended by chapter 569 of the laws of 2001, are amended a new subdivision 10 is added to read as follows:

1. A social services district may use the funds allocated to it from the block grant to provide child care assistance to:

(a) families receiving public assistance when such child care assistance is necessary: to enable a parent or caretaker relative to engage in work, participate in work activities or perform a community service pursuant to title nine-B of article five of this chapter; to enable a teenage parent to attend high school or other equivalent training program; because the parent or caretaker relative is physically or

mentally incapacitated; or because family duties away from home necessitate the parent or caretaker relative's absence; child day care shall be provided during breaks in activities, for a period of up to two weeks. Such child day care may be authorized for a period of up to one month if child care arrangements shall be lost if not continued, and the program or employment is scheduled to begin within such period;

(b) families with incomes up to two hundred **percent of the state income standard, or three hundred** percent of the state income standard **effective August first, two thousand twenty-two** who are attempting through work activities to transition off of public assistance when such child care is necessary in order to enable a parent or caretaker relative to engage in work provided such families' public assistance has been terminated as a result of increased hours of or income from employment or increased income from child support payments or the family voluntarily ended assistance; [~~and,~~] provided that the family received public assistance at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has received child care assistance under subdivision four of this section; **and provided, the family income does not exceed eighty-five percent of the state median income;**

(c) families with incomes up to two hundred **percent of the state income standard, or three hundred** percent of the state income standard **effective August first, two thousand twenty-two,** which are determined in accordance with the regulations of the department to be at risk of becoming dependent on family assistance; **provided, the family income does not exceed eighty-five percent of the state median income;**

(d) families with incomes up to two hundred **percent of the state income standard, or three hundred** percent of the state income standard **effective August first, two thousand twenty-two,** who are attending a post secondary educational program [~~and working at least seventeen and one-half hours per week~~]; **provided, the family income does not exceed eighty-five percent of the state median income;** and

(e) other families with incomes up to two hundred **percent of the state income standard, or three hundred** percent of the state income standard **effective August first, two thousand twenty-two,** which the social services district designates in its consolidated services plan as eligible for child care assistance in accordance with criteria established by the department**; provided, the family income does not exceed eighty-five percent of the state median income**.

3. A social services district shall guarantee child care assistance to families in receipt of public assistance with children under thirteen years of age when such child care assistance is necessary for a parent or caretaker relative to engage in work or participate in work activities pursuant to the provisions of title nine-B of article five of this chapter. Child care assistance shall continue to be guaranteed for such a family for a period of twelve months after the month in which the family's eligibility for public assistance has terminated or ended when such child care is necessary in order to enable the parent or caretaker relative to engage in work, provided that the family's public assistance has been terminated as a result of an increase in the hours of or income from employment or increased income from child support payments or because the family voluntarily ended assistance; that the family received public assistance in at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has received child care assistance under subdivision four of this section; [~~and~~] that the family's income does

not exceed two hundred **percent of the state income standard, or three hundred** percent of the state income standard **effective August first, two thousand twenty-two; and that the family income does not exceed eighty-five percent of the state median income**. Such child day care shall recognize the need for continuity of care for the child and a district shall not move a child from an existing provider unless the participant consents to such move.

10. For the purposes of this section, the term "state median income" means the most recent state median income data published by the bureau of the census, for a family of the same size, updated by the department for a family size of four and adjusted by the department for family size.

§ 3. This act shall take effect immediately; provided, however, that section two of this act shall take effect June 1, 2022.

PART M

Section 1. Section 3 of part N of chapter 56 of the laws of 2020, amending the social services law relating to restructuring financing for residential school placements, as amended by section 1 of part I of chapter 56 of the laws of 2021, is amended to read as follows:

§ 3. This act shall take effect immediately and shall expire and be deemed repealed April 1, [~~2022~~] **2023**; provided however that the amendments to subdivision 10 of section 153 of the social services law made by section one of this act, shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

§ 2. This act shall take effect immediately.

PART N

Section 1. Section 28 of part C of chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, as amended by section 1 of subpart A of part K of chapter 56 of the laws of 2017, is amended to read as follows:

§ 28. This act shall take effect immediately; provided that sections nine through eighteen and twenty through twenty-seven of this act shall be deemed to have been in full force and effect on and after April 1, 2002; provided, however, that section fifteen of this act shall apply to claims that are otherwise reimbursable by the state on or after April 1, 2002 except as provided in subdivision 9 of section 153-k of the social services law as added by section fifteen of this act; provided further however, that nothing in this act shall authorize the office of children and family services to deny state reimbursement to a social services district for violations of the provisions of section 153-d of the social services law for services provided from January 1, 1994 through March 31, 2002; provided that section nineteen of this act shall take effect September 13, 2002 and shall expire and be deemed repealed June 30, 2012; and, provided further, however, that notwithstanding any law to the contrary, the office of children and family services shall have the authority to promulgate, on an emergency basis, any rules and regulations necessary to implement the requirements established pursuant to this act; provided further, however, that the regulations to be developed pursuant to section one of this act shall not be adopted by emergency rule; and provided further that the provisions of sections nine through eighteen and twenty through twenty-seven of this act shall expire and be deemed repealed on June 30, [~~2022~~] **2027**.

§ 2. This act shall take effect immediately.

PART O

Section 1. Section 398-a of the social services law is amended by adding a new subdivision 2-c to read as follows:

(2-c) Those social services districts that as of July first, two thousand twenty-two were paying at least one hundred percent of the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year for care provided to foster children in regular, therapeutic, special needs, and emergency foster boarding homes shall pay for the two thousand twenty-two--two thousand twenty-three rate year and for each subsequent rate year thereafter at least one hundred percent of the applicable rates published by the office of children and family services for that rate year. Those social services districts that as of July first, two thousand twenty-two were paying less than the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year for care provided to foster children in regular, therapeutic, special needs and emergency foster boarding homes shall increase their rates of payment so that: effective July first, two thousand twenty-two the difference between the percentage of the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year and the rates such districts are paying is at least one-half less than the difference between the percentage of the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year and the rates that such districts were paying for such programs on July first, two thousand twenty-two; and effective July first, two thousand twenty-three for the two thousand twenty-three--two thousand twenty-four rate year and for each subsequent year thereafter all social services districts shall pay at least one hundred percent of the applicable rates published by the office of children and family services for the applicable rate year.

§ 2. This act shall take effect immediately.

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Section 1. Subdivision 1 of section 359 of the executive law, as amended by section 42 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. A local director shall designate the location of the local and branch offices of the local veterans' service agency within his or her jurisdiction, which offices shall be open during convenient hours. The cost of maintenance and operation of a county veterans' service agency

shall be a county charge and the cost of maintenance and operation of a city veterans' service agency shall be a city charge, excepting that the state director with the approval of the veterans' services commission shall allot and pay, from state moneys made available to him or her for such purposes, to each county veterans' service agency and each city veterans' service agency, an amount equal to fifty per centum of its expenditures for maintenance and operation approved by the state director, provided that in no event shall the amount allotted and paid for such approved expenditures incurred in any given year exceed (1) in the case of any county veterans' service agency in a county having a population of not more than one hundred thousand or in the case of any city veterans' service agency in a city having a population of not more than one hundred thousand, the sum of [~~ten~~] twenty-five thousand dollars, nor (2) in the case of any county veterans' service agency in a county having a population in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, the sum of [~~ten~~] twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the county in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, nor (3) in the case of any city veterans' service agency in a city having a population in excess of one hundred thousand, the sum of [~~ten~~] twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the city in excess of one hundred thousand. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law.

§ 2. This act shall take effect immediately and shall apply to all expenditures made on and after April 1, 2022.

PART S

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part P of chapter 56 of the laws of 2021, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [~~$152.00~~] $161.00 for each month beginning on or after January first, two thousand [~~twenty-one~~] twenty-two.

(b) in the case of each individual receiving residential care, an amount equal to at least [~~$176.00~~] $186.00 for each month beginning on or after January first, two thousand [~~twenty-one~~] twenty-two.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~$210.00~~] $222.00 for each month beginning on or after January first, two thousand [~~twenty-one~~] twenty-two.

(d) for the period commencing January first, two thousand [~~twenty-two~~] twenty-three, the monthly personal needs allowance shall be an amount equal to the sum of the amounts set forth in subparagraphs one and two of this paragraph:

(1) the amounts specified in paragraphs (a), (b) and (c) of this subdivision; and

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of living adjustment which becomes effective on or after January first, two

thousand [~~twenty-two~~] twenty-three, but prior to June thirtieth, two thousand [~~twenty-two~~] twenty-three, rounded to the nearest whole dollar.

§ 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part P of chapter 56 of the laws of 2021, are amended to read as follows:

(a) On and after January first, two thousand [~~twenty-one~~] twenty-two, for an eligible individual living alone, [~~$881.00~~] $928.00; and for an eligible couple living alone, [~~$1,295.00~~] $1,365.00.

(b) On and after January first, two thousand [~~twenty-one~~] twenty-two, for an eligible individual living with others with or without in-kind income, [~~$817.00~~] $864.00; and for an eligible couple living with others with or without in-kind income, [~~$1,237.00~~] $1,307.00.

(c) On and after January first, two thousand [~~twenty-one~~] twenty-two, (i) for an eligible individual receiving family care, [~~$1,060.48~~] $1,107.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,022.48~~] $1,069.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [~~twenty-one~~] twenty-two, (i) for an eligible individual receiving residential care, [~~$1,229.00~~] $1,276.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,199.00~~] $1,246.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) On and after January first, two thousand [~~twenty-one~~] twenty-two, (i) for an eligible individual receiving enhanced residential care, [~~$1,488.00~~] $1,535.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

(f) The amounts set forth in paragraphs (a) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand [~~twenty-two~~] twenty-three but prior to June thirtieth, two thousand [~~twenty-two~~] twenty-three.

§ 3. This act shall take effect December 31, 2022.

PART T

Section 1. Section 4 of part W of chapter 54 of the laws of 2016, as amended by section 1 of part M of chapter 56 of the laws of 2019, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, is amended to read as follows:

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016, provided

further that this act shall expire and be deemed repealed March 31, [~~2022~~] 2025.

§ 2. This act shall take effect immediately.

PART U

Section 1. Subdivision 4 of section 158 of the social services law, as amended by section 44 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

4. Social services officials shall determine eligibility for safety net assistance within [~~forty-five~~] thirty days of receiving an application for safety net assistance. Such officials shall notify applicants of safety net assistance about the availability of assistance to meet emergency circumstances or to prevent eviction.

§ 2. Subdivision 8 of section 153 of the social services law, as amended by chapter 41 of the laws of 1992, is amended to read as follows:

8. Any inconsistent provision of the law or regulation of the department notwithstanding, state reimbursement shall not be made for any expenditure made for the duplication of any grant and allowance for any period, except as authorized by subdivision eleven of section one hundred thirty-one of this chapter[~~, or for any home relief payment made for periods prior to forty-five days after the filing of an application unless the district determines pursuant to department regulations that such assistance is required to meet emergency circumstances or prevent eviction~~]. Notwithstanding any other provision of law, social services districts are not required to provide [~~home relief~~] safety net assistance to any person, otherwise eligible, if state reimbursement is not available in accordance with this subdivision.

§ 3. Subparagraphs (ii) and (iii) of paragraph (a) of subdivision 8 of section 131-a of the social services law, subparagraph (ii) as amended by section 12 of part B of chapter 436 of the laws of 1997 and subparagraph (iii) as amended by chapter 246 of the laws of 2002, are amended to read as follows:

(ii) fifty percent of the earned income for such month of any recipient; provided, however, that such percentage amount shall be adjusted in June of each year to reflect changes in the most recently issued poverty guidelines of the United States Bureau of the Census, such that a household of three without special needs, living in a heated apartment in New York city and without unearned income would become ineligible for assistance with gross earnings equal to the poverty level in such guidelines;

(iii) from the earned income of any child, applicant, recipient, or relative applying for or receiving aid pursuant to such program, or of any other individual living in the same household as such relative and child whose needs are taken into account in making such determination, [~~the first ninety~~] one hundred fifty dollars of the [~~total of such~~] earned income for such month that remains after application of subparagraph (ii) of this paragraph;

[~~(iii) forty-two percent of the earned income for such month of any recipient in a household containing a dependent child which remains after application of all other subparagraphs of this paragraph; provided, however, that such percentage amount shall be adjusted in June of each year, commencing in nineteen hundred ninety-eight, to reflect changes in the most recently issued poverty guidelines of the United States Bureau of the Census, such that a household of three without~~

~~special needs, living in a heated apartment in New York city and without unearned income would become ineligible for assistance with gross earnings equal to the poverty level in such guidelines; provided, however, that no assistance shall be given to any household with gross earned and unearned income, exclusive of income described in subparagraphs (i) and (vi) of this paragraph, in excess of such poverty level;~~]

§ 4. Subdivision 10 of section 131-a of the social services law is REPEALED.

§ 5. Subdivision 1 of section 131-n of the social services law, as separately amended by chapters 323 and 329 of the laws of 2019, is amended to read as follows:

1. The following resources shall be exempt and disregarded in calculating the amount of benefits of any household under any public assistance program: (a) cash and liquid or nonliquid resources up to two thousand **five hundred** dollars for applicants, [~~or~~] three thousand **seven hundred fifty** dollars **for applicants** in [~~the case of~~] households in which any member is sixty years of age or older **or is disabled or ten thousand dollars for recipients**, (b) an amount up to four thousand six hundred fifty dollars in a separate bank account established by an individual while currently in receipt of assistance for the sole purpose of enabling the individual to purchase a first or replacement vehicle for the recipient to seek, obtain or maintain employment, so long as the funds are not used for any other purpose, (c) an amount up to one thousand four hundred dollars in a separate bank account established by an individual while currently in receipt of assistance for the purpose of paying tuition at a two-year or four-year accredited post-secondary educational institution, so long as the funds are not used for any other purpose, (d) the home which is the usual residence of the household, (e) one automobile, up to ten thousand dollars fair market value, through March thirty-first, two thousand seventeen; one automobile, up to eleven thousand dollars fair market value, from April first, two thousand seventeen through March thirty-first, two thousand eighteen; and one automobile, up to twelve thousand dollars fair market value, beginning April first, two thousand eighteen and thereafter, or such other higher dollar value as the local social services district may elect to adopt, (f) one burial plot per household member as defined in department regulations, (g) bona fide funeral agreements up to a total of one thousand five hundred dollars in equity value per household member, (h) funds in an individual development account established in accordance with subdivision five of section three hundred fifty-eight of this chapter and section four hundred three of the social security act, (i) for a period of six months, real property which the household is making a good faith effort to sell, in accordance with department regulations and tangible personal property necessary for business or for employment purposes in accordance with department regulations, and (j) funds in a qualified tuition program that satisfies the requirement of section 529 of the Internal Revenue Code of 1986, as amended, and [~~(j)~~] **(k)** funds in a New York achieving a better life experience savings account established in accordance with article eighty-four of the mental hygiene law.

If federal law or regulations require the exemption or disregard of additional income and resources in determining need for family assistance, or medical assistance not exempted or disregarded pursuant to any other provision of this chapter, the department may, by regulations subject to the approval of the director of the budget, require social services officials to exempt or disregard such income and resources.

Refunds resulting from earned income tax credits shall be disregarded in public assistance programs.

§ 6. This act shall take effect October 1, 2022; provided, however, that effective immediately, any percentage adjustments reflecting changes in the poverty guidelines of the United States Bureau of the Census required in subparagraph (iii) of paragraph (a) of subdivision 8 of section 131-a of the social services law through September 30, 2022, and in subparagraph (ii) of paragraph (a) of subdivision 8 of section 131-a of the social services law on and after October 1, 2022, shall not take effect in the year 2022; and provided further that the amendments to subdivision 1 of section 131-n of the social services law made by section five of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

PART V

Intentionally Omitted

PART W

Intentionally Omitted

PART X

Intentionally Omitted

PART Y

Intentionally Omitted

PART Z

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed $12,930,000 for the fiscal year ending March 31, 2023. Within this total amount, $250,000 shall be used for the purpose of entering into a contract with the neighborhood preservation coalition to provide technical assistance and services to companies funded pursuant to article 16 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $12,930,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2021-2022 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the

project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2022.

§ 2. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed $5,460,000 for the fiscal year ending March 31, 2023. Within this total amount, $250,000 shall be used for the purpose of entering into a contract with the rural housing coalition to provide technical assistance and services to companies funded pursuant to article 17 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $5,460,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2021-2022 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2022.

§ 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program pursuant to article 17-A of the private housing finance law, a sum not to exceed $21,630,000 for the fiscal year ending March 31, 2023. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed $21,630,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2021-2022 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating, as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance

fund, such transfer shall be made as soon as practicable but no later than June 30, 2022.

§ 4. This act shall take effect immediately.

PART AA

Intentionally Omitted

PART BB

Intentionally Omitted

PART CC

Intentionally Omitted

PART DD

Intentionally Omitted

PART EE

Intentionally Omitted

PART FF

Intentionally Omitted

PART GG

Section 1. The executive law is amended by adding a new section 202-a to read as follows:

§ 202-a. Language translation services. 1. Each state agency that provides direct public services in New York state shall translate all vital documents relevant to services offered by the agency into the twelve most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by United States Census Bureau. Agencies subject to this section, in their discretion, may offer up to four additional languages beyond the twelve most common languages. Such additional languages shall be decided by the state agency in consultation with the office of general services and approved by the office of general services based on the number of limited-English proficient immigrants of five years or less in New York state in need of language translation services according to the American Community Survey, including the growth of recent arrival populations in the geographic regions in which the agency's services are offered, the population of limited-English proficient individuals served by the agency, feedback from impacted community or advocacy groups, and any other relevant data published by the United States Census Bureau.

2. Each agency subject to the provisions of this section shall designate a language access coordinator who will work with the office of general services to ensure compliance with the requirements of this section.

3. Each agency subject to the provisions of this section shall develop a language access plan and submit such plan to the office of general services.

(a) An agency's initial language access plan shall be issued by the agency within ninety days of the effective date of this section.

(b) Language access plans shall be updated and reissued every two years on or before January first.

(c) Language access plans shall set forth, at a minimum:

(i) when and by what means the agency will provide or is already providing language assistance services;

(ii) the titles of all available translated documents and the languages into which they have been translated;

(iii) the number of public contact positions in the agency and the number of bilingual employees in public contact positions, and the languages such employees speak;

(iv) a training plan for agency employees which includes, at minimum, annual training on the language access policies of the agency and training in how to provide language assistance services;

(v) a plan for annual internal monitoring of the agency's compliance with this section;

(vi) a description of how the agency intends to notify the public of the agency's offered language assistance services;

(vii) an assessment of the agency's service populations to determine whether additional languages of translation should be added beyond the top twelve languages;

(viii) an explanation as to how the agency determined it would provide any additional language beyond the top twelve languages required by this section; and

(ix) the identity of the agency's language access coordinator.

4. Each agency subject to the provisions of this section shall:

(a) provide interpretation services between the agency and an individual in each individual's primary language with respect to the provision of services or benefits by the agency; and

(b) publish the agency's language access plan on the agency's website.

5. For purposes of this section, "vital document" means any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

6. The office of general services will ensure agency compliance with this section and shall prepare an annual report, which shall be made public on the office of general services website, detailing each agency's progress and compliance with this section.

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

PART HH

Section 1. Section 211 of the retirement and social security law is amended by adding a new subdivision 9 to read as follows:

9. Notwithstanding the provisions of this section, sections two hundred twelve and four hundred one of this chapter and section five hundred three of the education law and any other law, regulation, rule, local law, or charter to the contrary, a retired person may be employed

and earn compensation in a position or positions in the service of a school district or a board of cooperative educational services in the state without any effect on his or her status as retired and without suspension or diminution of his or her retirement allowance and without prior approval pursuant to subdivision two of this section. Earnings received as a result of employment in a school district or a board of cooperative educational services in the state shall not be applied to a retired person's earnings when calculating the earnings limitations imposed by subdivisions one and two of section two hundred twelve of this article.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2023.

PART II

Intentionally Omitted

PART JJ

Section 1. Section 33 of chapter 277 of the laws of 2021 amending the labor law relating to the calculation of weekly employment insurance benefits for workers who are partially unemployed, as amended by chapter 305 of the laws of 2021, is amended to read as follows:

§ 33. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that sections one through thirty of this act shall take effect on April 1, [~~2022~~] 2023 or thirty days after the commissioner of labor certifies that the department of labor has an information technology system capable of accommodating the amendments in this act, whichever occurs earlier; provided that section thirty-one of this act shall take effect on the thirtieth day after it shall have become a law and shall be applicable to new claims on such date and thereafter and shall be deemed repealed on the same date as the remaining provisions of this act take effect. In a manner consistent with the provisions of this section, the commissioner of labor shall notify the legislative bill drafting commission upon issuing his or her certification in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law, and provided further that the amendments to subdivision 1 of section 591 of the labor law made by section twelve of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 10 of chapter 413 of the laws of 2003, as amended, when upon such date the provisions of section thirteen of this act shall take effect; provided further that the amendments to section 591-a of the labor law made by section fifteen of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

§ 2. This act shall take effect immediately.

PART KK

Section 1. The office of temporary and disability assistance shall develop program materials which will be made available to utilities and community agencies for the purpose of informing the public about the availability of existing and new utility assistance programs. Local

social service districts may contract for the provision of an outreach program to inform potentially eligible households of the availability of assistance pursuant to section 131-s of the social services law.

§ 2. This act shall take effect immediately.

PART LL

Section 1. Section 36-c of the social services law is amended by adding a new subdivision 5 to read as follows:

5. Upon the effective date of this subdivision, such social services district shall suspend implementation of the demonstration program, provided that (a) the recipient's need for the shelter component of temporary housing assistance shall not be reduced by the portion of a recipient's earned income that the recipient would have been required under subdivision two of this section to deposit in a savings plan, and (b) funds collected from recipients pursuant to this section prior to the effective date of this subdivision shall continue to be treated and made payable to recipients in accordance with the provisions of subdivision three of this section.

§ 2. Subdivision c of section 2 of part K of chapter 58 of the laws of 2010 amending the social services law relating to establishing the savings plan demonstration project, as amended by section 2 of part DD of chapter 56 of the laws of 2018, is amended to read as follows:

c. this act shall expire and be deemed repealed March 31, [~~2022~~] **2030**.

§ 3. This act shall take effect immediately, provided, however, that the amendments to section 36-c of the social services law made by section one of this act shall not affect the expiration and repeal of such section and shall be deemed to expire and repeal therewith.

PART MM

Section 1. Section 106 of the social services law is REPEALED.

§ 2. This act shall take effect immediately.

PART NN

Section 1. By September 1, 2023, the state university of New York and the city university of New York shall each submit a report to the governor, the temporary president of the senate, and the speaker of the assembly detailing the hiring of faculty at their respective institutions in the two thousand twenty-two-two thousand twenty-three academic year pursuant to any state funding appropriated for such purposes. Such report shall include, but not be limited to, the following information:

1. the number of faculty hired, including a breakdown, by campus, of the number of full-time tenured faculty, full-time tenure-track faculty, full-time non-tenure track faculty, part-time faculty, adjunct faculty, lecturers, visiting faculty, and any other related position;

2. the number of unfilled faculty positions at each campus;

3. the ratio of full-time faculty to full-time equivalent students at each campus;

4. the number of credit hours taught by full-time faculty, per year;

5. the number of credit hours taught by part-time faculty, per year; and

6. deidentified demographic data of faculty hired, including but not limited to age, race, gender, military or veteran status, and disabled status.

§ 2. This act shall take effect immediately.

PART OO

Section 1. Paragraph b of subdivision 3 of section 679-c of the education law, as amended by section 1 of part E-3 of chapter 57 of the laws of 2007, is amended to read as follows:

b. [~~The total cost of the Senator Patricia K. McGee nursing faculty scholarship program shall not exceed an annual cost of two million dollars, and no~~] **No** annual award shall exceed twenty thousand dollars.

§ 2. Subdivision 3 of section 679-f of the education law, as added by section 1 of part Y of chapter 56 of the laws of 2014, is amended to read as follows:

3. Awards. [~~No greater than ten awards~~] **Awards** shall be granted to qualified applicants in the amount of up to ten thousand dollars per year, per applicant, not to exceed a duration of five years and not to exceed the total amount of such applicant's student loan debt. The corporation shall grant such awards within amounts appropriated for such purposes and based on the availability of funds. No one applicant shall receive more than a total of fifty thousand dollars upon the end of a five year period.

§ 3. This act shall take effect immediately.

PART PP

Section 1. Articles 17, 17-A and 17-B of the executive law and subdivision 1-c of section 247 of the military law are REPEALED.

§ 2. Chapter 13 of the consolidated laws is enacted to read as follows:

CHAPTER 13 OF THE CONSOLIDATED LAWS
VETERANS' SERVICES
ARTICLE 1
DEPARTMENT OF VETERANS' SERVICES

Section 1. Definitions.
2. Department of veterans' services.
3. Veterans' services commission.
4. General functions, powers and duties of department.
5. Veteran speaker education program.
6. Cooperation and facilities of other departments.
7. Information on status of veterans receiving assistance.
8. New York state supplemental burial allowance for members of the uniformed services of the United States killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310.
9. New York state veteran burial fund.
10. Time within which marriage may be solemnized; member of the uniformed services.
11. Use of personal confidential information obtained from veterans or family members of veterans receiving services from the state and political subdivisions thereof.
12. Acceptance of gifts.
13. State veterans' service agency.
14. Local veterans' service agencies.

15. Powers and duties of local veterans' service agencies.
16. Location and cost of local veterans' service agencies; deputy local directors.
17. Local veterans' service committees.
18. Appropriations for expenses and activities of local veterans' service agencies.
19. Women veterans coordinator.
20. Women veterans advisory committee.
21. Creation of annuity.
22. Evidence of entitlement.
23. Persons who may receive annuity.
24. New York state veterans' cemeteries.
25. Veterans health screening.
26. Payment to parents of veterans.
27. Cremated remains of a veteran.
28. New York state silver rose veterans service certificate.
29. Intake forms for admission and residency.

§ 1. Definitions. When used in this article:

1. The term "department" means the department of veterans' services.

2. The term "state commissioner" means the New York state commissioner of veterans' services.

3. The term "veteran" means a person who served on active duty in the uniformed services of the United States, or in the army national guard, air national guard, or service as a commissioned officer in the public health service, commissioned officer of the national oceanic and atmospheric administration or environmental sciences services administration, cadet at a United States armed forces service academy, and who has been released from such service under other than dishonorable conditions.

4. The term "uniformed services" means the army, navy, marine corps, air force, space force, coast guard, public health commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps of the United States.

5. The term "local director" means the director of a county or city veterans' service agency.

6. The term "county director" means a local director of a county veterans' service agency.

7. The term "city director" means a local director of a city veterans' service agency.

8. The term "qualifying condition" means a diagnosis of post-traumatic stress disorder or traumatic brain injury made by, or an experience of military sexual trauma, as described in 38 USC 1720D, as amended from time to time, disclosed to, an individual licensed to provide health care services at a United States Department of Veterans Affairs facility or an individual licensed to provide health care services within the state of New York. The department shall develop a standardized form used to confirm that the veteran has a qualifying condition under this subdivision.

9. The term "discharged LGBT veteran" means a veteran who was discharged less than honorably from the uniformed services due to their sexual orientation or gender identity or expression, as those terms are defined in section two hundred ninety-two of the executive law, or statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity or expression, or the disclosure of such statements, conduct, or acts, that were prohibited by the branch of the uniformed services at the time of discharge. The department shall

establish a consistent and uniform process to determine whether a veteran qualifies as a discharged LGBT veteran under this subdivision, including, at a minimum, standards for verifying a veteran's status as a discharged LGBT veteran, and a method of demonstrating eligibility as a discharged LGBT veteran.

§ 2. Department of veterans' services. There is hereby created a department of veterans' services. The head of such department shall be the New York state commissioner of veterans' services who shall be a veteran. He or she shall be appointed by the governor and shall hold office during his or her pleasure. Such state commissioner shall receive an annual salary to be fixed by the governor within the limitation provided by law. He or she shall also be entitled to receive his or her expenses actually and necessarily incurred by him or her in the performance of his or her duties. The state commissioner, with the approval of the governor, may establish such bureaus within the department as are necessary and appropriate to carrying out its functions and may consolidate or abolish such bureaus. The state commissioner may appoint such officers, consultants, clerks and other employees and agents as he or she may deem necessary, fix their compensation within the limitation provided by law, and prescribe their duties.

§ 3. Veterans' services commission. 1. There shall be in the department a veterans' services commission, which shall consist of the members and the ex officio members provided for in this section.

2. There shall be thirteen members of the commission who shall be veterans appointed by the governor, including two appointed on recommendation of the temporary president of the senate, one appointed on recommendation of the minority leader of the senate, two appointed on recommendation of the speaker of the assembly, and one appointed on recommendation of the minority leader of the assembly. The appointment of members made by the governor without recommendation shall be subject to advice and consent of the senate. The members of the commission shall serve for terms of three years each. Appointed members presently serving on the commission shall continue to serve for the remainder of the term appointed. Any member chosen to fill a vacancy of such an appointed member occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he or she is to succeed. Members appointed as provided in this subdivision shall receive no salary or other compensation, but each shall be entitled to receive expenses actually and necessarily incurred in the performance of their duties.

3. Ex officio members. (a) The adjutant general of the state of New York shall be an ex officio member of the commission.

(b) In addition, the state commissioner may appoint the head of any other state agency or their designee as a non-voting, ex officio member of the commission. Such appointments shall expire annually on December thirty-first unless such appointments are renewed by the state commissioner.

4. One of the members of the commission, which shall include the adjutant general, shall be designated as chairperson by the governor. The designation shall be in writing and shall be filed with the commission.

5. The commission shall have power, and it shall be its duty, to assist the state commissioner in the formulation of policies affecting veterans and in the coordination of all operations of state agencies relating to veterans' services.

§ 4. General functions, powers and duties of department. The department, by and through the state commissioner or his or her duly author-

ized officer or employee, shall have the following functions, powers and duties:

1. To coordinate the program and activities of departments, divisions, boards, bureaus, commissions or agencies of the state or of any political subdivision of the state in providing services and facilities to members of the uniformed services and to veterans who are residents of this state and their families.

2. To maintain liaison with other public officials and agencies concerned with the development or execution of plans for members of the uniformed services and veterans who are residents of this state, and their families, and to assist in the development and execution of such plans.

3. To establish, direct and supervise a state veterans' services agency; and to create or designate other agencies of the department to aid and assist in the discharge of one or more of its functions, powers or duties under this article, and grant authority to such agencies as may be deemed necessary for the effective accomplishment of any of such functions, powers or duties.

4. To operate and maintain veterans benefits advisement and to administer benefits for members of the uniformed services and veterans who are residents of this state, and their families.

5. To provide seminars three times per year at locations throughout the state to advise veterans and their surviving spouses, who are age sixty-two or older, of veterans' benefits for which they may be eligible from the state and federal governments, and the means of obtaining such benefits.

6. To provide seminars three times per year at locations throughout the state to advise women veterans of their benefits for which they may be eligible from the state and federal governments, the means of obtaining such benefits and other topics, including, but not limited to, health care issues of specific interest to women veterans.

7. To provide in cooperation with the office of general services and the office of the comptroller a series of seminars, that shall be conducted four or more times per year at regional sites located throughout the state of New York for the purpose of advising veteran-owned businesses regarding the opportunities available for obtaining procurement contracts from New York state agencies, municipalities, and authorities. Furthermore the seminars shall provide requirements and training that will enable veteran-owned businesses to successfully participate in the procurement process.

8. To execute and assist in the execution of plans for the efficient utilization of the resources and facilities of the state in matters related to members of the uniformed services and veterans who are residents of this state, and their families.

9. To make studies and analyses and develop and execute plans for assistance and benefits to members of the uniformed services and veterans who are residents of this state, and their families, and the creation of agencies, institutions and facilities therefor.

10. To prepare and submit a report, in consultation with the office of temporary and disability assistance, department of labor, and office of children and family services to determine the number of homeless persons in New York state that are veterans. Such report shall include, but not be limited to, the following information to the extent it is reasonably accessible to the department: (a) an analysis of veterans in New York state who are currently homeless, or have been homeless within five years of being released from active duty including an analysis of gender

as it relates to homelessness of veterans; (b) data on the number of children of homeless veterans, including the current placement of such children; (c) cases of military sexual trauma experienced by homeless veterans while on active duty or during military training, including a breakdown of the collected data based upon the gender of the victim; and (d) the unemployment rate for New York state veterans. The term "children of homeless veterans" shall mean a person who is unmarried and who is under the age of eighteen years, and is the biological or legally adopted child of a veteran. The report shall be delivered to the governor, the speaker of the assembly and the temporary president of the senate by June thirtieth, two thousand twenty and every three years thereafter. Such report shall be publicly available and posted on the department of veterans' services website.

11. To develop and encourage plans for the occupational reorientation of veterans who are residents of this state, including the determination and certification of civilian equivalents for military experience and the development and encouragement of on-the-job training and apprenticeship training programs. Furthermore, the department shall provide an internet connection to correlate military occupations and skills into civilian translations and terms.

12. To provide information regarding resources that are available to assist veterans in establishing and sustaining a small business by maintaining a small business portal on the department's internet website. Such portal shall provide virtual links to appropriate government programs including, but not limited to the United States Department of Veterans' Affairs. The department may consult with the New York State Small Business Development Center and any other appropriate state agencies. The department shall make reference to this information in its newsletter, at the three seminars sponsored by the department pursuant to subdivisions five, six, and seven of this section and the annual report to the governor and the legislature as provided in subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually. The information may also be made available in printed form.

13. To provide information regarding resources that are available to assist veterans in obtaining employment by maintaining a veterans' employment portal on the department's internet website. Such portal shall provide virtual links to appropriate governmental programs on the federal and state level, including, but not limited to the United States department of labor and the New York state department of labor. The department may consult with members of the community devoted to helping veterans obtain employment. The department shall make reference to this information pursuant to subdivisions five, six, and seven of this section and the annual report to the governor and the legislature as provided in subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually. The information may also be made available in printed form.

14. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this article.

15. To recommend to the legislature and the governor legislative proposals for the benefit of members of the uniformed services and veterans who are residents of this state, and their families.

16. To exercise and perform such other functions, powers and duties as may be deemed necessary to protect the interests and promote the welfare of members of the uniformed services and veterans who are residents of this state, and their families.

17. To render each year to the governor and to the legislature a written report of the activities and recommendations of the department.

18. (a) For the purpose of providing for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for state veterans' cemeteries, to seek funding from, and make application for funding to:

(1) the government of the United States, including any agency or public authority thereof;

(2) the government of the state of New York, including any agency or public authority thereof;

(3) any political subdivision of the government of the state of New York, including any agency or public authority thereof; or

(4) any private individual, corporation or foundation;

(b) Pursuant to section twenty-three of this article, to provide for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for state veterans cemeteries;

(c) To expend moneys from the veterans remembrance and cemetery maintenance and operation fund, established pursuant to section ninety-seven-mmmm of the state finance law; and

(d) To evaluate, monitor and otherwise oversee the operation of veterans cemeteries in this state.

19. To make application to the government of the United States or any political subdivision, agency or instrumentality thereof, for funds for the purpose of providing an optional fund for the burial of veterans who (i) were honorably discharged or (ii) had a qualifying condition, as defined in section one of this article, and received a discharge other than bad conduct or dishonorable, or (iii) were a discharged LGBT veteran, as defined in section one of this article, and received a discharge other than bad conduct or dishonorable, in any not-for-profit cemetery corporation in this state; provided, however, that all costs associated with the establishment of such optional fund shall be borne by the political subdivision, agency or instrumentality with which the department has contracted.

20. To establish, operate and maintain a toll-free telephone number, under the supervision of the state commissioner, for the purpose of providing callers thereof with information relating to services provided by the department as well as services and programs provided to veterans by other agencies, bureaus and organizations. Such services and programs shall include, but not be limited to, educational and job benefits, tuition assistance programs, survivor benefits, health and mental health referrals and real property tax exemptions.

21. To establish, operate and maintain a free mobile application, under the supervision of the state commissioner, for the purposes of providing veterans and their family members with information, available on a region-specific basis, relating to services provided by the department as well as services and programs provided to veterans by other state agencies, the federal government, and other organizations. Such services and programs shall include, but not be limited to educational and job benefits, tuition assistance programs, survivor benefits, health and mental health referrals, and real property tax exemptions. The department's website shall contain a link to the free mobile application.

22. To develop, jointly with the commissioner of education, a form by which the parent or person in parental relation to a designated child may, should he or she so elect, report to the department that a parent

of such child is a veteran of the uniformed services who served in Vietnam during the Vietnam conflict. This form shall: (i) clearly state that the parent or person in parental relation is not required to provide the information requested and that the information will have no bearing upon the services the child will receive; (ii) state that the information will be used exclusively for research purposes and explain those research purposes in plain language; and (iii) provide the address to which the form is to be mailed, should the parent or person in parental relation elect to make such report. For the purposes of this subdivision, the term "designated child" shall mean a child designated by a school district committee on special education pursuant to section forty-four hundred two of the education law as either learning disabled or emotionally disturbed.

23. To process all information received from nursing homes and residential health care facilities, including assisted living and assisted living residences as defined in section forty-six hundred fifty-one of the public health law, and adult care facilities authorized under title two of article seven of the social services law, indicating veteran or veteran spouse status. Such processing shall occur by transmitting such information to veterans benefits advisors for review and potential linkage to applicable benefits, including but not limited to federal aid and attendance and a federal improved pension program. Veterans benefits advisors shall work with county veterans service officers or any accredited service officers of an organization chartered by the congress of the United States and/or recognized by the department of veterans affairs for claim representation as necessary and where appropriate. Such information shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and shall be used only to assist in providing linkage to applicable benefits and entitlements under federal and state law.

24. To include within the annual report as required by subdivision seventeen of this section an accounting of the number of forms received from nursing homes and residential health care facilities, including assisted living and assisted living residences as defined in section forty-six hundred fifty-one of the public health law, and adult care facilities authorized under title two of article seven of the social services law, and the specific number of veterans and spouses of veterans linked to applicable benefits, including, but not limited to federal aid and attendance and a federal improved pension program. Such report shall evaluate the average time taken by the department between receipt of such information, transmission to veterans benefits advisors and linkage to available benefits. Such report shall also evaluate the effectiveness of the program and make recommendations for improvements as necessary.

25. To encourage the development of and to provide for the establishment of a state women veterans coordinator, as provided in section nineteen of this article.

26. To make available information on accident prevention courses approved by the commissioner of motor vehicles online on the department's website. The department shall provide a link to the department of motor vehicles website pages containing information on the accident prevention courses.

27. To provide information regarding resources that are available to assist veterans who experience mental health or substance abuse problems, and veterans with physical disabilities, by maintaining mental

health, substance abuse and physical disabilities portals on the department's internet website. Such portals shall provide virtual links to appropriate governmental programs on the federal and state levels and information on suicide prevention, peer outreach and support, and services that address the special needs of physically disabled veterans. The department may consult with the office of mental health, the office of addiction services and supports, the department of health and the department of labor. The department shall make reference to this information provided pursuant to subdivisions five and six of this section and in the annual report to the governor and the legislature required pursuant to subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually.

28. To include within the annual report as required by subdivision seventeen of this section an accounting of the number of veteran-owned small businesses in the state of New York, to be listed by the following designations: small business concern owned and controlled by veterans as set forth in 15 U.S.C. section 632(Q)(3), as amended from time to time, and service disabled veteran-owned business enterprise as set forth in article three of this chapter. Such listing shall include but not be limited to the name of the veteran owner or owners of each business, location of each such business, the type of each such business and whenever practicable, be divided into categories of labor, services, equipment, materials and recognized construction trades. The department shall request this information annually from the U.S. department of veterans affairs, any other appropriate federal agencies and the department of service-disabled veterans' business development within the New York state office of general services.

29. To maintain a fact sheet on the department's webpage containing (a) contact information for all veterans integrated service networks located within the state, (b) current contact information for the United States veterans health administration including VA medical centers and clinics and (c) contact information for each New York State veterans' home. The fact sheet shall be entitled, "Information for Veterans concerning Health Care Options" and shall be updated annually.

30. To maintain a listing on the department's website of the local veterans' service agencies established pursuant to section fourteen of this article with the name, location, hours of operation and contact information of each county and city veterans' service agency. The department shall also provide this information in its annual report to the governor and the legislature as required pursuant to subdivision seventeen of this section. Information under this subdivision shall be provided to the department by each local veterans' service agency and shall be updated annually.

31. To maintain a discharge upgrade advisory board program within the department to provide written non-binding advisory opinions to veterans of the state of New York appealing their character of discharge from the discharge review board or the board for corrections of military records for their branch of service on the federal level. Individuals may submit an application with evidence, including all relevant documents, which shall be reviewed by the discharge upgrade advisory board program in a timely manner. If such board finds the veteran's application for a discharge upgrade is meritorious, then the board will provide the veteran with a written opinion advocating for the discharge review board or board for corrections of military or naval records to grant that veteran's appeal. The department shall post information on the discharge

upgrade advisory board program on its official webpage. The annual report required by subdivision seventeen of this section shall contain information including, but not limited to, the number of cases reviewed, and the number of cases where a veteran's application was found to be meritorious.

32. To provide information regarding resources that are available to assist veterans who experienced military sexual trauma while on active duty or during military training, by maintaining a military sexual trauma portal on the department's internet website. Such portal shall provide virtual links to appropriate governmental programs on the federal and state levels. The department may consult with the office of mental health and the department of health. The department shall make reference to this information provided pursuant to subdivisions five and six of this section and in the annual report to the governor and the legislature required pursuant to subdivision seventeen of this section. Such information required under this subdivision shall be maintained and updated annually.

33. To make widely available to the public via, among other things, publication on the department's website and free mobile application pursuant to subdivision twenty-one of this section, information regarding the veterans remembrance and cemetery maintenance and operation fund established pursuant to section ninety-seven-mmmm of the state finance law.

34. To prepare and submit a report in consultation with the department of health and the department of mental hygiene including the following information to the extent it is reasonably accessible: (a) the number of veterans who died by suicide; (b) trends of veterans suicide rates over the last five years, including details by period of military service; and (c) a comparison of veterans suicide rates by county, statewide and nationwide. Such report shall be delivered to the governor and legislature no later than June thirteenth, two thousand twenty-four and every three years thereafter. Such report shall also be made available on the division's website.

35. The department shall: (a) forward completed forms received from a coroner, coroner's physician or medical examiner pursuant to section six hundred seventy-seven of the county law to the office of mental hygiene pursuant to subdivision (g) of section 7.07 of the mental hygiene law in a timely manner; and (b) compile such information for inclusion in the annual report pursuant to this section.

36. To coordinate outreach efforts that ensure members of the uniformed services and veterans who are residents of this state, and their families, are made aware of services for veterans from any departments, divisions, boards, bureaus, commissions or agencies of the state or any political subdivision of this state.

37. To develop collaborative relationships among state, federal, and local agencies and private organizations, including but not limited to the office of mental health, state office for the aging, and office of addiction services and supports, to help facilitate access to services by members of the uniformed services and veterans who are residents of the state and their families.

§ 5. Veteran speaker education program. 1. There is hereby established within the department a veteran speaker education program to be developed and implemented by the commissioner in consultation with the commissioner of the New York state military museum and veterans resource center and in accordance with the provisions of this section. Such program shall provide school districts within this state with a listing

of available veteran speakers willing to visit classrooms for the purpose of discussing their military experience.

2. The department, from its available resources, shall develop an informational pamphlet to be distributed either by mail or electronically to school districts which provides a general overview of the program including its purpose and how to participate. The department shall, in consultation with congressionally chartered veterans organizations and local veterans services agencies, appoint and create a listing of veteran speakers coordinators for each county of the state who shall be listed in the informational pamphlet. The veteran speakers coordinators' duties shall include but not be limited to contacting veterans who reside in their county including those who have participated in the veteran's oral history program at the New York state military museum or the West Point oral history project or the veterans history project of the American Folklore Center or any similar oral history project with information about this program and inquiring as to whether such persons would be willing to participate as speakers or in any other capacity. The listing shall include the names and contact information for such veterans including information describing the type of military service performed by each such person, the time and length of service, geographic area or areas where such person served and rank. The veteran speakers coordinators shall annually update such information regarding the availability of such veterans.

3. No teacher or veteran shall be required to participate in this program. Any teacher who wishes to supplement his or her classroom instruction concerning a particular era in American military history may contact a participating veteran personally to request that such person visit a classroom to discuss his or her military experience. A teacher shall be responsible for ascertaining the appropriateness of any proposed speaker based upon the age of the children and the intended subject matter. Nothing in this section shall be intended to supersede any particular or general school rules or regulations or other laws relating to curriculum.

4. The department shall require a certified copy of the veteran's discharge papers to participate in the veteran speaker program. Such form shall be filed with the department to serve as evidence that such person is a veteran who served in the United States military honorably.

5. The department shall implement a procedure for evaluations of each speaker to be completed by teachers and students, and maintain such evaluations and make them available upon request to other teachers who plan to participate.

6. The department may consult with other veterans organizations and any branch of the U.S. military in the development of this program.

§ 6. Cooperation and facilities of other departments. To effectuate the purposes of this article, the governor may direct any department, division, board, bureau, commission or agency of the state, or of any political subdivision thereof, to cooperate with and assist and advise the department in the performance of its duties and functions, and to provide such facilities, including personnel, materials and other assistance and data as will enable the department or any of its agencies to properly carry out its activities and effectuate its purposes under this article.

§ 7. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving

health, mental health, family services, criminal justice or employment, including but not limited to the office of addiction services and supports, office of mental health, office of probation and correctional alternatives, office of children and family services, office of temporary and disability assistance, department of health, department of labor, local workforce investment boards, office for people with developmental disabilities, and department of corrections and community supervision, shall request assisted persons to provide information with regard to their veteran status and military experiences. Individuals identifying themselves as veterans shall be advised that the department of veterans' services and local veterans' service agencies established pursuant to section fourteen of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans status and military service provided by assisted persons solely to implement this section shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's problems within the agency requesting such information and in referring the veteran to the department of veterans' services for information and assistance with regard to benefits and entitlements under federal and state law.

§ 8. New York state supplemental burial allowance for members of the uniformed services of the United States killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310. 1. As used in this section, "parent" means a father, a mother, a father through adoption, a mother through adoption, or an individual who, for a period of not less than one year, at any time before the decedent's entry into active military service stood in the relationship of a parent to a decedent who died in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, or who died from a wound incurred in combat or while serving on duty subject to hostile fire or imminent danger, as defined in 37 USC § 310 or, if two persons stood in the relationship of a parent for one year or more, the person who bore the expenses of the funeral of the decedent.

2. As used in this section, (a) "wound" means a physical injury to a servicemember on active duty caused by (i) a bullet, shrapnel, or other projectile; (ii) a mine or trap; (iii) an explosion; (iv) a vehicle or aircraft accident not caused by the servicemember's willful misconduct; or (v) any other action caused or induced by the enemy directly resulting in physical harm to the servicemember.

(b) "burial receptacle" means (i) a casket, which shall mean a rigid container that is designed for the encasement of human remains and customarily ornamented and lined with fabric, (ii) an urn, which shall mean a container of wood, metal, pottery, or other material designed for the storage of cremated human remains, and/or (iii) an outer burial receptacle, which shall mean a graveliner, burial vault, or other similar type of container for the placement of a casket or urn.

3. There is hereby established within the department a New York state supplemental burial allowance for any member of the uniformed services of the United States who: (a) died in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310 or died from a wound incurred in combat or while serving on duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, other than the exceptions noted in paragraphs (d), (e) and (f) of subdivision four of this section, and (b) who was (i) a resident of New York state at the time of

his or her death or (ii) a nonresident of New York state at the time of his or her death and a member of the New York Army National Guard or New York Air National Guard at the time he or she entered title 10, United States Code, federal active duty status during which period of service he or she died.

4. (a) The purpose of the program is to administer and monitor a supplemental allowance program to aid families of military personnel who died in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, or died from a wound incurred in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310, with respect to expenses incurred in connection with the decedent's funeral and the burial, burial receptacle, cremation, or other interment of the decedent's remains.

(b) Eligible recipients under this program shall be those who bore the cost of the decedent's funeral and burial, burial receptacle, cremation, or other interment, in the following order of priority: (i) a surviving spouse or domestic partner of the decedent; (ii) adult children of the decedent, to include step-children and adopted children; (iii) parents or grandparents of the decedent, and parents-in-law or grandparents-in-law of the decedent; (iv) siblings of the decedent, to include siblings adopted by the decedent's immediate family and siblings with whom the decedent shares only one parent in common, and siblings-in-law of the decedent; (v) aunts, uncles, and first cousins of the decedent; and (vi) any other relative. Any applicant convicted of making any false statement in the application for the reimbursement shall be subject to the penalties prescribed in the penal law.

(c) Such burial allowance is a partial reimbursement of an eligible decedent's funeral and burial, burial receptacle, cremation or other interment costs. The reimbursement is generally applicable to two components: (i) funeral expenses, and (ii) expenses arising from the burial, burial receptacle, cremation, or other interment of the decedent's remains. Any allowance granted by the government of the United States, pursuant to 38 U.S.C. §§2301, 2302, 2303, 2306, 2307 and 2308 or 10 U.S.C. § 1482, or by the decedent's state of residence in the case of an allowance eligible pursuant to subparagraph (ii) of paragraph (b) of subdivision three of this section, shall be first applied toward funeral and burial, burial receptacle, cremation or other interment costs. The state may award an allowance of up to six thousand dollars to cover any remaining expenses.

(d) The state shall not award any funds from this allowance to reimburse any costs for the headstone, grave marker, or medallion of the decedent.

(e) The state shall not grant supplemental burial allowance payments for the funeral or the burial, burial receptacle, cremation, or other interment of remains of any decedent whose relations received any reimbursement from this allowance for any previous funeral or burial, burial receptacle, cremation, or other interment of remains for this same decedent.

(f) The state shall not grant supplemental burial allowance payments for any person filing a completed application for such allowance with the state later than: (i) two years after the applicant received final written notice from the United States Department of Veterans Affairs regarding an application for reimbursement of funeral or burial, burial receptacle, cremation or other interment expenses pursuant to 38 U.S.C. §§2301, 2302, 2303, 2306, 2307, or 2308, or 10 U.S.C. § 1482, or any combination thereof; or (ii) two years after the expiration date of the

filing deadline to apply for reimbursement of funeral, burial, burial receptacle, cremation or other interment expenses from the United States Department of Veterans Affairs, as defined in 38 U.S.C. § 2304, if the applicant never applied for reimbursement of funeral, burial, burial receptacle, cremation or interment expenses from the United States Department of Veterans Affairs. Any applications received subsequent to these prescribed periods shall be denied as time-barred.

(g) Applicants shall furnish evidence of the decedent's military service and relevant after action reports or other documents explaining why the application meets eligibility requirements for each case in the manner and form prescribed by the state commissioner or his or her designee. Upon being satisfied that the facts in the application are true, the state commissioner or his or her designee shall certify to the state comptroller the name and address of such recipient. The decision of the state commissioner or his or her designee on all matters regarding any payment from this allowance shall be final.

(h) The state commissioner shall submit a report to the governor, the chairperson of the senate finance committee, and the chairperson of the assembly ways and means committee not later than January fifteenth of each year in which this section is in effect. Such report shall include, but not be limited to, regulations promulgated pursuant to this section, allowances paid, and an account of the monies spent and the relationship of the distributees to the decedent.

§ 9. New York state veteran burial fund. 1. As used in this section, "agent in control of the disposition of remains" means the person responsible or designated to control the disposition of a deceased veteran's remains as defined and outlined in section forty-two hundred one of the public health law. The term "interment" means the disposition of remains as defined in paragraph (g) of section fifteen hundred two of the not-for-profit corporation law. The term "burial" shall include the process as defined in paragraph (e) of section fifteen hundred two of the not-for-profit corporation law.

2. As provided in subdivision nineteen of section four of this article, there is hereby established within the department a New York state veterans burial fund for honorably discharged members of the uniformed services of the United States who were residents of New York state at the time of his or her death who (i) were honorably discharged from such service, or (ii) had a qualifying condition, as defined in section one of this article, and received a discharge other than bad conduct or dishonorable from such service, or (iii) were discharged LGBT veterans, as defined in section one of this article, and received a discharge other than bad conduct or dishonorable from such service.

(a) Eligible recipients under this program shall be those who bore the cost of the funeral as the agent in control of the disposition of remains. An application shall be made available to an eligible recipient. Any applicant convicted of making any false statement in the application for the reimbursement shall be subject to the penalties prescribed in the penal law.

(b) Such optional burial allowance is a reimbursement of an eligible decedent's burial and interment costs not to exceed two thousand five hundred dollars in a New York state not-for-profit cemetery. The reimbursement is generally available as a plot interment allowance. Any allowance granted by the government of the United States, pursuant to 38 U.S.C. §§ 2302, 2303, 2306, 2307 and 2308 or 10 U.S.C. § 1482 shall be first applied toward interment costs. An additional allowance of up to the cost of the actual burial and interment as provided under subdivi-

sion nineteen of section four of this article may be awarded to cover any remaining expenses.

(c) Evidence of the military service of the decedent for each case shall be furnished in the manner and form prescribed by the state commissioner; upon being satisfied that the facts in the application are true, the state commissioner shall certify to the state comptroller the name and address of such agent in control of the disposition of remains for reimbursement as provided in this section.

§ 10. Time within which marriage may be solemnized; member of the uniformed services. Notwithstanding section thirteen-b of the domestic relations law, where either of the parties making application for a marriage license, pursuant to section thirteen of the domestic relations law, is a member of the uniformed services of the United States on active duty the marriage of the parties shall not be solemnized within twenty-four hours after the issuance of the marriage license, nor shall it be solemnized after one hundred eighty days from the date of the issuance of the marriage license. Proof that the applicant is a member of the uniformed services of the United States shall be furnished to the satisfaction of the official issuing the marriage license. Every license to marry issued pursuant to the provisions of this section shall state the day and hour the license is issued and shall contain a recital that it is issued pursuant to the provisions of this section.

§ 11. Use of personal confidential information obtained from veterans or family members of veterans receiving services from the state and political subdivisions thereof. 1. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment shall be required to solicit information on whether their customer or client is a veteran as defined in section eighty-five of the civil service law or family member of a veteran. Any new forms created after the effective date of this section shall contain the following questions: "Have you served in the United States military?" "Has someone in your family served in the United States military?"

2. Individuals identifying themselves as having served in the military or a family member shall be advised that the department of veterans' services and local veterans service agencies established pursuant to section seventeen of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans and military status provided by assisted persons solely to implement this section shall be protected as personal confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's or family member's problems within the agency requesting such information and in referring the veteran or family member to the department of veterans' services for the information and assistance with regard to benefits and entitlements under federal and state law.

§ 12. Acceptance of gifts. The department with the approval of the governor, may accept any gift or grant for any of the purposes of this article. Any moneys so received may be expended by the department to effectuate any of the purposes of this article, subject to the same limitations as to authorization, audit and approval as are prescribed for state moneys appropriated for the purposes of this article.

§ 13. State veterans' service agency. 1. A state veterans' service agency established by the department pursuant to this article shall have power and it shall be its duty to inform military and naval authorities

of the United States and assist members of the uniformed services and veterans, who are residents of this state, and their families, in relation to (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation services and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the uniformed services and war veterans and their families, (4) employment and re-employment services, and (5) other matters of similar, related or appropriate nature. The state veterans' service agency also shall perform such other duties as may be assigned by the state commissioner.

2. The state commissioner may, with the approval of the governor, appoint and remove a director of the state veterans' service agency. The state commissioner may from time to time establish, alter or abolish state veterans' service agency districts within the state, establish or abolish offices therefor, and appoint and at pleasure remove a deputy director of the state veterans' service agency for each such district office. With the approval of the state commissioner, the director of the veterans' service agency may appoint such officers, consultants, clerks and other employees as may be necessary to administer the functions of the state veterans' service agency, fix their compensation within the limitation provided by law, and prescribe their duties.

§ 14. Local veterans' service agencies. 1. County veterans' service agencies. There shall be established a county veterans' service agency in each county not wholly included within a city, and there shall be a county director of each county veterans' service agency. Any county director hired after the effective date of this chapter shall be a veteran as defined in New York state statute. The chair of the board of supervisors of a county, with the approval of the board of supervisors, shall appoint and may at pleasure remove a county director of the county veterans' service agency for such county. In a county having a county president, a county executive or other chief executive officer, such president or executive officer shall appoint and may at pleasure remove a county director. The county director may be paid such compensation as shall be fixed by the appointing officer and the board of supervisors. The county director shall appoint such assistants and employees as he or she may deem necessary, other than those, if any, supplied by the state; he or she may prescribe the duties of those appointed by him or her and fix their salaries within the appropriations made available for that purpose by the county and may at pleasure remove any such assistants or employees. The county director shall have jurisdiction throughout the territorial limits of the county, including any city therein which does not have a city veterans' service agency, provided that after the establishment of a city veterans' service agency in any such city, the county director shall not have jurisdiction within such city.

2. City veterans' service agency. There may be established a city veterans' service agency in each city; and there shall be a city director of each city veterans' service agency which is established. The mayor of such city, or the city manager in a city of less than one hundred forty thousand population having a city manager, shall appoint and may at pleasure remove the city director. A city director may be paid such compensation as shall be fixed by the mayor or city manager, as the case may be, empowered to appoint the city director, and the governing body of the city. The city director may appoint such deputies, assistants and employees as he or she may deem necessary other than those, if any, supplied by the state; the director may prescribe the

duties of those appointed by him or her and fix their salaries within the appropriations made available for that purpose by the city and may at pleasure remove any such assistant or employee. A city director shall have jurisdiction throughout the territorial limits of the city.

3. Accreditation. (a) Current county or city directors within three years from the effective date of this subdivision shall take all steps necessary to be accredited as a veterans service organization (VSO) representative. Accreditation shall mean the authority granted by the United States Department of Veterans Affairs to assist veterans and their family members in the preparation, presentation, and prosecution of claims for benefits pursuant to section 5902 of Title 38 U.S.C. and section 14.628 of Title 38 Code of Federal Regulations. Once an application for accreditation is approved by the General Counsel of the United States Department of Veterans Affairs and the applicant is notified of this action, the director of the county or city veterans service agency shall file a copy of the accreditation certificate from the appropriate veterans service organization with the commissioner of the department. Such accreditation shall be maintained during the duration of his or her status as a director of such county or city veterans service agency. The commissioner of the department may determine that satisfactory completion of a course or instruction on veterans' benefits approved by the United States Department of Veterans Affairs and conducted by the department may fulfill the requirements of this subdivision.

(b) Any county or city director hired after the effective date of this chapter shall take all steps necessary to be accredited as a veterans service organization (VSO) representative within eighteen months of such appointment. Accreditation shall mean the authority granted by the United States Department of Veterans Affairs to assist veterans and their family members in the preparation, presentation, and prosecution of claims for benefits pursuant to section 5902 of Title 38 U.S.C. and section 14.628 of Title 38 Code of Federal Regulations. Once an application for accreditation is approved by the General Counsel of the United States Department of Veterans Affairs and the applicant is notified of this action, the director of the county or city veterans service agency shall file a copy of the accreditation certificate from the appropriate veterans service organization with the commissioner of the department. Such accreditation shall be maintained during the duration of his or her status as a director of such county or city veterans service agency. The commissioner of the department may determine that a satisfactory completion of a course of instruction on veterans' benefits approved by the United States Department of Veterans Affairs and conducted by the department may fulfill the requirements of this subdivision.

(c) During the time a director is working toward accreditation pursuant to paragraphs (a) and (b) of this subdivision, such individual may provide services to veterans and their family members as defined in section fifteen of this article other than the preparation, presentation, and prosecution of claims for benefits under federal statutes and regulations.

§ 15. Powers and duties of local veterans' service agencies. 1. A local veterans' service agency shall have power under the direction of the state veterans' service agency, and it shall be its duty to inform military and naval authorities of the United States and assist members of the uniformed services and veterans, who are residents of this state, and their families, in relation to (1) matters pertaining to educational

training and retraining services and facilities, (2) health, medical and rehabilitation services and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the uniformed services and war veterans and their families, (4) employment and re-employment services, (5) the process of submitting an application for a discharge upgrade to the discharge upgrade advisory board, and (6) other matters of similar, related or appropriate nature. The local veterans' service agency may also assist families of members of the reserve components of the uniformed services and the organized militia ordered into active duty to ensure that they are made aware of and are receiving all appropriate support available to them and are placed in contact with the agencies responsible for such support, including, but not limited to, the division of military and naval affairs and other state agencies responsible for providing such support. The local veterans' service agency also shall perform such other duties as may be assigned by the state commissioner.

2. A local veterans' service agency shall utilize, so far as possible, the services and facilities of existing officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the state and of the political subdivisions thereof and all such officers and agencies shall cooperate with and extend such services and facilities to the local veterans' service agency as it may require.

§ 16. Location and cost of local veterans' service agencies; deputy local directors. 1. A local director shall designate the location of the local and branch offices of the local veterans' service agency within his or her jurisdiction, which offices shall be open during convenient hours. The cost of maintenance and operation of a county veterans' service agency shall be a county charge and the cost of maintenance and operation of a city veterans' service agency shall be a city charge, excepting that the state commissioner with the approval of the veterans' services commission shall allot and pay, from state moneys made available to him or her for such purposes, to each county veterans' service agency and each city veterans' service agency, an amount equal to fifty per centum of its expenditures for maintenance and operation approved by the state commissioner, provided that in no event shall the amount allotted and paid for such approved expenditures incurred in any given year exceed (1) in the case of any county veterans' service agency in a county having a population of not more than one hundred thousand or in the case of any city veterans' service agency in a city having a population of not more than one hundred thousand, the sum of twenty-five thousand dollars, nor (2) in the case of any county veterans' service agency in a county having a population in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, the sum of twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the county in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, nor (3) in the case of any city veterans' service agency in a city having a population in excess of one hundred thousand, the sum of twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the city in excess of one hundred thousand. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law.

2. The head of a branch office of a local veterans' service agency shall be a deputy local director of the local veterans' service agency who shall be appointed by the local director of the county or city in which the branch office is located with the approval of the governing body which makes the appropriation for the maintenance of such branch office; provided, however, that the head of a branch office of a local veterans' service agency which operates in and for two or more adjoining towns or adjoining villages in the same county, and hereinafter in this article referred to as a consolidated branch office, shall be appointed by the local director of the county in which the branch office is located with the approval of the governing body of each town or village which makes an appropriation for or toward the maintenance of such branch office, and any town or village is authorized to enter into an agreement with an adjoining town or an adjoining village in the same county, respectively, or with two or more respective adjoining towns or villages in the same county, providing for their joint undertaking to appropriate and make available moneys for or toward the maintenance of such a consolidated branch office.

§ 17. Local veterans' service committees. The same authority which appoints a local director shall appoint for each county and city veterans' service agency a veterans' service committee to assist the local director and shall appoint a chair thereof. Similar committees may be appointed in each village and town where there is a deputy local director by the mayor of such village and the supervisor of such town in which the branch office of the deputy local director is located or in which it operates. A similar committee may also be appointed in any city in and for which there is not established a separate city veterans' service agency, and in and for which there is a deputy local director and a branch office of the county veterans' service agency; and such appointment in any case shall be made by the city official authorized to appoint a city director in the case of a separate city veterans' service agency.

§ 18. Appropriations for expenses and activities of local veterans' service agencies. Each county and each city of the state in which is established a county veterans' service agency or a city veterans' service agency, as the case may be, is hereby authorized to appropriate and make available to the veterans' service agency of such respective county or city, such sums of money as it may deem necessary to defray the expenses and activities of such agency, and the expenses and activities of such agencies are hereby declared to be proper county and city purposes for which the moneys of the county or city may be expended. Each city in and for which there is not established a separate city veterans' service agency, and each village and town of the state is hereby authorized to appropriate and make available to the deputy local director heading the branch office in and for such city, village or town, if any, of the county veterans' service agency having jurisdiction within such city, village or town, such sums of money as it may deem necessary to defray the salary, expenses and activities of the deputy local director heading such branch office in and for such city, village or town and his or her office, including the salaries of persons employed in such office, and such salaries, expenses and activities are hereby declared to be proper city, village and town purposes for which the moneys of such cities, villages and towns may be expended. Each village and town is also authorized to appropriate and make available to the deputy local director heading the consolidated branch office, if any, for such village or town and any adjoining village or villages, or

town or towns, as the case may be, of the county veterans' service agency having jurisdiction within such village or town, such sums of money as it may determine to defray in part the salary, expenses and activities of the deputy local director heading such consolidated branch office for such village or town and any adjoining village or villages or town or towns, as the case may be, including the salaries of persons employed in such consolidated branch office, and such salaries, expenses and activities are hereby declared to be proper village and town purposes for which the moneys of such villages and towns may be expended.

§ 19. Women veterans coordinator. 1. Definitions. (a) "Veteran" shall have the same meaning as defined in section one of this article.

(b) "Department" shall mean the state department of veterans' services.

(c) "Women veterans coordinator" shall be a veteran.

2. Such women veterans coordinator shall be appointed by the commissioner.

3. Establishment of women veterans coordinator. There is hereby established within the department, a "women veterans coordinator" who shall work under the direction of the commissioner and whose duties shall include, but not be limited to, the:

(a) identification, development, planning, organization and coordination of all statewide programs and services to meet the needs of women veterans;

(b) recommendation to the commissioner to ensure compliance with all existing department policies and regulations pertaining to the needs of women veterans on the state and federal level and make recommendations regarding the improvement of benefits and services to women veterans;

(c) liaison between the department, the United States Department of Veterans Affairs center for women veterans, the United States Department of Veterans Affairs Advisory Committee on Women Veterans, state veterans nursing homes, state agencies, community groups, advocates and other veterans and military organizations and interested parties;

(d) advocating for all women veterans in the state;

(e) development and maintenance of a clearinghouse for information and resources for women veterans;

(f) promote events and activities that recognize, educate and honor women veterans, including but not limited to seminars required under subdivision six of section four of this article, veteran human rights conferences, veterans benefits and resources events, and veterans cultural competence training;

(g) inclusion of the contributions women veterans have made on behalf of the United States and this state on the department's official website; and

(h) preparation of reports on topics including, but not limited to, the demographics of women veterans, the number of women veterans listed by county, and the unique needs of the women veterans population, to the extent such information is available, to the commissioner on the status of women veterans within New York state.

4. Reports. The women veterans coordinator shall submit a report to the commissioner each year after the effective date of this section. Such report shall include, but not be limited to, a description of the women veterans coordinator's activities for the calendar year and the programs developed pursuant to the provisions of this section. The commissioner shall submit the report or a synopsis of the report to the

governor in accordance with the provisions of section four of this article.

§ 20. Women veterans advisory committee. 1. The women veterans advisory committee is hereby created consisting of twelve members, with members appointed as follows: (a) six members by the governor; (b) two members by the temporary president of the senate; (c) two members by the speaker of the assembly; and (d) one member each by the minority leader of the senate and the minority leader of the assembly. All appointed members must be women, and veterans who served in the United States uniformed services including members of the reserve component. Each veteran shall have received an honorable discharge or have a qualifying condition as defined in section one of this article.

2. In making appointments pursuant to subdivision one of this section, the following shall be considered:

(a) whether the appointments provide a geographical balance between the urban and rural areas of this state and represent the cultural diversity of this state; and

(b) the level of activity of the woman in the veteran community.

3. The committee shall elect a chair from among its members.

4. Each member of the committee shall serve a term of four years.

5. A vacancy on the committee shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. The committee shall meet at least four times per year at the call of the chair.

7. A majority of the members of the committee appointed constitutes a quorum.

8. Each member of the committee:

(a) serves without compensation, except that a member of the committee who is a state officer or employee may receive her regular compensation while engaging in the business of the committee; and

(b) shall be entitled to receive reimbursement for any actual, necessary expenses incurred in the course of performing business for the committee.

9. The committee shall:

(a) support and assist the department of veterans' services and the women veterans coordinator pursuant to section nineteen of this article in:

(i) locating, educating and advocating for all women veterans in this state;

(ii) identifying the unique needs of women veterans;

(iii) conducting outreach and education through various means, including, without limitation, the organization of statewide women veterans events, the promotion of benefits and health care for women veterans and the development of programs that inform students, business leaders and educators about the important role women play in the uniformed services of the United States;

(iv) educating women veterans as to benefits and programs that are available to them;

(v) at least annually, making such recommendations as may be deemed necessary or advisable to the governor, the state legislature, the commissioner of the department of veterans' services and such other offices of this state as may be appropriate;

(vi) making information available regarding job and career opportunities;

(vii) providing outreach regarding available resources for veterans with a qualifying condition as defined in section one of this article; and

(viii) advocating on behalf of women veterans to ensure that the programs and policies of this state and of the United States department of veterans' affairs remain open to women and mindful of the elements of the experience of a veteran that are unique to women.

(b) submit a report on or before February fifteenth of each year, outlining the activities of the committee during the preceding calendar year and any recommendations of the committee to the governor and legislature. The report must include, without limitation, information pertaining to:

(i) the demographics of women veterans;

(ii) the current contributions that women veterans have made on behalf of the United States and this state;

(iii) the unique needs of the population of women veterans;

(iv) recommendations regarding what steps should be taken to reduce misinformation and improve support for programs for women veterans; and

(v) outreach activities undertaken by the committee.

10. The department of veterans' services shall help support the committee's activities.

§ 21. Creation of annuity. 1. Payment to veterans. a. Any veteran as defined in this article who has been or is hereafter classified by the New York State commission for the visually handicapped as a blind person as defined in section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen, as amended, and continues to be a blind person within the meaning of that section, shall, upon application to the commissioner of the department of veterans' services, be paid out of the treasury of the state for such term as such veteran shall be entitled thereto under the provisions of this article, the sum of one thousand dollars annually, plus any applicable annual adjustment, as provided in this section.

b. The entitlement of any veteran to receive the annuity herein provided shall terminate upon his or her ceasing to continue to be a resident of and domiciled in the state, but such entitlement may be reinstated upon application to the commissioner of veterans' services, if such veteran shall thereafter resume his or her residence and domicile in the state.

c. The effective date of an award of the annuity to a veteran shall be the date of receipt of the application therefor by the commissioner of veterans' services, except that if the application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a veteran shall be the date of receipt of the application for reconsideration by the commissioner of veterans' services.

2. Payment to widows and widowers of blind veterans. a. The unremarried spouse of a veteran who heretofore has died or the unremarried spouse of a veteran dying hereafter, such veteran being at the time of her or his death a recipient of, or eligible for, the benefits above provided, shall, upon application to the commissioner of veterans' services, also be paid out of the treasury of the state the sum of one thousand dollars annually, plus any applicable annual adjustment, for such term as such unremarried spouse shall be entitled thereto under the provisions of this article.

b. The entitlement of any widow or widower to receive the annuity herein provided shall terminate upon her or his death or re-marriage or

upon her or his ceasing to continue to be a resident of and domiciled in the state of New York, but such entitlement may be reinstated upon application to the commissioner of veterans' services, if such widow or widower shall thereafter resume her or his residence and domicile in the state.

c. The effective date of an award of the annuity to a widow or widower shall be the day after the date of death of the veteran if the application therefor is received within one year from such date of death. If the application is received after the expiration of the first year following the date of the death of the veteran, the effective date of an award of the annuity to a widow or widower shall be the date of receipt of the application by the commissioner of veterans' services. If an application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a widow or widower shall be the date of receipt of the application for reconsideration by the commissioner of veterans' services.

3. Annual adjustment. Commencing in the year two thousand five, and for each year thereafter, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage increase, if any, for compensation and pension benefits administered by the United States Department of Veterans' Affairs in the previous year. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. Commencing in the year two thousand five, the commissioner of veterans' services, not later than February first of each year, shall publish by any reasonable means the amount of the annuity as adjusted payable under this section.

§ 22. Evidence of entitlement. 1. The evidence of such service, blindness, residence and domicile, or of such marriage, widowhood, residence and domicile in each case shall be furnished in the manner and form prescribed by the commissioner of veterans' services who shall examine the same.

2. Upon being satisfied that such service was performed, that other facts and statements in the application of such veteran or widow or widower are true and that the said veteran has been classified by the New York state commission for the visually handicapped as a blind person, where such veteran is not receiving or not entitled to receive a benefit from any existing retirement system to which the state is a contributor, unless such veteran shall have become disabled by reason of loss of sight, while engaged in employment entitling him or her to receive a benefit from any existing retirement system to which the state is a contributor, and as a result of such disability has retired from such employment and is receiving or is entitled to receive a benefit from such retirement system the commissioner of veterans' services shall certify to the state comptroller the name and address of such veteran or widow or widower.

3. Thereafter the department of taxation and finance, through the division of finance, on the audit and warrant of the comptroller, shall pay such veteran or widow or widower such sum as is authorized by the provisions of this article in monthly installments for so long as such veteran or widow or widower shall meet the requirements of this article.

§ 23. Persons who may receive annuity. 1. a. The word "veteran" means a veteran as defined in section one of this article who is a resident, and who (i) has been or may be released from such service under other

than dishonorable conditions, or (ii) has a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, and who (iv) was a recipient of the armed forces expeditionary medal, the navy expeditionary medal or the marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or (v) served on active duty for ninety days or more in the uniformed services of the United States during any one of the following wars or hostilities:

(1) in the Spanish-American war from the twenty-first day of April, eighteen hundred ninety-eight to the eleventh day of April, eighteen hundred ninety-nine, inclusive;

(2) in the Philippine insurrection or the China relief expedition from the eleventh day of April, eighteen hundred ninety-nine to the fourth day of July, nineteen hundred two, inclusive;

(3) in the Mexican border campaign from the ninth day of May, nineteen hundred sixteen, to the fifth day of April, nineteen hundred seventeen, inclusive;

(4) in World War I from the sixth day of April, nineteen hundred seventeen to the eleventh day of November, nineteen hundred eighteen, inclusive;

(5) in World War II from the seventh day of December, nineteen hundred forty-one to the thirty-first day of December, nineteen hundred forty-six, inclusive, or who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in World War II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civil-

ian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service;

(6) in the Korean hostilities from the twenty-seventh day of June, nineteen hundred fifty to the thirty-first day of January, nineteen hundred fifty-five, inclusive;

(7) in the Vietnam conflict from the first day of November, nineteen hundred fifty-five to the seventh day of May, nineteen hundred seventy-five;

(8) in the Persian Gulf conflict from the second day of August, nineteen hundred ninety to the end of such conflict.

b. The word "veteran" shall also mean any person who meets the other requirements of paragraph a of this subdivision, who served on active duty for less than ninety days, if he or she was discharged or released from such service for a service-connected disability or who served for a period of ninety consecutive days or more and such period began or ended during any war or period of hostilities as defined in paragraph a of this subdivision.

c. The term "active duty" as used in this article shall mean full time duty in the uniformed services, other than active duty for training; provided, however, that "active duty" shall also include any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated during such period.

2. No annuity shall be paid under this article to or for a person who is in prison in a federal, state or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after his or her imprisonment begins and ending when his or her imprisonment ends.

3. Where any veteran is disqualified for the annuity for any period solely by reason of the provisions of subdivision two of this section, the commissioner of veterans' services shall pay to his or her spouse, if any, the annuity which such veteran would receive for that period but for said subdivision two.

4. In case an unmarried, divorced or widowed veteran or a widow of a deceased annuitant is being furnished hospital treatment, institutional or domiciliary care by the United States or the state, the annuity payable under this article to such veteran or widow or widower may be discontinued after the first day of the seventh calendar month following the month of admission of such veteran or widow for treatment or care. Payment of such annuity shall be resumed if such veteran or widow or widower is discharged from the hospital, institution or home, or if his or her treatment or care therein is otherwise terminated.

5. Where payment of the annuity as hereinbefore authorized is to be made to a mentally incompetent person or a conservatee, such payment may be authorized by the commissioner of veterans' services of the state to be paid only to a duly qualified court-appointed committee or conserva-

tor, legally vested with the care of such incompetent's person or property or of such conservatee's property, except that in the case of an incompetent annuitant for whom a committee has not been appointed or a person under a substantial impairment for whom a conservator has not been appointed and who is hospitalized in a United States veterans health administration hospital or in a hospital under the jurisdiction of the state of New York, the commissioner of veterans' services of the state may in his or her discretion certify payment of the annuity, as hereinbefore authorized, to the manager of such United States veterans health administration hospital or to the commissioner of such state hospital for the account of the said incompetent or substantially impaired annuitant.

§ 24. New York state veterans' cemeteries. 1. Legislative intent. The legislature finds and determines that the devoted service and sacrifice of veterans deserve important, unique and eternal recognition by the state of New York. That it is by means of the devoted service and sacrifice of veterans that the liberty, freedom and prosperity enjoyed by all New Yorkers is maintained and preserved.

The legislature further finds and determines that to provide this important, unique and eternal recognition, the state shall establish a program of New York state veterans' cemeteries in New York. Such program shall provide for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for state veterans' cemeteries in this state, and thereby for the memorialization and remembrance of individual veterans and their service to their community, state and nation.

The legislature additionally finds and determines that it is therefore necessary to provide for the construction and establishment of one or more New York state veterans' cemeteries, and that to thereafter, provide for the expansion, improvement, support, operation, maintenance and the provision of perpetual care of all such cemeteries so constructed and established. The legislature also finds and determines that it is appropriate to have the responsibility for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for veterans' cemeteries in this state, to be under the oversight and direction of the state department of veterans' services, and its commissioner, individually, and as chair of the management board, for each such veterans' cemetery so constructed and established.

2. The establishment of the first New York state veterans' cemetery. (a) The commissioner shall issue, on behalf of the department, a public request for information for any local government desiring to have the first state veterans' cemetery located within its political subdivision. Such request shall specify the type of information to be provided, including, at a minimum, a detailed map of the site including potential transportation routes, the history of the site, the types of burials the site could accommodate, and the estimated number of veterans within a seventy-five mile radius of the site. Such requests for information shall be returnable to the department by no later than sixty days following the issuance of the requests for information. Requests for information issued by and returned to the department shall be publicly available and posted on the department's website.

(a-1) Following the deadline for the return of requests for information pursuant to paragraph (a) of this subdivision, the department, in cooperation with the United States Department of Veterans Affairs, and in consultation with, and upon the support of the department of state

division of cemeteries, is hereby directed to conduct an investigation and study on the issue of the construction and establishment of the first New York state veterans' cemetery. Such investigation and study shall include, but not be limited to:

(i) Potential site locations for such cemetery, with full consideration as to the needs of the veterans population; only locations within local governments that have submitted a request for information pursuant to paragraph (a) of this subdivision shall be considered and each such submission shall be considered;

(ii) The size of the cemetery and types of grave sites;

(iii) The number of annual interments at the cemetery;

(iv) Transportation accessibility to the cemetery by veterans, their families and the general public;

(v) Costs for construction of the cemetery;

(vi) Costs of operation of the cemetery, including but not limited to staffing costs to maintain the cemetery;

(vii) Scalability of the cemetery for future growth and expansion;

(viii) Potential for funding for the cemetery from federal, local and private sources;

(ix) Cost of maintenance;

(x) Data on the population that would be served by the site;

(xi) The average age of the population in the area covered;

(xii) The mortality rate of the veteran population for the area;

(xiii) Surrounding land use;

(xiv) Topography of the land;

(xv) Site characteristics;

(xvi) Cost of land acquisition;

(xvii) The location of existing cemeteries including but not limited to national veterans' cemeteries, county veterans' cemeteries, cemeteries that have plots devoted to veterans, not-for-profit cemeteries and any other burial ground devoted to veterans and any other type of burial grounds devoted to the interment of human remains that is of public record; and

(xviii) Such other and further items as the commissioner of the department deems necessary for the first state veterans' cemetery to be successful.

A report of the investigation and study conclusions shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs by no later than one hundred eighty days after the department has commenced the conduct of the investigation and study.

(a-2) Upon the completion of the investigation and study, the results shall be provided to the selection committee. The selection committee shall consist of nine members as follows:

(i) The commissioner of the department of veterans' services, or his or her representative;

(ii) The director of the division of the budget, or his or her representative;

(iii) Three members appointed by the governor, two of whom shall be veterans;

(iv) Two members appointed by the temporary president of the senate, at least one of whom shall be a veteran; and

(v) Two members appointed by the speaker of the assembly, at least one of whom shall be a veteran.

(a-3) The selection committee shall be subject to articles six and seven of the public officers law. The selection committee shall evaluate the results of the study and, upon a majority vote, make a determination as to the location of the first state veterans' cemetery. In making this determination, the committee's consideration shall, at a minimum, include:

(i) The findings established by the study;

(ii) The submitted responses to the requests for information issued pursuant to paragraph (a) of this subdivision;

(iii) The guidelines for receipt of federal funding specified in 38 USC 2408, 38 CFR 39, and any other relevant federal statute or regulation;

(iv) The possibility of funding from private individuals, corporations, or foundations; and

(v) Any other consideration that would facilitate the successful operation of the first state veterans' cemetery.

(b) The commissioner of the department, the commissioner of the office of general services, and the chair of the division of cemeteries shall determine the amount of money necessary to fund the non-reimbursable costs of a state veterans' cemetery, such as operation and maintenance, for a period of not less than ten years, provided that such amount shall not include monies that would be recoverable by the cemetery pursuant to a charge of fee for the provision of a gravesite for a non-veteran spouse or eligible dependent. Prior to submitting any application for funding from the government of the United States in accordance with the grant requirements specified in 38 USC 2408, 38 CFR 30, and other relevant federal statutes or regulations, for the purpose of seeking funds to support the construction, establishment, expansion, improvement, support, operation or maintenance of New York state's veterans' cemeteries, the director of the division of the budget and the office of the state comptroller must certify to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee that there are sufficient funds to cover such amount; provided further that such moneys may include the veterans remembrance and cemetery maintenance and operation fund created pursuant to section ninety-seven-mmmm of the state finance law. In making such a certification, the director of the division of the budget and the office of the state comptroller shall consider, but are not limited to, the following factors:

(i) physical attributes of the veterans cemetery, including size, location, and terrain;

(ii) staffing costs, cost of equipment and equipment maintenance, and security costs;

(iii) relevant state and federal requirements and specifications for interment and perpetual care;

(iv) estimates provided by the United States Department of Veterans Affairs;

(v) any other non-reimbursable fiscal cost, charge or assessment that would be incurred by the cemetery.

(c) Once the certification that there are sufficient funds pursuant to paragraph (b) of this subdivision has been made, and no later than thirty days following the selection of the site pursuant to paragraph (a-3) of this subdivision, the commissioner, in consultation with the management board of the first New York state veterans' cemetery, shall commence the application process for funding from the government of the United States, in accordance with the grant requirements specified in

section 2408 of title 38 of the United States code, part 39 of title 38 of the code of federal regulations, and any other relevant federal statute or regulation, for the purpose of seeking funds to support the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of New York state's first veterans' cemetery. Such grant application shall be based on a site selected pursuant to paragraph (a-3) of this subdivision, and shall be consistent with the guidelines for receipt of federal funding pursuant to the relevant provisions of federal law.

(d) A management board for the first New York state veterans' cemetery shall be appointed pursuant to subdivision three of this section.

(e) The commissioner shall promulgate rules and regulations governing:

(i) The guidelines and standards for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for a state veterans' cemetery. Such guidelines shall include, but not be limited to:

(1) The size and terrain of the cemetery;

(2) The management and operation of the cemetery, including but not limited to:

(A) Hours of operation;

(B) Employees, employee relations, and employee duties;

(C) The conduct and practice of events, ceremonies and programs;

(D) The filing and compliance of the cemetery with state and federal regulators; and

(E) Such other and further operational and management practices and procedures as the commissioner shall determine to be necessary for the successful operation of a state veterans' cemetery.

(3) The layout of plots;

(4) The locations of building and infrastructure, including but not limited to:

(A) Electrical lines and facilities;

(B) Waterlines, irrigation systems, and drainage facilities;

(C) Trees, flowers and other plantings;

(D) Non gravesite memorials, gravesite memorials, mausoleums, columbarium niches, headstones, grave markers, indoor interment facilities, committal-service shelters, signage, flag poles, and other memorial gathering spaces or infrastructure;

(E) Roadways, pedestrian pathways, parking sites, curbs and curb cuts;

(F) Ponds, lakes and other water sites;

(G) Retaining walls, gates, fences, security systems or other devices for cemetery protection; and

(H) Any other buildings, structures or infrastructure necessary for the safe, efficient and effective operation of the cemetery;

(5) The qualifications for interment, consistent with the provisions of state and federal law and any requirements pursuant to the receipt of federal, state, local or private funds;

(6) The location and placement of interments;

(7) Consistent with the provisions of state and federal law and any requirements pursuant to the receipt of federal, state, local or private funds, the financial management of the cemetery, including but not limited to:

(A) The procedures for the protection and implementation of the cemetery's annual budget;

(B) The seeking, collecting, deposit and expenditure of operating funds pursuant to the cemetery's budget;

(C) The seeking, collecting, deposit and expenditure of capital funds pursuant to the cemetery's capital plan;

(D) The seeking, collecting, deposit and expenditure of emergency funds to address an unexpected event;

(E) The assessment, charging, collection and deposit of fees and charges;

(F) The management of cemetery finances, both current and future, with respect to investments; and

(G) Such other and further procedures and activities concerning the financial management of the cemetery;

(8) The provision of perpetual care for the cemetery, including but not limited to:

(A) The frequency, standards and methods for the beautification and maintenance of grounds, memorials, gravesites, buildings, ceremonial sites, or other locations within, or upon the curtilage of the cemetery;

(B) The frequency, standards and methods for the provision of flags, patriotic and military symbols, and other honorary items, at each gravesite and throughout the cemetery; and

(C) Such other and further standards as are necessary to assure the proper perpetual care of the cemetery in a manner befitting the highest level of honor and respect deserving to those veterans and their families interred in the cemetery;

(9) Guidelines and standards for the procurement of land for the cemetery providing that the state veterans' cemetery, and all the property upon which it resides shall be owned in fee simple absolute by the state of New York;

(10) Guidelines and standards for the practices and procedures for the construction and establishment of a state veterans' cemetery, including contracting and purchasing for construction services, professional services, legal services, architectural services, consulting services, as well as the procurement of materials, all consistent with the relevant provisions of federal, state and local law, the regulations promulgated thereunder, and the requirements contained in the grants awarded or pursued from the federal government, or any source of private funding;

(11) Guidelines and standards for the practices and procedures for the expansion and improvement of a state veterans' cemetery, including contracting and purchasing for construction services, professional services, legal services, architectural services, consulting services, as well as the procurement of materials, all consistent with the relevant provisions of federal, state and local law, the regulations promulgated thereunder, and the requirements contained in the grants awarded or pursued from the federal government, or any source of private funding;

(12) Any other guidelines and standards that would facilitate the successful construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for the state veterans' cemetery;

(ii) Guidelines and standards for any local government desiring to have the first state veterans' cemetery located within its political subdivision, including, but not limited to:

(1) The requirement that the local government will comply with all state and federal statutes and regulations concerning the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of the state veterans' cemetery, and

shall satisfy any and all applicable state and federal standards and requirements for the perpetual care of the state veterans' cemetery;

(2) That the state veterans' cemetery, and all the property upon which it resides shall be owned in fee simple absolute by the state of New York;

(3) That all lands upon which such cemetery is constructed and established shall be used solely for state veterans' cemetery purposes, and for the purpose of providing the honor and remembrance of veterans and their service through ceremonies and programs;

(4) Such other and further requirements as the commissioner may deem prudent in the facilitation of the successful siting and operation of a state veterans' cemetery in the jurisdiction of the local government; and

(iii) Such other and further guidelines and standards as are necessary for the successful construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for a state veterans' cemetery.

(f) Upon the approval of the application for funding from the government of the United States, made pursuant to paragraph (c) of this subdivision, the commissioner, upon consultation with the management board, shall commence the process of construction and establishment of the first state veterans' cemetery. Such process shall be consistent with the relevant provisions of local, state and federal law, and the rules and regulations established pursuant to paragraph (e) of this subdivision.

3. Management boards of New York state veterans' cemeteries. (a) For each New York state veterans' cemetery there shall be a management board. Each such management board shall consist of nine members, including the commissioner of the department who shall serve as chair, and four members, appointed by the governor. Of such four members, not fewer than two shall be a veteran of the United States as defined in section one of this article or a member of the New York army national guard or the New York air national guard, or the New York naval militia. Two members shall be appointed by the temporary president of the senate, and two members shall be appointed by the speaker of the state assembly. At least one of the members appointed by the temporary president of the senate and at least one of the members appointed by the speaker of the assembly shall be a veteran of the United States as defined in section one of this article or a member of the New York army national guard or the New York air national guard, or the New York naval militia. No member shall receive any compensation for his or her service, but members who are not state officials may be reimbursed for their actual and necessary expenses, including travel expenses incurred in performance of their duties. The management board may consult with any federal, state or local entity for the purposes of advancing its purposes, mission and duties.

(b) The management board shall advise, by majority vote, the commissioner on issues concerning the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for the veterans' cemetery, including but not limited to issues of financial concern, employment relations, cemetery policy, cemetery events and programs, and such other and further issues as the board and commissioner shall deem important.

4. Additional state veterans' cemeteries. (a) Not later than ten years after the construction and establishment of the first New York state veterans' cemetery, and every ten years thereafter, the department, in

cooperation with the United States Department of Veterans Affairs, shall conduct an investigation and study on the issue of the construction and establishment of additional New York state veterans' cemeteries. Such investigation and study shall consider, but not be limited to, the study parameters established pursuant to paragraph (a) of subdivision two of this section. A report of the investigation and study required to be conducted pursuant to this subdivision shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs, by no later than ninety days after the department has commenced the conduct of the investigation and study;

(b) The report of the investigation and study required to be conducted pursuant to this subdivision shall provide a determination by the director as to whether the state should construct and establish one or more additional veterans' cemeteries, and shall state the reasoning and basis for such determination; and

(c) The department may, at the discretion of the commissioner, at any time after five years from the completion of construction of the most recently constructed and established state veterans' cemetery, in cooperation with the United States Department of Veterans Affairs, conduct an investigation and study on the issue of the construction and establishment of additional New York state veterans' cemeteries. A report of the investigation and study required to be conducted shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs, by no later than ninety days after the department has commenced the conduct of the investigation and study.

(d) If the commissioner, pursuant to the investigation and study conducted pursuant to this subdivision, determines that there shall be an additional state veterans' cemetery in New York state, the commissioner shall provide for the construction and establishment of such new veterans' cemetery pursuant to the same guidelines and standards for the construction and establishment of the first state veterans' cemetery under this section.

5. Expansion and improvement of existing state veterans' cemeteries. The commissioner, in consultation with the management board of a state veterans' cemetery, may provide for the expansion and/or improvement of the cemetery. Such expansion and improvement shall be conducted in accordance with the rules and regulations of the department under paragraph (e) of subdivision two of this section.

§ 25. Veterans health screening. 1. As used in this section: a. "Eligible member" means a member of the New York army national guard or the New York air national guard who served in the Persian Gulf War, as defined in 38 USC 101, or in an area designated as a combat zone by the president of the United States during Operation Enduring Freedom or Operation Iraqi Freedom;

b. "Veteran" means a person as defined in section one of this article who is a resident of the state;

c. "Military physician" includes a physician who is under contract with the United States department of defense to provide physician services to members of the uniformed services; and

d. "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

2. On and after February first, two thousand seven, the adjutant general and the state commissioner shall assist any eligible member or veteran who has been experiencing health problems. Such problems may include exposure to toxic materials or harmful physical agents such as depleted uranium. An eligible member or veteran who has been assigned a risk level I, II or III for depleted uranium exposure by his or her branch of service, is referred by a military physician, or has reason to believe that he or she was exposed to toxic materials or harmful physical agents such as depleted uranium during such service, in obtaining federal treatment services. Such treatment shall include, but not be limited to, a best practice health screening test for exposure to depleted uranium using a bioassay procedure involving sensitive methods capable of detecting depleted uranium at low levels and the use of equipment with the capacity to discriminate between different radioisotopes in naturally occurring levels of uranium and the characteristic ratio and marker for depleted uranium. As more scientific reliable tests become available such test shall be included in the treatment protocol. No state funds shall be used to pay for such tests or such other federal treatment services.

3. On or before February first, two thousand seven, the adjutant general shall submit a report to the chair of the senate veterans, homeland security and military affairs committee and the chair of the assembly veterans' affairs committee on the scope and adequacy of training received by members of the New York army national guard and the New York air national guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to toxic materials or harmful physical agents such as depleted uranium. The report shall include an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat theater or combat zone of operations.

§ 26. Payment to parents of veterans. 1. Annuity established. (a) A parent, identified in 10 USC 1126 as a gold star parent, of a veteran who heretofore has died or a parent of a veteran dying hereafter, shall upon application to the state commissioner, be paid an annual annuity out of the treasury of the state for the sum of five hundred dollars for such term as such parent shall be entitled thereto under the provisions of this article. Commencing in the year two thousand nineteen, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage increase, if any, for compensation and pension benefits administered by the United States Department of Veterans Affairs in the previous year. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. The commissioner of veterans' services, not later than February first of each year, shall publish by any reasonable means, including but not limited to posting on the department's website, the amount of the annuity as adjusted payable under this section. The term "parent" for the purposes of this section includes mother, father, stepmother, stepfather, mother through adoption and father through adoption.

(b) The entitlement of any parent to receive the annuity provided by paragraph (a) of this subdivision shall terminate upon his or her death or upon his or her ceasing to continue to be a resident of and domiciled in the state of New York, but such entitlement may be reinstated upon

application to the state commissioner, if such parent shall thereafter resume his or her residence and domicile in the state.

(c) The effective date of an award of the annuity to a parent shall be the day after the date of death of the veteran if the application therefor is received within one year from date of death. If the application is received after the expiration of the first year following the date of the death of the veteran, the effective date of an award of the annuity to a parent shall be the date of receipt of the application by the state commissioner. If the application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a parent shall be the date of the receipt of the application for reconsideration by the state commissioner.

(d) Any applicant convicted of making any false statement in the application for the annuity shall be subject to penalties prescribed in the penal law.

2. Qualifications. (a) Any gold star parent, who is the parent of a deceased veteran, and who is a resident of and domiciled in the state of New York, shall make application to the department.

(b) No entitlement shall be paid under this section to or for a gold star parent who is in prison in a federal, state, or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after his or her imprisonment begins and ending with his or her release.

(c) Where one or more gold star parents are disqualified for the annuity for a period under paragraph (b) of this subdivision, the state commissioner shall pay the shares of such disqualified parents to the other parents, if they meet the qualifications on their own.

(d) The decision of the state commissioner on matters regarding the payment of such annuity shall be final.

3. Method of payment. (a) Evidence of the military service of the deceased veteran of the gold star parent for each case shall be furnished in the manner and form prescribed by the state commissioner.

(b) Upon being satisfied that such service was honorable, that other facts and statements in the application of such gold star parent are true, the state commissioner shall certify to the state comptroller the name and address of such gold star parent.

(c) Thereafter, the department of taxation and finance, on the audit and warrant of the comptroller, shall pay such gold star parent such sum as is authorized by the provisions of this section in semi-annual installments for so long as such qualified gold star parent shall meet the requirements of this section.

4. Report. The state commissioner shall submit a report to the governor, the chair of the senate finance committee, and the chair of the assembly ways and means committee not later than January fifteenth of each year this section is in effect. Such report shall include, but not be limited to regulations promulgated pursuant to this section, and a description and evaluation of the program.

§ 27. Cremated remains of a veteran. The cremated remains of a veteran may be disposed of pursuant to the provisions of section forty-two hundred three of the public health law.

§ 28. New York state silver rose veterans service certificate. The commissioner, in consultation with the adjutant general, is hereby authorized to present in the name of the legislature of the state of New York, a certificate, to be known as the "New York State Silver Rose

Veterans Service Certificate", bearing a suitable inscription to any person:

1. who is a citizen of the state of New York; or

2. who was a citizen of the state of New York while serving in the uniformed services of the United States, and who while serving in the uniformed services of the United States, or the organized militia on active duty was exposed to dioxin or phenoxy herbicides, as evinced by a medical diagnosis of a disease associated with dioxin or phenoxy herbicides, and any other proof determined by the adjutant general to be necessary; or

3. who was honorably discharged or released under honorable circumstances.

Not more than one New York state silver rose veterans certificates shall be awarded or presented, under the provisions of this section, to any person whose entire service subsequent to the time of the receipt of such certificate shall not have been honorable. In the event of the death of any person during or subsequent to the receipt of such certificate it shall be presented to such representative of the deceased as may be designated. The commissioner, in consultation with the adjutant general, shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of such certificates.

§ 29. Intake forms for admission and residency. 1. The department, in cooperation with the office of temporary and disability assistance and any other state department, office, division or agency the department deems necessary, shall require that all intake forms for admission or residency to any temporary shelter that is reimbursed from state or state-administered grants or funds shall ask an applicant: "Have you or anyone in your household ever been in the United States military?". Each social services district or social services district's designee shall in writing advise all individuals applying for temporary housing assistance and identifying themselves as having been in the United States military that the department of veterans' services and local veterans' service agencies established pursuant to section fourteen of this article provide assistance to veterans regarding benefits available under federal and state law. Such written information shall include the name, address and telephone number of the New York state department of veterans' services, the nearest department of veterans' services office, the nearest county or city veterans' service agency and the nearest accredited veterans' service officer. Each social services district or social services district's designee, with the permission of such individual's identifying themself as a veteran, shall transmit such veteran's status information to the department of veterans' services.

2. The department, in cooperation with the office of temporary and disability assistance and any other state department, office, division or agency the department deems necessary, shall encourage all other temporary shelter providers to share information to increase veteran access to benefits by:

(a) providing information on the department website including:

(i) potential questions for inclusion on intake forms including, but not limited to: "Have you or anyone in your household ever been in the United States military?";

(ii) advising such providers that all individuals identifying themselves as having been in the United States military that the division and local veterans' service agencies provide assistance to veterans regarding benefits available under federal and state law; and

(iii) the address and telephone number of the department, county and city veterans' service agencies and accredited veterans' service officers; and

(b) facilitating the transmission of such veteran's status information, with the permission of individuals identifying themselves as a veteran, to the department.

ARTICLE 2

VETERANS EMPLOYMENT ACT

Section 30. Short title.
31. Legislative findings.
32. Definitions.
33. Temporary hiring.
34. Department of civil services responsibilities.
35. Regulations.

§ 30. Short title. This article shall be known and may be cited as the "veterans employment act".

§ 31. Legislative findings. The legislature hereby finds that it is estimated that over the next five years, forty-four thousand veterans are expected to return to this state from their military posts, making the Empire State home to one of the largest veteran populations in the country. Shockingly, the unemployment rate for Post-9/11 veterans in New York was 10.7% in two thousand twelve, which is nearly one percent higher than the national average and higher than the state's overall 8.2% unemployment rate. The legislature has found previously that it is in the interest of the state to ensure that returning veterans have employment opportunities available upon their separation from military service.

The state already encourages private businesses to hire military veterans through tax credits and other economic incentives. In addition, the legislature has previously found that state agencies spend millions of dollars annually on temporary staff hired from temporary employment service companies to cover temporary staffing needs. These temporary state jobs could serve as a bridge for recently discharged military veterans who have yet to find full-time permanent work. In addition, these temporary assignments could serve to develop the next generation of the state workforce and help with succession planning for the current workforce.

The legislature declares it to be the policy of this state to use veterans for temporary appointments in state agencies rather than utilizing temporary employment service companies in order to provide employment opportunities for returning military veterans.

§ 32. Definitions. As used in this article:

1. "State agency" shall mean any department, board, bureau, division, commission, council or committee within the executive branch, the state university of New York, the city university of New York, and all public authorities under the control of the executive branch.

2. "Temporary appointment" shall have the same meaning as provided in section sixty-four of the civil service law.

3. "Veteran" means a veteran (a) as defined in section one of this chapter, or (b) a member of the New York guard or New York naval militia who was discharged under other than dishonorable conditions, and who was released from such service after September eleventh, two thousand one.

4. "Veteran temporary hiring list" shall mean a hiring list maintained by the department of civil service.

§ 33. Temporary hiring. Notwithstanding any provision of law to the contrary, a state agency shall select a veteran from the veteran temporary hiring list when making a temporary appointment provided such veteran possesses the applicable skills needed for the temporary assignment.

§ 34. Department of civil services responsibilities. The department of civil service shall:

1. establish and maintain a veteran temporary hiring list, for use by state agencies in the implementation of this article;

2. assist state agencies by making available services of the department of civil service to facilitate the provisions of this article; and

3. establish and maintain, together with the commissioner of the department of veterans' services, a program to educate separating service members as to the benefits available to veterans under this article.

§ 35. Regulations. The president of the state civil service commission shall promulgate such rules and regulations as shall be necessary to implement the provisions of this article.

ARTICLE 3
PARTICIPATION BY SERVICE-DISABLED VETERANS WITH RESPECT TO STATE CONTRACTS

Section 40. Definitions.
41. Division of service-disabled veterans' business development.
42. Opportunities for certified service-disabled veteran-owned business enterprises.
43. Severability.

§ 40. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Certified service-disabled veteran-owned business enterprise" shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is:

(a) at least fifty-one percent owned by one or more service-disabled veterans;

(b) an enterprise in which such service-disabled veteran ownership is real, substantial, and continuing;

(c) an enterprise in which such service-disabled veteran ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;

(d) an enterprise authorized to do business in this state and is independently-owned and operated;

(e) an enterprise that is a small business which has a significant business presence in the state, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the director, but not to exceed three hundred, taking into consideration factors which include, but are not limited to, federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto; and

(f) certified by the office of general services.

2. "Commissioner" shall mean the commissioner of the office of general services.

3. "Director" shall mean the director of the division of service-disabled veterans' business development.

4. "Division" shall mean the division of service-disabled veterans' business development in the office of general services.

5. "Service-disabled veteran" shall mean (a) a veteran as defined in section one of this chapter and who received a compensation rating of ten percent or greater from the United States Department of Veterans Affairs or from the United States department of defense because of a service-connected disability incurred in the line of duty, and (b) in the case of the New York guard or the New York naval militia and/or reserves thereof, a veteran who certifies, pursuant to the rules and regulations promulgated by the director, to having incurred an injury equivalent to a compensation rating of ten percent or greater from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service-connected disability incurred in the line of duty.

6. "State agency" shall mean: (a)(i) any state department; or (ii) any division, board, commission or bureau of any state department; or (iii) the state university of New York and the city university of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the state; or (iv) a board, a majority of whose members are appointed by the governor or who serve by virtue of being state officers or employees as defined in subparagraph (i), (ii) or (iii) of paragraph (i) of subdivision one of section seventy-three of the public officers law.

(b) a "state authority" as defined in subdivision one of section two of the public authorities law, and the following:

Albany County Airport Authority;
Albany Port District Commission;
Alfred, Almond, Hornellsville Sewer Authority;
Battery Park City Authority;
Cayuga County Water and Sewer Authority;
(Nelson A. Rockefeller) Empire State Plaza Performing Arts Center Corporation;
Industrial Exhibit Authority;
Livingston County Water and Sewer Authority;
Long Island Power Authority;
Long Island Rail Road;
Long Island Market Authority;
Manhattan and Bronx Surface Transit Operating Authority;
Metro-North Commuter Railroad;
Metropolitan Suburban Bus Authority;
Metropolitan Transportation Authority;
Natural Heritage Trust;
New York City Transit Authority;
New York Convention Center Operating Corporation;
New York State Bridge Authority;
New York State Olympic Regional Development Authority;
New York State Thruway Authority;
Niagara Falls Public Water Authority;
Niagara Falls Water Board;
Port of Oswego Authority;
Power Authority of the State of New York;
Roosevelt Island Operating Corporation;
Schenectady Metroplex Development Authority;
State Insurance Fund;
Staten Island Rapid Transit Operating Authority;
State University Construction Fund;
Syracuse Regional Airport Authority;

Triborough Bridge and Tunnel Authority;
Upper Mohawk valley regional water board;
Upper Mohawk valley regional water finance authority;
Upper Mohawk valley memorial auditorium authority;
Urban Development Corporation and its subsidiary corporations.

(c) the following only to the extent of state contracts entered into for its own account or for the benefit of a state agency as defined in paragraph (a) or (b) of this subdivision:

Dormitory Authority of the State of New York;
Facilities Development Corporation;
New York State Energy Research and Development Authority;
New York State Science and Technology Foundation.

(d) "state contract" shall mean: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of twenty-five thousand dollars, whereby a contracting agency is committed to expend or does expend funds in return for labor, services including but not limited to legal, financial and other professional services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; (ii) a written agreement in excess of one hundred thousand dollars whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; and (iii) a written agreement in excess of one hundred thousand dollars whereby the owner of a state assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project.

7. "Veteran" shall mean (a) a veteran as defined in section one of this chapter, or (b) a member of the New York guard who was discharged under other than dishonorable conditions, or (c) has a qualifying condition, as defined in section one of this chapter, and has received a discharge other than bad conduct or dishonorable from such service, or (d) is a discharged LGBT veteran, as defined in section one of this chapter, and has received a discharge other than bad conduct or dishonorable from such service.

§ 41. Division of service-disabled veterans' business development. 1. The head of the division of service-disabled veterans' business development shall be the director who shall be appointed by the governor and who shall hold office at the pleasure of the commissioner.

2. The director may appoint such deputies, assistants, and other employees as may be needed for the performance of the duties prescribed herein subject to the provisions of the civil service law and the rules and regulations of the civil service commission. The director may request and shall receive from any (i) department, division, board, bureau, or executive commission of the state or (ii) state agency, such assistance as may be necessary to carry out the provisions of this article.

3. The director shall have the following powers and duties:

(a) Develop, collect, summarize and disseminate information that will be helpful to persons and organizations throughout the state in undertaking or promoting the establishment and successful operation of a service-disabled veteran-owned business.

(b) Develop and make available to state agencies a directory of certified service-disabled veteran-owned business enterprises which shall, wherever practicable, be divided into categories of labor, services,

supplies, equipment, materials and recognized construction trades and which shall indicate areas or locations of the state where such enterprises are available to perform services. Such directory shall be posted on the office of general services website.

(c) Assist state agencies in the development of programs to foster and promote the use of service-disabled veteran-owned business enterprises on state contracts.

(d) Coordinate the plans, programs and operations of the state government which affect or may contribute to the establishment, preservation and development of service-disabled veteran-owned business enterprises.

(e) To appoint independent hearing officers who by contract or terms of employment shall preside over adjudicatory hearings pursuant to this section for the office and who are assigned no other work by the office.

(f) In conjunction with the commissioner, develop a comprehensive statewide plan and operational guidelines to promote service-disabled veteran-owned business enterprises and to assist them in obtaining opportunities to participate in the procurement of goods and services by the state, including identification of barriers to service-disabled veterans' business development and investigation and evaluation of their impact on achieving the objectives of this article.

4. The commissioner shall:

(a) Coordinate training of all procurement personnel of state agencies, emphasizing increased sensitivity and responsiveness to the unique needs and requirements of service-disabled veteran-owned business enterprises.

(b) Conduct a coordinated review of all existing and proposed state training and technical assistance activities in direct support of the service-disabled veterans' business development program to assure consistency with the objectives of this article.

(c) Evaluate and assess availability of firms for the purpose of increasing participation of such firms in state contracting in consultation with relevant state entities including, but not limited to, the New York state department of veterans' services.

(d) Provide advice and technical assistance to promote service-disabled veteran-owned business enterprises' understanding of state procurement laws, practices and procedures to facilitate and increase the participation of service-disabled veteran-owned business enterprises in state procurement.

(e) Establish regular performance reporting systems regarding implementation of the programs designed to increase service-disabled veteran-owned business participation in procurement contracts by state agencies.

(f) Submit a report by the thirty-first of December each year, to the governor, the temporary president of the senate, the speaker of the assembly and the chairpersons of the senate finance and assembly ways and means committees. Such report shall include information including, but not limited to, the number of contracts entered into pursuant to this article, the average amount of such contracts, the number of service-disabled veteran-owned business enterprises certified, the number of applications for certification as a service-disabled veteran-owned business enterprise, the number of denials for such certification, the number of appeals of such denials, and the outcome of such appeals and the average time that is required for such certification to be completed. Also to be included shall be the level of service-disabled veteran-owned businesses participating in each agency's contracts for goods and services and on activities of the division and efforts by each

contracting agency to promote utilization of service-disabled veteran-owned businesses and to promote and increase participation by certified service-disabled veteran-owned businesses with respect to state contracts and subcontracts to such businesses. Such report may recommend new activities and programs to effectuate the purposes of this article.

5. Certification. (a) The director, or in the absence of the director, the commissioner, within ninety days of the effective date of this article, shall promulgate rules and regulations providing for the establishment of a statewide certification program including rules and regulations governing the approval, denial, or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in section seventy-three of the civil rights law.

(b) The division of service-disabled veterans' business development shall be responsible for verifying businesses as being owned, operated, and controlled by a service-disabled veteran and for certifying such verified businesses. Status as a service-disabled veteran pursuant to paragraph (a) of this subdivision shall be documented by a copy of the veteran's certificate of release or discharge from active duty, including but not limited to, a DD-214 form or an honorable service certificate/report of casualty from the Department of Defense, a letter of certification by the United States Department of Veterans Affairs or the United States Department of Defense and any additional information that may be required by the division of service-disabled veterans' business development. In the case of the New York guard or the New York naval militia and/or reserves thereof, status as a service-disabled veteran pursuant to this paragraph shall be documented pursuant to rules and regulations promulgated by the director, or in the absence of the director, the commissioner.

(c) Following application for certification pursuant to this section, the director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within thirty days. Within sixty days of submission of a final completed application, the director shall provide the applicant with written notice of a determination by the director approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within thirty days from receipt of notice of such determination, be entitled to a hearing before an independent hearing officer designated for such purpose by the director. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The independent hearing officer shall conduct a hearing and upon the conclusion of such hearing, issue a written recommendation to the director to affirm, reverse, or modify such determination of the director. Such written recommendation shall be issued to the parties. The director, within thirty days, by order, must accept, reject or modify such recommendation of the hearing officer and set forth in writing the reason therefor. The director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail return receipt requested. The order of the director shall be subject to review pursuant to article seventy-eight of the civil practice law and rules.

(d) All certifications shall be valid for a period of five years.

§ 42. Opportunities for certified service-disabled veteran-owned business enterprises. 1. The director, or in the absence of the director, the commissioner, within ninety days of the effective date of this article shall promulgate rules and regulations for the following purposes:

(a) provide measures and procedures to ensure that certified service-disabled veteran-owned business enterprises are afforded the opportunity for meaningful participation in the performance of state contracts and to assist in state agencies' identification of those state contracts for which certified service-disabled veteran-owned business enterprises may best perform;

(b) provide for measures and procedures that assist state agencies in the identification of state contracts where service-disabled veteran contract goals are practical, feasible and appropriate for the purpose of increasing the utilization of service-disabled veteran-owned business enterprise participation on state contracts;

(c) achieve a statewide goal for participation on state contracts by service-disabled veteran-owned business enterprises of six percent;

(d) provide for procedures relating to submission and receipt of applications by service-disabled veteran-owned business enterprises for certification;

(e) provide for the monitoring and compliance of state contracts by state agencies with respect to the provisions of this article;

(f) provide for the requirement that state agencies submit regular reports, as determined by the director, with respect to their service-disabled veteran-owned business enterprise program activity, including but not limited to, utilization reporting and state contract monitoring and compliance;

(g) notwithstanding any provision of the state finance law, the public buildings law, the highway law, the transportation law or the public authorities law to the contrary, provide for the reservation or set-aside of certain procurements by state agencies in order to achieve the objectives of this article; provided, however, that such procurements shall remain subject to (i) priority of preferred sources pursuant to sections one hundred sixty-two and one hundred sixty-three of the state finance law; (ii) the approval of the comptroller of the state of New York pursuant to section one hundred twelve and section one hundred sixty-three of the state finance law and section twenty-eight hundred seventy-nine-a of the public authorities law; and (iii) the procurement record requirements pursuant to paragraph g of subdivision nine of section one hundred sixty-three of the state finance law; and

(h) provide for any other purposes to effectuate this article.

2. State agencies shall administer the rules and regulations promulgated by the director for the implementation of this article.

§ 43. Severability. If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this article directly involved in the controversy in which the judgment shall have been rendered.

§ 3. Paragraph a of subdivision 3 of section 14-a of the domestic relations law, as separately amended by section 27 of part AA of chapter 56 and chapter 177 of the laws of 2019, is amended to read as follows:

a. No fee shall be charged for any certificate when required by the United States department of veterans affairs or by the [~~division~~]

department of veterans' services of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the United States department of veterans affairs or by the state of New York.

§ 4. Subdivision 1 of section 19 of the domestic relations law, as amended by section 28 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. Each town and city clerk hereby empowered to issue marriage licenses shall keep a book supplied by the state department of health in which such clerk shall record and index such information as is required therein, which book shall be kept and preserved as a part of the public records of his or her office. Whenever an application is made for a search of such records the city or town clerk, excepting the city clerk of the city of New York, may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which such search is requested and fifty cents for each additional year thereafter, which fees shall be paid in advance of such search. Whenever an application is made for a search of such records in the city of New York, the city clerk of the city of New York may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which search is requested and fifty cents each additional year thereafter. Notwithstanding any other provision of this article, no fee shall be charged for any search or certificate when required by the United States department of veterans affairs or by the [~~division~~] **department** of veterans' services of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the United States department of veterans affairs or by the state of New York. All such affidavits, statements and consents, immediately upon the taking or receiving of the same by the town or city clerk, shall be recorded and indexed as provided herein and shall be public records and open to public inspection whenever the same may be necessary or required for judicial or other proper purposes. At such times as the commissioner shall direct, the said town or city clerk, excepting the city clerk of the city of New York, shall file in the office of the state department of health the original of each affidavit, statement, consent, order of a justice or judge authorizing immediate solemnization of marriage, license and certificate, filed with or made before such clerk during the preceding month. Such clerk shall not be required to file any of said documents with the state department of health until the license is returned with the certificate showing that the marriage to which they refer has been actually performed.

The county clerks of the counties comprising the city of New York shall cause all original applications and original licenses with the marriage solemnization statements thereon heretofore filed with each, and all papers and records and binders relating to such original documents pertaining to marriage licenses issued by said city clerk, in their custody and possession to be removed, transferred, and delivered to the borough offices of the city clerk in each of said counties.

§ 5. Subdivision 1 of section 3308 of the education law, as amended by section 29 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its

agencies of government, local educational agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. In New York, the state council shall include the commissioner or his or her designee, the [~~director~~] commissioner of the New York state [~~division~~] department of veterans' services or his or her designee, the adjutant general of the state of New York or his or her designee, a superintendent of a school district with a high concentration of military children appointed by the commissioner, a district superintendent of schools of a board of cooperative educational services serving an area with a high concentration of military children appointed by the commissioner, a representative from a military installation appointed by the governor, a representative of military families appointed by the governor, a public member appointed by the governor and one representative each appointed by the speaker of the assembly, the temporary president of the senate and the governor.

§ 6. Subdivision 1 of section 6505-c of the education law, as amended by section 30 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. The commissioner shall develop, jointly with the [~~director~~] commissioner of the [~~division~~] department of veterans' services, a program to facilitate articulation between participation in the military service of the United States or the military service of the state and admission to practice of a profession. The commissioner and the [~~director~~] commissioner of veterans' services shall identify, review and evaluate professional training programs offered through either the military service of the United States or the military service of the state which may, where applicable, be accepted by the department as equivalent education and training in lieu of all or part of an approved program. Particular emphasis shall be placed on the identification of military programs which have previously been deemed acceptable by the department as equivalent education and training, programs which may provide, where applicable, equivalent education and training for those professions which are critical to public health and safety and programs which may provide, where applicable, equivalent education and training for those professions for which shortages exist in the state of New York.

§ 7. The opening paragraph of section 5-211 of the election law, as separately amended by chapters 587 and 672 of the laws of 2019, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the office of children and family services, the office of temporary and disability assistance and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, [~~division~~] department of veterans' services, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office for people with developmental disabilities, commission for the blind, office of [~~alcoholism and substance abuse services~~] addiction services and

supports, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional participating agencies designated as voter registration offices are the department of state and the district offices of the workers' compensation board. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services and upon change of address relating to such services. Such agencies shall also be responsible for providing assistance to applicants in completing voter registration forms, receiving and transmitting the completed application form from all applicants who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the United States department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board of elections shall also make request of the United States Citizenship and Immigration Services to include applications for registration by mail with any materials which are given to new citizens.

§ 8. Subdivision 3 of section 11-0707 of the environmental conservation law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

3. Any person who is a patient at any facility in this state maintained by the United States Veterans Health Administration or at any hospital or sanitorium for treatment of tuberculosis maintained by the state or any municipal corporation thereof or resident patient at any institution of the department of Mental Hygiene, or resident patient at the rehabilitation hospital of the department of Health, [~~or at any rest camp maintained by the state through the Division of Veterans' Services in the Executive Department~~] or any incarcerated individual of a conservation work camp within the youth rehabilitation facility of the department of corrections and community supervision, or any incarcerated individual of a youth opportunity or youth rehabilitation center within the Office of Children and Family Services, any resident of a nursing home or residential health care facility as defined in subdivisions two and three of section twenty-eight hundred one of the public health law, or any staff member or volunteer accompanying or assisting one or more residents of such nursing home or residential health care facility on an outing authorized by the administrator of such nursing home or residential health care facility may take fish as if he or she held a fishing license, except that he or she may not take bait fish by net or trap, if he or she has on his or her person an authorization upon a form furnished by the department containing such identifying information and data as may be required by it, and signed by the superintendent or other head of such facility, institution, hospital, sanitarium, nursing home, residential health care facility or rest camp, as the case may be, or by a staff physician thereat duly authorized so to do by the superintendent or other head thereof. Such authorization with respect to incarcerated individuals of said conservation work camps shall be limited to areas under the care, custody and control of the department.

§ 9. Subdivisions 8, 9 and 10 of section 31 of the executive law, subdivision 8 as amended by section 2 of part AA of chapter 56 of the laws of 2019, subdivision 9 as amended by section 106 of subpart B of part C of chapter 62 of the laws of 2011 and subdivision 10 as amended by section 8 of part O of chapter 55 of the laws of 2012, are amended to read as follows:

8. [~~The division of veterans' services.~~
~~9.~~] The division of homeland security and emergency services.
[~~10.~~] 9. Office of information technology services.
§ 10. Subdivision 1 of section 191 of the executive law, as amended by section 3 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:
1. There is hereby established within the division of military and naval affairs a temporary advisory committee on the restoration and display of New York state's military battle flags (hereinafter referred to as the "committee"). The committee shall have thirteen members as follows: the adjutant general, the director of the New York state military heritage museum, the commissioners of education and parks, recreation and historic preservation and the [~~director~~] commissioner of the [~~division~~] department of veterans' services, or their designated representatives, two members appointed each by the governor, speaker of the assembly and majority leader of the senate and one member each appointed by the minority leaders of the senate and assembly and shall serve at the pleasure of the appointing authority. Appointed members shall include individuals with experience in restoration of historical memorabilia, expertise in military history, or a background in historical restoration or fine arts conservation. No appointed member shall be a member of the executive, legislative or judicial branch of the state government at the time of his/her appointment. The advisory committee shall meet at least four times a year. No members shall receive any compensation, but members who are not state officials may receive actual and necessary expenses incurred in the performance of their duties.
§ 11. Subdivision 1 of section 643 of the executive law, as amended by section 14 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:
1. As used in this section, "crime victim-related agency" means any agency of state government which provides services to or deals directly with crime victims, including (a) the office of children and family services, the office for the aging, the [~~division~~] department of veterans' services, the office of probation and correctional alternatives, the department of corrections and community supervision, the office of victim services, the department of motor vehicles, the office of vocational rehabilitation, the workers' compensation board, the department of health, the division of criminal justice services, the office of mental health, every transportation authority and the division of state police, and (b) any other agency so designated by the governor within ninety days of the effective date of this section.
§ 12. Section 99-v of the general municipal law, as amended by section 25 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:
§ 99-v. Veterans services; display of events. Each county, city, town or village may adopt a local law to provide a bulletin board to be conspicuously displayed in such county, city, town or village building holding its local legislative body or municipal offices. Such bulletin board shall be used by veterans organizations, the New York state [~~division~~] department of veterans' services, the county veterans service agency or city veterans service agency to display information regarding veterans in such county, city, town or village. Such information may include, but not be limited to, benefits or upcoming veterans related events in the community.
§ 13. Subdivision 1 of section 168 of the labor law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

1. This section shall apply to all persons employed by the state in the ward, cottage, colony, kitchen and dining room, and guard service personnel in any hospital, school, prison, reformatory or other institution within or subject to the jurisdiction, supervision, control or visitation of the department of corrections and community supervision, the department of health, the department of mental hygiene, the department of social welfare or the [~~division~~] **department** of veterans' services [~~in the executive department~~], and engaged in the performance of such duties as nursing, guarding or attending the incarcerated individuals, patients, wards or other persons kept or housed in such institutions, or in protecting and guarding the buildings and/or grounds thereof, or in preparing or serving food therein.

§ 14. Paragraph 5 of subdivision (b) of section 5.06 of the mental hygiene law, as amended by section 31 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

(5) one member appointed on the recommendation of the state [~~director~~] **commissioner** of the [~~division~~] **department** of veterans' services and one member appointed on the recommendation of the adjutant general of the division of military and naval affairs, at least one of whom shall be a current or former consumer of mental health services or substance use disorder services who is a veteran who has served in a combat theater or combat zone of operations and is a member of a veterans organization;

§ 14-a. Paragraph 5 of subdivision (b) of section 5.06 of the mental hygiene law, as amended by chapter 4 of the laws of 2022, is amended to read as follows:

(5) one member appointed on the recommendation of the state [~~director~~] **commissioner** of the [~~division~~] **department** of veterans' services and one member appointed on the recommendation of the adjutant general of the division of military and naval affairs, at least one of whom shall be a current or former consumer of mental health services or substance use disorder services who is a veteran who has served in a combat theater or combat zone of operations and is a member of a veterans organization;

§ 15. Subdivision (l) of section 7.09 of the mental hygiene law, as added by chapter 378 of the laws of 2019, is amended to read as follows:

(l) Notwithstanding any general or special law to the contrary, the commissioner, in conjunction with the commissioner of [~~alcoholism and substance abuse services~~] **addiction services and supports** and the director of the [~~division~~] **department** of veterans' services shall develop a public education initiative designed to eliminate stigma and misinformation about mental illness and substance use among service members, veterans, and their families, improve their understanding of mental and substance use disorders and the existence of effective treatment, and provide information regarding available resources and how to access them. These public education initiatives may include the use of the internet, including the use of social networking sites.

§ 16. Paragraph (g) of section 202 of the not-for-profit corporation law, as amended by section 33 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

(g) Every corporation receiving any kind of state funding shall ensure the provision on any form required to be completed at application or recertification for the purpose of obtaining financial assistance pursuant to this chapter, that the application form shall contain a check-off question asking whether the applicant or recipient or a member of his or her family served in the United States military, and an option to answer in the affirmative. Where the applicant or recipient answers in the affirmative to such question, the not-for-profit corporation shall

ensure that contact information for the state [~~division~~] **department** of veterans' services is provided to such applicant or recipient in addition to any other materials provided.

§ 17. Paragraph (b) of section 1401 of the not-for-profit corporation law, as amended by section 34 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

(b) Removal of remains from private cemeteries to other cemeteries. The supervisor of any town containing a private cemetery may remove any body interred in such cemetery to any other cemetery within the town, if the owners of such cemeteries and the next of kin of the deceased consent to such removal. The owners of a private cemetery may remove the bodies interred therein to any other cemetery within such town, or to any cemetery designated by the next of kin of the deceased. Notice of such removal shall be given within twenty days before such removal personally or by certified mail to the next of kin of the deceased if known and to the clerk and historian of the county in which such real property is situated and notice shall be given to the New York state department of state, division of cemeteries. If any of the deceased are known to be veterans, the owners shall also notify the [~~division~~] **department** of veterans' services. In the absence of the next of kin, the county clerk, county historian or the [~~division~~] **department** of veterans' services may act as a guardian to ensure proper reburial.

§ 18. Subdivision 2 of section 3802 of the public health law, as amended by section 23 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

2. In the exercise of the foregoing powers and duties the commissioner shall consult with the [~~director~~] **commissioner** of the [~~division~~] **department** of veterans' services and the heads of state agencies charged with responsibility for manpower and health resources.

§ 19. Subdivision 3 of section 3803 of the public health law, as amended by section 24 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

3. In exercising any of his or her powers under this section, the commissioner shall consult with appropriate health care professionals, providers, veterans or organizations representing them, the [~~division~~] **department** of veterans' services, the United States department of veterans affairs and the United States defense department.

§ 20. Paragraph (j) of subdivision 3 of section 20 of the social services law, as amended by section 32 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

(j) to ensure the provision, on any form required to be completed at application or recertification for the purpose of obtaining financial assistance pursuant to this chapter, the form shall contain a check-off question asking whether the applicant or recipient or a member of his or her family served in the United States military, and an option to answer in the affirmative. Where the applicant or recipient answers in the affirmative to such question, the office of temporary and disability assistance shall ensure that contact information for the state [~~division~~] **department** of veterans' services is provided to such applicant or recipient addition to any other materials provided.

§ 21. Subdivisions 3 and 4 of section 95-f of the state finance law, as amended by section 15 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

3. Monies of the fund shall be expended for the provision of veterans' counseling services provided by local veterans' service agencies pursuant to section [~~three hundred fifty-seven~~] **fourteen** of the [~~executive~~]

veterans' services law under the direction of the [~~division~~] **department** of veterans' services.

4. To the extent practicable, the [~~director~~] **commissioner** of the [~~division~~] **department** of veterans' services shall ensure that all monies received during a fiscal year are expended prior to the end of that fiscal year.

§ 22. The opening paragraph of subdivision 2-a and subdivision 5 of section 97-mmmm of the state finance law, as amended by section 16 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

On or before the first day of February each year, the [~~director~~] **commissioner** of the New York state [~~division~~] **department** of veterans' services shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on veterans, homeland security and military affairs, chair of the assembly veterans' affairs committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

5. Moneys shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the [~~director~~] **commissioner** of the [~~division~~] **department** of veterans' services.

§ 23. The opening paragraph of subdivision 2-a and subdivision 4 of section 99-v of the state finance law, as amended by section 17 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

On or before the first day of February each year, the [~~director~~] **commissioner** of the New York state [~~division~~] **department** of veterans' services shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on veterans, homeland security and military affairs, chair of the assembly veterans' affairs committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

4. Moneys of the fund shall be expended only for the assistance and care of homeless veterans, for housing and housing-related expenses, as determined by the [~~division~~] **department** of veterans' services.

§ 24. Subdivision 1 of section 20 of chapter 784 of the laws of 1951, constituting the New York state defense emergency act, as amended by section 38 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. There is hereby continued in the division of military and naval affairs in the executive department a state civil defense commission to consist of the same members as the members of the disaster preparedness commission as established in article two-B of the executive law. In addition, the superintendent of financial services, the chairperson of the workers' compensation board and the [~~director~~] **commissioner** of the [~~division~~] **department** of veterans' services shall be members. The governor shall designate one of the members of the commission to be the chairperson thereof. The commission may provide for its division into subcommittees and for action by such subcommittees with the same force and effect as action by the full commission. The members of the commission, except for those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.

§ 25. Paragraph 2 of subdivision b of section 31-102 of the administrative code of the city of New York, as amended by section 39 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

2. links to websites describing veteran employment services provided by the federal government and New York state government, including, but not limited to, the websites of the United States department of labor, the New York state department of labor, the United States department of veterans affairs, and the New York state [~~division~~] department of veterans' services; and

§ 26. Subdivision a of section 3102 of the New York city charter, as amended by section 40 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

a. Except as otherwise provided by law, the commissioner shall have such powers as provided by the [~~director~~] commissioner of the state department veterans' [~~service agency~~] services' and shall have the duty to inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of the city, and their families, in relation to: (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation service and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families, (4) employment and re-employment services, and (5) other matters of similar, related or appropriate nature. The commissioner shall also assist families of members of the reserve components of the armed forces and the organized militia ordered into active duty to ensure that they are made aware of and are receiving all appropriate support available to them. The department also shall perform such other duties as may be assigned by the state [~~director~~] commissioner of the [~~division~~] department of veterans' services.

§ 27. Subdivision 1 of section 143 of the state finance law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

1. Notwithstanding any inconsistent provision of any general or special law, the board, division, department, bureau, agency, officer or commission of the state charged with the duty of preparing plans and specifications for and awarding or entering into contracts for the performance of public work may require the payment of a fixed sum of money, not exceeding one hundred dollars, for each copy of such plans and specifications, by persons or corporations desiring a copy thereof. Any person or corporation desiring a copy of such plans and specifications and making the deposit required by this section shall be furnished with one copy of the plans and specifications. Notwithstanding the foregoing, where payment is required it shall be waived upon request by minority- and women-owned business enterprises certified pursuant to article fifteen-A of the executive law or by service-disabled veteran-owned business enterprises certified pursuant to article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law. Such payment may also be waived when such plans and specifications are made available and obtained electronically or in any non-paper form from the board, division, department, bureau, agency, officer or commission of the state.

§ 28. Paragraph j of subdivision 1 and subdivisions 6 and 6-d of section 163 of the state finance law, paragraph j of subdivision 1 as amended by chapter 569 of the laws of 2015, subdivision 6 as amended by chapter 257 of the laws of 2021 and subdivision 6-d as added by chapter 96 of the laws of 2019, are amended to read as follows:

j. "Best value" means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses, certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law or service-disabled veteran-owned business enterprises as defined in subdivision one of section [~~three hundred sixty-nine-h~~] forty of the [~~executive~~] veterans' services law to be used in evaluation of offers for awarding of contracts for services.

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the commissioner may purchase services and commodities for the office of general services or its customer agencies serviced by the office of general services business services center in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to [~~articles~~] article fifteen-A [~~and seventeen-B~~] of the executive law and article three of the veterans' services law, or commodities or technology that are recycled or remanufactured in an amount not exceeding five hundred thousand dollars without a formal competitive process and for commodities that are food, including milk and milk products, grown, produced or harvested in New York state in an amount not to exceed two hundred thousand dollars, without a formal competitive process.

6-d. Pursuant to the authority provided in subdivision six of this section, state agencies shall report annually on a fiscal year basis by July first of the ensuing year to the director of the division of minority and women-owned business development the total number and total value of contracts awarded to businesses certified pursuant to article fifteen-A of the executive law, and with respect to contracts awarded to businesses certified pursuant to article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law such information shall be reported to the division of service-disabled veteran-owned business enterprises for inclusion in their respective annual reports.

§ 29. Paragraph (f) of subdivision 5 of section 87 of the cannabis law is amended to read as follows:

(f) "Service-disabled veterans" shall mean persons qualified under article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law.

§ 30. Subdivision 6 of section 224-d of the labor law, as added by section 2 of part AA of chapter 56 of the laws of 2021, is amended to read as follows:

6. Each owner and developer subject to the requirements of this section shall comply with the objectives and goals of certified minority and women-owned business enterprises pursuant to article fifteen-A of the executive law and certified service-disabled veteran-owned businesses pursuant to article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law. The department in consultation with the [~~directors~~] commissioner of the division of minority and women's business development and the director of the division of service-disabled veterans' business development shall make training and resources available to assist minority and women-owned business enterprises and service-disabled veteran-owned business enterprises on covered renewable energy systems to achieve and maintain compliance with prevailing wage require-

ments. The department shall make such training and resources available online and shall afford minority and women-owned business enterprises and service-disabled veteran-owned business enterprises an opportunity to submit comments on such training.

§ 31. Subdivision 3 of section 103-a of the state technology law, as added by chapter 427 of the laws of 2017, is amended to read as follows:

3. The director shall conduct an outreach campaign informing the public of the iCenter and shall conduct specific outreach to minority and women-owned business enterprises certified pursuant to article fifteen-A of the executive law, small businesses as such term is defined in section one hundred thirty-one of the economic development law, and service disabled veteran owned business enterprises certified pursuant to article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law to inform such businesses of iCenter initiatives.

§ 32. Section 831 of the county law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 831. Soldier burial plots in Dutchess county. The legislature of the county of Dutchess may authorize the purchase of burial plots and provide for marker settings and perpetual care and maintenance of such plots in one or more of the cemeteries of the county of Dutchess for deceased veterans, who, at the time of death, were residents of the county of Dutchess and who (i) were discharged from the armed forces of the United States either honorably or under honorable circumstances, or (ii) had a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable, or (iii) were a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable. The expense thereof shall be a county charge.

§ 33. Subdivision 6 of section 210 of the economic development law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

6. "Veteran" shall mean a person who served in the United States army, navy, air force, marines, coast guard, and/or reserves thereof, and/or in the army national guard, air national guard, New York guard and/or New York naval militia and who (a) has received an honorable or general discharge from such service, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 34. Paragraph 1 of subdivision (a) of section 42 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

1. There shall be within the commission a citizen's policy and complaint review council. It shall consist of nine persons to be appointed by the governor, by and with the advice and consent of the senate. One person so appointed shall have served in the armed forces of the United States in any foreign war, conflict or military occupation, who (i) was discharged therefrom under other than dishonorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such

service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or shall be a duly licensed mental health professional who has professional experience or training with regard to post-traumatic stress syndrome. One person so appointed shall be an attorney admitted to practice in this state. One person so appointed shall be a former incarcerated individual of a correctional facility. One person so appointed shall be a former correction officer. One person so appointed shall be a former resident of a division for youth secure center or a health care professional duly licensed to practice in this state. One person so appointed shall be a former employee of the office of children and family services who has directly supervised youth in a secure residential center operated by such office. In addition, the governor shall designate one of the full-time members other than the [~~chairman~~] chair of the commission as [~~chairman~~] chair of the council to serve as such at the pleasure of the governor.

§ 35. Paragraph (b) of subdivision 5 of section 50 of the civil service law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the state civil service department, subject to the approval of the director of the budget, a municipal commission, subject to the approval of the governing board or body of the city or county, as the case may be, or a regional commission or personnel officer, pursuant to governmental agreement, may elect to waive application fees, or to abolish fees for specific classes of positions or types of examinations or candidates, or to establish a uniform schedule of reasonable fees different from those prescribed in paragraph (a) of this subdivision, specifying in such schedule the classes of positions or types of examinations or candidates to which such fees shall apply; provided, however, that fees shall be waived for candidates who certify to the state civil service department, a municipal commission or a regional commission that they are unemployed and primarily responsible for the support of a household, or are receiving public assistance. Provided further, the state civil service department shall waive the state application fee for examinations for original appointment for all veterans. Notwithstanding any other provision of law, for purposes of this section, the term "veteran" shall mean a person who has served in the armed forces of the United States or the reserves thereof, or in the army national guard, air national guard, New York guard, or the New York naval militia, and who (1) has been honorably discharged or released from such service under honorable conditions, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service. The term "armed forces" shall mean the army, navy, air force, marine corps, and coast guard.

§ 36. Paragraph (b) of subdivision 1 of section 75 of the civil service law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(b) a person holding a position by permanent appointment or employment in the classified service of the state or in the several cities, counties, towns, or villages thereof, or in any other political or civil

division of the state or of a municipality, or in the public school service, or in any public or special district, or in the service of any authority, commission or board, or in any other branch of public service, who was honorably discharged or released under honorable circumstances from the armed forces of the United States including (i) having a qualifying condition as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and receiving a discharge other than bad conduct or dishonorable from such service, or (ii) being a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and receiving a discharge other than bad conduct or dishonorable from such service, having served therein as such member in time of war as defined in section eighty-five of this chapter, or who is an exempt volunteer firefighter as defined in the general municipal law, except when a person described in this paragraph holds the position of private secretary, cashier or deputy of any official or department, or

§ 37. Paragraph (a) of subdivision 1 of section 85 of the civil service law, as amended by chapter 608 of the laws of 2021, is amended to read as follows:

(a) The terms "veteran" and "non-disabled veteran" mean a member of the armed forces of the United States who was honorably discharged or released under honorable circumstances from such service including (i) having a qualifying condition as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and receiving a discharge other than bad conduct or dishonorable from such service, or (ii) being a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and receiving a discharge other than bad conduct or dishonorable from such service, who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States and who is a resident of the state of New York at the time of application for appointment or promotion or at the time of retention, as the case may be.

§ 38. Section 86 of the civil service law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 86. Transfer of veterans or exempt volunteer firefighters upon abolition of positions. If the position in the non-competitive or in the labor class held by any honorably discharged veteran of the armed forces of the United States or by any veteran of the armed forces of the United States released under honorable circumstances from such service including (i) having a qualifying condition as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and receiving a discharge other than bad conduct or dishonorable from such service, or (ii) being a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and receiving a discharge other than bad conduct or dishonorable from such service, who served therein in time of war as defined in section eighty-five of this chapter, or by an exempt volunteer firefighter as defined in the general municipal law, shall become unnecessary or be abolished for reasons of economy or otherwise, the honorably discharged veteran or exempt volunteer firefighter holding such position shall not be discharged from the public service but shall be transferred to a similar position wherein a vacancy exists, and shall receive the same compensation therein. It is hereby made the duty of all persons clothed with the power of appointment to make such transfer effective. The right to transfer herein conferred shall continue for a period of one year following the date of abolition of the position, and may be exercised

only where a vacancy exists in an appropriate position to which transfer may be made at the time of demand for transfer. Where the positions of more than one such veteran or exempt volunteer firefighter are abolished and a lesser number of vacancies in similar positions exist to which transfer may be made, the veterans or exempt volunteer firefighters whose positions are abolished shall be entitled to transfer to such vacancies in the order of their original appointment in the service. Nothing in this section shall be construed to apply to the position of private secretary, cashier or deputy of any official or department. This section shall have no application to persons encompassed by section eighty-a of this chapter.

§ 39. Section 13-b of the domestic relations law, as amended by chapter 306 of the laws of 2021, is amended to read as follows:

§ 13-b. Time within which marriage may be solemnized. A marriage shall not be solemnized within twenty-four hours after the issuance of the marriage license, unless authorized by an order of a court of record as hereinafter provided, nor shall it be solemnized after sixty days from the date of the issuance of the marriage license unless authorized pursuant to section [~~three hundred fifty-four-d~~] ten of the [~~executive~~] veterans' services law. Every license to marry hereafter issued by a town or city clerk, in addition to other requirements specified by this chapter, must contain a statement of the day and the hour the license is issued and the period during which the marriage may be solemnized. It shall be the duty of the clergyman or magistrate performing the marriage ceremony, or if the marriage is solemnized by written contract, of the judge before whom the contract is acknowledged, to annex to or endorse upon the marriage license the date and hour the marriage is solemnized. A judge or justice of the supreme court of this state or the county judge of the county in which either party to be married resides, or the judge of the family court of such county, if it shall appear from an examination of the license and any other proofs submitted by the parties that one of the parties is in danger of imminent death, or by reason of other emergency public interest will be promoted thereby, or that such delay will work irreparable injury or great hardship upon the contracting parties, or one of them, may, make an order authorizing the immediate solemnization of the marriage and upon filing such order with the clergyman or magistrate performing the marriage ceremony, or if the marriage is to be solemnized by written contract, with the judge before whom the contract is acknowledged, such clergyman or magistrate may solemnize such marriage, or such judge may take such acknowledgment as the case may be, without waiting for such three day period and twenty-four hour period to elapse. The clergyman, magistrate or judge must file such order with the town or city clerk who issued the license within five days after the marriage is solemnized. Such town or city clerk must record and index the order in the book required to be kept by him or her for recording affidavits, statements, consents and licenses, and when so recorded the order shall become a public record and available in any prosecution under this section. A person who shall solemnize a marriage in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars for each offense, and in addition thereto, his or her right to solemnize a marriage shall be suspended for ninety days.

§ 40. Paragraph c of subdivision 1 of section 360 of the education law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

c. Adopt and enforce campus rules and regulations not inconsistent with the vehicle and traffic law relating to parking, vehicular and pedestrian traffic, and safety. Such rules and regulations may include provisions for the disposition of abandoned vehicles, removal by towing or otherwise of vehicles parked in violation of such rules at the expense of the owner, the payment of fees for the registration or parking of such vehicles, provided that such campus rules and regulations may provide that any veteran attending the state university as a student shall be exempt from any fees for parking or registering a motor vehicle, and the assessment of administrative fines upon the owner or operator of such vehicles for each violation of the regulations. However, no such fine may be imposed without a hearing or an opportunity to be heard conducted by an officer or board designated by the board of trustees. Such fines, in the case of an officer or employee of state university, may be deducted from the salary or wages of such officer or employee found in violation of such regulations, or in the case of a student of state university found in violation of such regulations, the university may withhold his **or her** grades and transcripts until such time as any fine is paid. For purposes of this subdivision, the term "veteran" shall mean a member of the armed forces of the United States who served in such armed forces in time of war and who (i) was honorably discharged or released under honorable circumstances from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 41. The opening paragraph of subdivision 6, subdivision 7, paragraph c of subdivision 9, and paragraphs a of subdivisions 10 and 10-a of section 503 of the education law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

Credit for service in war after world war I, which shall mean military service during the period commencing the first day of July, nineteen hundred forty, and terminating the thirtieth day of June, nineteen hundred forty-seven, or during the period commencing the twenty-seventh day of June, nineteen hundred fifty, and terminating the thirty-first day of January, nineteen hundred fifty-five, or during both such periods, as a member of the armed forces of the United States, of any person who (i) has been honorably discharged or released under honorable circumstances from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or

coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and (iv) who was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (vii) was discharged or released therefrom under honorable conditions, or (viii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (ix) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and who was a teacher in the public schools of this state at the time of his or her entrance into the armed forces of the United States, provided no compensation was received under the provisions of section two hundred forty-two of the military law, and who returned to public school teaching following discharge or completion of advanced education provided under servicemen's readjustment act of nineteen hundred forty-four, or who following such discharge or release entered into a service which would qualify him or her pursuant to section forty-three of the retirement and social security law to transfer his or her membership in the New York state teachers' retirement system, shall be provided as follows, any provisions of section two hundred forty-three of the military law to the contrary notwithstanding.

7. A teacher, who was a member of the New York state teachers retirement system but who withdrew his or her accumulated contributions immediately prior to his or her entry into, or during his or her service in the armed forces of the United States in war after World War I, who (i) has been honorably discharged or released from service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, provided no compensation was received under the provisions of section two hundred forty-two of the military law, and who returned to public school teach-

ing in the state of New York following such discharge or release, or following completion of advanced education provided under servicemen's readjustment act of nineteen hundred forty-four, any provisions of section two hundred forty-three of the military law to the contrary notwithstanding, will be entitled to credit for service in war after World War I, cost free, provided, however, that such credit will not be allowed until he **or she** claims and pays for all prior teaching service credited to him **or her** at the time of his **or her** termination of membership in the New York state teachers retirement system, and provided further that claim for such service in war after World War I shall be filed by the member with the retirement board before the first day of July, nineteen hundred sixty-eight.

c. (i) has been honorably discharged or released under honorable circumstances from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, and

a. In addition to credit for military service pursuant to section two hundred forty-three of the military law and subdivisions six through nine of this section, a member employed as a full-time teacher by an employer as defined in subdivision three of section five hundred one of this article and who joined the retirement system prior to July first, nineteen hundred seventy-three, may obtain credit for military service not in excess of three years and not otherwise creditable under section two hundred forty-three of the military law and subdivisions six through nine of this section, rendered on active duty in the armed forces of the United States during the period commencing July first, nineteen hundred forty, and terminating December thirty-first, nineteen hundred forty-six, or on service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or on service by one who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a

discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or on service by one who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, by a person who was a resident of New York state at the time of entry into such service and at the time of being discharged therefrom under honorable circumstances, and who makes the payments required in accordance with the provisions of this subdivision.

a. In addition to credit for military service pursuant to section two hundred forty-three of the military law and subdivisions six through nine of this section, a member who joined the retirement system prior to July first, nineteen hundred seventy-three, and who was not eligible for credit for military service under subdivision ten of this section as a result of being on a leave of absence without pay between July twentieth, nineteen hundred seventy-six and October fifteenth, nineteen hundred seventy-seven or on leave of absence with less than full pay between July twentieth, nineteen hundred seventy-six and October fifteenth, nineteen hundred seventy-seven, may obtain credit for military service not in excess of three years and not otherwise creditable under section two hundred forty-three of the military law and subdivisions six through nine of this section, rendered on active duty in the armed forces of the United States during the period commencing July first, nineteen hundred forty, and terminating December thirty-first, nineteen hundred forty-six, or on service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or on service by one who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was

discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or on service by one who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, by a person who was a resident of New York state at the time of entry into such service and at the time of being discharged therefrom under honorable circumstances, and who makes the payments required in accordance with the provisions of this subdivision.

§ 42. Subdivision 5 of section 605 of the education law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

5. Regents scholarships for war veterans. Regents scholarships for war veterans shall be awarded on a competitive basis, for study beginning with the college year nineteen hundred seventy-five--nineteen hundred seventy-six. Six hundred such scholarships shall be awarded in such year to veterans of the armed forces of the United States who have served on active duty (other than for training) between October one, nineteen hundred sixty-one and March twenty-nine, nineteen hundred seventy-three, and who on the date by which applications are required to be submitted (a) have been released from such active duty on conditions not other than honorable, or (b) have a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and have received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and have received a discharge other than bad conduct or dishonorable from such service. Such scholarships shall be allocated to each county in the state in the same ratio that the number of legal residents in such county, as determined by the most recent federal census, bears to the total number of residents in the state; provided, however, that no county shall be allocated fewer scholarships than such county received during the year nineteen hundred sixty-eight--sixty-nine.

§ 43. Subparagraph 3 of paragraph b of subdivision 3 of section 663 of the education law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(3) The applicant was enlisted in full time active military service in the armed forces of the United States and (i) has been honorably discharged from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct

or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and, provided, however, that the applicant has not and will not be claimed as a dependent by either parent for purposes of either federal or state income tax.

§ 44. Paragraphs (b) of subdivisions 1 and 2 of section 668 of the education law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(b) December seven, nineteen hundred forty-one to December thirty-one, nineteen hundred forty-six, or have been employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or have served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or have served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

(b) (i) is an honorably discharged veteran of the United States or member of the armed forces of the United States, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a

discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, who is a resident of the state of New York, and who has a current disability of forty percent or more as a result of an injury or illness which is incurred or was incurred during such military service; or

§ 45. Subdivision 1 of section 668-c of the education law, as amended by chapter 606 of the laws of 2021, is amended to read as follows:

1. Eligible students. Awards shall be made to Vietnam veterans' resident children born with Spina Bifida enrolled in approved undergraduate or graduate programs at degree granting institutions. For the purpose of this section, "Vietnam veteran" shall mean a person who served in Indochina at any time from the first day of November, nineteen hundred fifty-five, to and including the seventh day of May, nineteen hundred seventy-five and (a) was honorably discharged from the armed forces of the United States, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from the armed forces of the United States, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from the armed forces of the United States; "born with Spina Bifida" shall mean a diagnosis at birth of such disease inclusive of all forms, manifestations, complications and associated medical conditions thereof, but shall not include Spina Bifida Occulta. Such diagnosis shall be in accordance with the provisions of the federal Spina Bifida program and shall be documented by the United States Administration of Veterans' Affairs.

§ 46. Paragraphs a, b, c and d of subdivision 1 of section 669-a of the education law, paragraph a as amended by chapter 606 of the laws of 2021 and paragraphs b, c and d as amended by chapter 490 of the laws of 2019, are amended to read as follows:

a. "Vietnam veteran" means (i) a person who is a resident of this state, (ii) who served in the armed forces of the United States in Indochina at any time from the first day of November, nineteen hundred fifty-five, to and including the seventh day of May, nineteen hundred seventy-five, and (iii) who was either discharged therefrom under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge, or has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service.

b. "Persian Gulf veteran" means (i) a person who is a resident of this state[~~,~~] (ii) who served in the armed forces of the United States in the hostilities that occurred in the Persian Gulf from the second day of August, nineteen hundred ninety through the end of such hostilities, and (iii) who was either discharged therefrom under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge, or has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veter-**

ans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

c. "Afghanistan veteran" means (i) a person who is a resident of this state[~~,~~] (ii) who served in the armed forces of the United States in the hostilities that occurred in Afghanistan from the eleventh day of September, two thousand one, to the end of such hostilities, and (iii) who was either discharged therefrom under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge, or has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

d. "Other eligible combat veteran" means: an individual who (i) is a resident of this state, (ii) served in the armed forces of the United States in hostilities that occurred after February twenty-eighth, nineteen hundred sixty-one, as evidenced by their receipt of an Armed Forces Expeditionary Medal, Navy Expeditionary Medal, or Marine Corps Expeditionary Medal, and (iii) was either discharged under honorable conditions, including but not limited to honorable discharge, discharge under honorable conditions, or general discharge, or has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 47. Subdivision 1 of section 3202 of the education law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

1. A person over five and under twenty-one years of age who has not received a high school diploma is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition. Provided further that such person may continue to attend the public school in such district in the same manner, if temporarily residing outside the boundaries of the district when relocation to such temporary residence is a consequence of such person's parent or person in parental relationship being called to active military duty, other than training. Notwithstanding any other provision of law to the contrary, the school district shall not be required to provide transportation between a temporary residence located outside of the school district and the school the child attends. A veteran of any age who shall have served as a member of the armed forces of the United States and who (a) shall have been discharged therefrom under conditions other than dishonorable, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, may attend any of the public schools of the state upon conditions prescribed by the board of education, and such veterans shall be included in the pupil count for state aid purposes. A nonveteran under twenty-one years of age who has received a high school diploma shall be permitted to attend classes in the schools of the district in

which such person resides or in a school of a board of cooperative educational services upon payment of tuition under such terms and conditions as shall be established in regulations promulgated by the commissioner; provided, however, that a school district may waive the payment of tuition for such nonveteran, but in any case such a nonveteran who has received a high school diploma shall not be counted for any state aid purposes. Nothing herein contained shall, however, require a board of education to admit a child who becomes five years of age after the school year has commenced unless his **or her** birthday occurs on or before the first of December.

§ 48. Clause (h) of subparagraph 3 of paragraph b of subdivision 1 of section 4402 of the education law, as amended by chapter 652 of the laws of 2007, is amended to read as follows:

(h) Provide the form developed pursuant to subdivision [~~fifteen~~] **twenty-two** of section [~~three hundred fifty-three~~] **four** of the [~~executive~~] **veterans' services** law to the parent or person in parental relation of a child designated by the committee as either disabled or emotionally disturbed.

§ 49. Subdivision 15 of section 1-104 of the election law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

15. The term "veterans' hospital" means any sanitarium, hospital, soldiers' and sailors' home, United States Veterans' Administration Hospital, or other home or institution, which is used, operated and conducted exclusively for the care, maintenance and treatment of persons serving in the military or naval service or coast guard of the United States or the state of New York, or persons who (a) were honorably discharged from such service, or (b) have a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and have received a discharge other than bad conduct or dishonorable from such service, or (c) are a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and have received a discharge other than bad conduct or dishonorable from such service.

§ 50. Subdivision 4 of section 5-210 of the election law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

4. Any qualified person who has been honorably discharged from the military after the twenty-fifth day before a general election, or who has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from the military after the twenty-fifth day before a general election, or who is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from the military after the twenty-fifth day before a general election, or who has become a naturalized citizen after the twenty-fifth day before a general election may personally register at the board of elections in the county of his or her residence and vote in the general election held at least ten days after such registration.

§ 51. Subdivision 16 of section 11-0305 of the environmental conservation law, as amended by chapter 103 of the laws of 2012, is amended to read as follows:

16. Notwithstanding any inconsistent provision of law, to authorize free sport fishing clinics. A free sport fishing clinic shall include, but not be limited to, instruction provided by employees of the department or its designee in recreational angling, including its benefits and

values, and may also include instruction and other information relevant to an understanding of fisheries management, ethics and aquatic ecology and habitat. No license or recreational marine fishing registration is required to take fish by angling while participating in a fishing clinic conducted by the department or its designee that has been designated by the commissioner as a free sport fishing clinic. Such clinics shall be implemented consistent with department standards and in a manner determined by the department to best provide public notice thereof and to maximize public participation therein, so as to promote the recreational opportunities afforded by sport fishing. Further, the commissioner may designate additional fishing events organized through the department that provide physical or emotional rehabilitation for veterans, as defined in subdivision three of section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, or active duty members of the armed forces of the United States[~~, as defined in 10 U.S.C. section 101(d)(1)~~]. No license or recreational marine fishing registration shall be required for such veterans or active duty members to take fish by angling while participating in these events.

§ 52. Subdivision 4 of section 11-0715 of the environmental conservation law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

4. A person, resident in the state for at least thirty days immediately prior to the date of application, who (a) has been honorably discharged from service in the armed forces of the United States, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and is certified as having a forty percent or greater service-connected disability is entitled to receive all licenses, privileges, tags, and permits authorized by this title for which he or she is eligible, except turkey permits, renewable each year for a five dollar fee.

§ 53. Subparagraph (iv) of paragraph c of subdivision 1 of section 13-0328 of the environmental conservation law, as amended by chapter 656 of the laws of 2021, is amended to read as follows:

(iv) licenses shall be issued only to persons who demonstrate in a manner acceptable to the department that they received an average of at least fifteen thousand dollars of income over three consecutive years from commercial fishing or fishing, or who successfully complete a commercial food fish apprenticeship pursuant to subdivision seven of this section. As used in this subparagraph, "commercial fishing" means the taking and sale of marine resources including fish, shellfish, crustacea or other marine biota and "fishing" means commercial fishing and carrying fishing passengers for hire. Individuals who wish to qualify based on income from "fishing" must hold a valid marine and coastal district party and charter boat license. No more than ten percent of the licenses issued each year based on income eligibility pursuant to this paragraph shall be issued to applicants who qualify based solely upon income derived from operation of or employment by a party or charter boat. For the income evaluation of this subdivision, the department may consider persons who would otherwise be eligible but for having served in the United States armed forces on active duty, provided that such individual (1) has received an honorable or general discharge, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~]

one of the [~~executive~~] veteran's services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veteran's services law, and has received a discharge other than bad conduct or dishonorable from such service, shall not be deemed ineligible.

§ 54. Subdivision 1 of section 130 of the executive law, as amended by section 2 of part V of chapter 58 of the laws of 2020, is amended to read as follows:

1. The secretary of state may appoint and commission as many notaries public for the state of New York as in his or her judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the state. The appointment of a notary public shall be for a term of four years. An application for an appointment as notary public shall be in form and set forth such matters as the secretary of state shall prescribe. Every person appointed as notary public must, at the time of his or her appointment, be a resident of the state of New York or have an office or place of business in New York state. A notary public who is a resident of the state and who moves out of the state but still maintains a place of business or an office in New York state does not vacate his or her office as a notary public. A notary public who is a nonresident and who ceases to have an office or place of business in this state, vacates his or her office as a notary public. A notary public who is a resident of New York state and moves out of the state and who does not retain an office or place of business in this state shall vacate his or her office as a notary public. A non-resident who accepts the office of notary public in this state thereby appoints the secretary of state as the person upon whom process can be served on his or her behalf. Before issuing to any applicant a commission as notary public, unless he or she be an attorney and counsellor at law duly admitted to practice in this state or a court clerk of the unified court system who has been appointed to such position after taking a civil service promotional examination in the court clerk series of titles, the secretary of state shall satisfy himself or herself that the applicant is of good moral character, has the equivalent of a common school education and is familiar with the duties and responsibilities of a notary public; provided, however, that where a notary public applies, before the expiration of his or her term, for reappointment with the county clerk or where a person whose term as notary public shall have expired applies within six months thereafter for reappointment as a notary public with the county clerk, such qualifying requirements may be waived by the secretary of state, and further, where an application for reappointment is filed with the county clerk after the expiration of the aforementioned renewal period by a person who failed or was unable to re-apply by reason of his or her induction or enlistment in the armed forces of the United States, such qualifying requirements may also be waived by the secretary of state, provided such application for reappointment is made within a period of one year after the military discharge of the applicant under conditions other than dishonorable, or if the applicant has a qualifying condition, as defined in section [~~three hundred fifty of this chapter~~] one of the veterans' services law, within a period of one year after the applicant has received a discharge other than bad conduct or dishonorable from such service, or if the applicant is a discharged LGBT veteran, as defined in section [~~three hundred fifty of this chapter~~] one of the veterans' services law, within a period of one year after the applicant has received a discharge other than bad conduct or dishonorable

from such service. In any case, the appointment or reappointment of any applicant is in the discretion of the secretary of state. The secretary of state may suspend or remove from office, for misconduct, any notary public appointed by him or her but no such removal shall be made unless the person who is sought to be removed shall have been served with a copy of the charges against him or her and have an opportunity of being heard. No person shall be appointed as a notary public under this article who has been convicted, in this state or any other state or territory, of a crime, unless the secretary makes a finding in conformance with all applicable statutory requirements, including those contained in article twenty-three-A of the correction law, that such convictions do not constitute a bar to appointment.

§ 55. Subdivision 1 of section 32 of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

1. Every member of the armed forces of the United States who (a) was honorably discharged from such service, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, and who is a resident of this state and a veteran of any war, or who shall have served in the armed forces of the United States overseas, and the surviving spouse of any such veteran, if a resident of the state, shall have the right to hawk, peddle, vend and sell goods, wares or merchandise or solicit trade upon the streets and highways within the county of his or her residence, as the case may be, or if such county is embraced wholly by a city, within such city, by procuring a license for that purpose to be issued as herein provided. No part of the lands or premises under the jurisdiction of the division of the state fair in the department of agriculture and markets, shall be deemed a street or highway within the meaning of this section.

§ 56. Section 35 of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 35. Municipal regulations. This article shall not affect the application of any ordinance, by-law or regulation of a municipal corporation relating to hawkers and peddlers within the limits of such corporations, but the provisions of this article are to be complied with in addition to the requirements of any such ordinance, by-law or regulation; provided, however, that no such by-law, ordinance or regulation shall prevent or in any manner interfere with the hawking or peddling, without the use of any but a hand driven vehicle, in any street, avenue, alley, lane or park of a municipal corporation, by any honorably discharged member of the armed forces of the United States who (1) was honorably discharged from such service, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, and who is physically disabled as a result of injuries received while in the service of said armed forces and the holder of a license granted pursuant to section thirty-two of this article.

§ 57. Paragraph (a) of subdivision 1 of section 35-a of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(a) In cities having a population of one million or more, the official designated by a local law or ordinance to issue a local license to hawk, peddle, vend and sell goods, wares or merchandise or solicit trade upon the streets and highways within such city shall issue specialized vending licenses to members of the armed forces of the United States who (i) were honorably discharged from such service, or (ii) have a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) are a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, and who are physically disabled as a result of injuries received while in the service of said armed forces and who are eligible to hold licenses granted pursuant to section thirty-two of this article. Such specialized vending licenses shall authorize holders thereof to hawk or peddle within such city in accordance with the provisions contained in this section. Specialized vending licenses issued under this section shall permit the holders thereof to vend on any block face, and no licensee authorized under this section shall be restricted in any way from vending in any area, except as provided in this section.

§ 58. Paragraph (b) of subdivision 3 of section 69-p of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(b) In the case of persons who are or were in the military service and (i) have been or will be discharged under conditions other than dishonorable, or (ii) have a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and have received a discharge other than bad conduct or dishonorable from such service, the period of two years specified in subdivision one of this section need not be continuous. The length of time such person was engaged in the business of installing, servicing or maintaining security or fire alarm systems before entering the military service may be added to any period of time during which such person was or is engaged in the business of installing, servicing or maintaining security or fire alarm systems after the termination of military service.

§ 59. The closing paragraph of section 435 of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

In the case of persons who are or were in the military service and (a) have been or will be discharged under conditions other than dishonorable, or (b) have a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and have received a discharge other than bad conduct or dishonorable from such service, the period of one year specified in subdivision one of this section and the period of six months specified in subdivision two of this section need not be continuous. The length of time such person

was engaged in the practice of barbering before entering the military service may be added to any period of time during which such person was or is engaged in the practice of barbering after the termination of military service.

§ 60. Section 13-a of the general construction law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 13-a. Armed forces of the United States. "Armed forces of the United States" means the army, navy, marine corps, air force and coast guard[~~,~~] including all components thereof, and the national guard when in the service of the United States pursuant to call as provided by law. Pursuant to this definition no person shall be considered a member or veteran of the armed forces of the United States unless his or her service therein is or was on a full-time active duty basis, other than active duty for training or he or she was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or he or she served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or he or she served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 61. Subdivision 1 of section 77 of the general municipal law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

1. A municipal corporation may lease, for not exceeding five years, to a post or posts of the Grand Army of the Republic, Veterans of Foreign Wars of the United States, American Legion, Catholic War Veterans, Inc., Disabled American Veterans, the Army and Navy Union, U.S.A., Marine Corps League, AMVETS, American Veterans of World War II, Jewish War Veterans of the United States, Inc., Italian American War Veterans of the United States, Incorporated, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., Polish-American Veterans of World War II, Amsterdam, N.Y., Inc., Polish-American Veterans of World War II, Schenectady, N.Y., Inc., Polish Legion of American Veterans, Inc., Vietnam Veterans of America or other veteran organization of members of the [~~armed forces~~] **uniformed services** of the United States who (a) were honorably discharged from such service or (b) have a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and received a discharge other than bad conduct or dishonorable from such service, or to an incorporated organization or an association of either active or exempt volunteer firefighters, a public building or part thereof, belonging to such municipal corporation, except schoolhouses in actual use as such, without expense, or at a nominal rent, fixed by the board or council having charge of such buildings and provide furniture and furnishings, and heat, light and janitor service therefor, in like manner.

§ 62. Paragraph (a) of subdivision 1 of section 148 of the general municipal law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(a) The board of supervisors in each of the counties, or the board of estimate in the city of New York, shall designate some proper person, association or commission, other than that designated for the care of burial of public charges or criminals, who shall cause to be interred the body of any member of the [~~armed forces~~] **uniformed services** of the United States who (i) was honorably discharged from such service or (ii) had a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) was a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and received a discharge other than bad conduct or dishonorable from such service, or the body of any minor child or either parent, or the spouse or unremarried surviving spouse of any such member of the [~~armed forces~~] **uniformed services** of the United States, if such person shall hereafter die in a county or in the city of New York without leaving sufficient means to defray his or her funeral expenses.

§ 63. Section 117-c of the highway law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 117-c. Hawking, peddling, vending, sale of goods, wares or merchandise; Erie county; certain areas. Notwithstanding any law to the contrary, except section thirty-five of the general business law, the county of Erie shall have the power to enact a local law prohibiting hawking, peddling, vending and sale of goods, wares or merchandise or solicita-

tion of trade in the right-of-way of county roads adjacent to arenas, stadiums, auditoriums or like facilities, which contain fifty thousand or more seats, which are used for events likely to attract large numbers of spectators, including but not limited to home games of a National Football League franchise. Provided, however, that the power to enact such local law shall be subject to the requirement that provision be made, by lease agreement, regulation or otherwise, for the hawking, peddling, vending and sales of goods, wares or merchandise or solicitation of trade in designated vending areas on the ground of county-owned lands leased for use as an arena, stadium or auditorium or like facility which contain fifty thousand or more seats; and further provided that members of the armed forces of the United States who (a) were honorably discharged from such service, or (b) have a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, and who are entitled to hawk, vend, sell or peddle merchandise in the public right-of-way pursuant to sections thirty-two and thirty-five of the general business law, shall be given first preference in any assignment or vending locations or in the allocation of such locations.

§ 64. Paragraph 11 of subsection (j) of section 2103 of the insurance law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(11) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time and who (A) shall have been discharged therefrom, under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period, for the duration of such period.

§ 65. Subparagraph (F) of paragraph 3 of subsection (e) and paragraph 2 of subsection (f) of section 2104 of the insurance law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(F) served as a member of the armed forces of the United States at any time, and shall (i) have been discharged under conditions other than dishonorable, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and who within three years prior to his or her entry into the armed forces held a license as insurance broker for similar lines, provided his or her application for such license is filed before one year from the date of final discharge; or

(2) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time, and who (A) shall have been discharged, under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section [~~three hundred~~

~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period, for the duration of such period.

§ 66. Paragraph 2 of subsection (i) of section 2108 of the insurance law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(2) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time and who (A) shall have been discharged, under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period, for the duration of such period.

§ 67. Paragraph 10 of subsection (h) of section 2137 of the insurance law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(10) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time and who (A) shall have been discharged therefrom, under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period, for the duration of such period.

§ 68. Paragraph 11 of subsection (i) of section 2139 of the insurance law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(11) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time, and who (A) shall have been discharged therefrom under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period for the duration of such period.

§ 69. Section 466 of the judiciary law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 466. Attorney's oath of office. 1. Each person, admitted as prescribed in this chapter must, upon his or her admission, take the constitutional oath of office in open court, and subscribe the same in a roll or book, to be kept in the office of the clerk of the appellate division of the supreme court for that purpose.

2. Any person now in actual service in the armed forces of the United States or whose induction or enlistment therein is imminent, or within

sixty days after such person (1) has been honorably discharged, or (2) has received a discharge other than bad conduct or dishonorable from such service, if such person has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, or (3) has received a discharge other than bad conduct or dishonorable from such service, if such person is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, if the appellate division of the supreme court in the department in which such person resides is not in session, may subscribe and take the oath before a justice of that court, with the same force and effect as if it were taken in open court, except that in the first department the oath must be taken before the presiding justice or, in his or her absence, before the senior justice.

§ 70. Subdivision 3 of section 20 of the military law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

3. Any person who has served as a commissioned or warrant officer in the organized militia or in the armed forces of the United States and (a) has been honorably discharged therefrom, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, may be commissioned and placed on the state reserve list in the highest grade previously held by him **or her** after complying with such conditions as may be prescribed by regulations issued pursuant to this chapter.

§ 71. Paragraphs (b) and (c) of subdivision 1 and subparagraphs 1 and 2 of paragraph (a) of subdivision 4-b of section 243 of the military law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(b) The term "military duty" shall mean military service in the military, naval, aviation or marine service of the United States subsequent to July first, nineteen hundred forty, or service under the selective training and service act of nineteen hundred forty, or the national guard and reserve officers mobilization act of nineteen hundred forty, or any other act of congress supplementary or amendatory thereto, or any similar act of congress hereafter enacted and irrespective of the fact that such service was entered upon following a voluntary enlistment therefor or was required under one of the foregoing acts of congress, or service with the United States public health service as a commissioned officer, or service with the American Red Cross while with the armed forces of the United States on foreign service, or service with the special services section of the armed forces of the United States on foreign service, or service in the merchant marine which shall consist of service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the government of the United States, or service by one who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-

one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service; or service in police duty on behalf of the United States government in a foreign country, if such person is a police officer, as defined by section 1.20 of the criminal procedure law, and if such police officer obtained the prior consent of his or her public employer to absent himself or herself from his or her position to engage in the performance of such service; or as an enrollee in the United States maritime service on active duty and, to such extent as may be prescribed by or under the laws of the United States, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the United States government, but shall not include temporary and intermittent gratuitous service in any reserve or auxiliary force. It shall include time spent in reporting for and returning from military duty and shall be deemed to commence when the public employee leaves his **or her** position and to end when he **or she** is reinstated to his **or her** position, provided such reinstatement is within ninety days after the termination of military duty, as hereinafter defined. Notwithstanding the foregoing provisions of this paragraph, the term "military duty" shall not include any of the foregoing services entered upon voluntarily on or after January first, nineteen hundred forty-seven and before June twenty-fifth, nineteen hundred fifty; and, on or after July first, nineteen hundred seventy, the term "military duty" shall not include any voluntary service in excess of four years performed after that date, or the total of any voluntary

services, additional or otherwise, in excess of four years performed after that date, shall not exceed five years, if the service in excess of four years is at the request and for the convenience of the federal government, except if such voluntary service is performed during a period of war, or national emergency declared by the president.

(c) The term "termination of military duty" shall mean the date of a certificate of honorable discharge or a certificate of completion of training and service as set forth in the selective training and service act of nineteen hundred forty, and the national guard and reserve officers mobilization act of nineteen hundred forty or, or a certificate of release or discharge from active duty where an employee (i) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (ii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or in the event of the incurrence of a temporary disability arising out of and in the course of such military duty, the date of termination of such disability. The existence and termination of such temporary disability, in the case of a public employee occupying a position in the classified civil service or of a person on an eligible list for a position in such service, shall be determined by the civil service commission having jurisdiction over such position and, in the case of a public employee occupying a position not in the classified civil service, shall be determined by the officer or body having the power of appointment.

(1) "New York city veteran of world war II". Any member of the New York city employees' retirement system in city-service who, after his or her last membership in such system began, served as a member of the armed forces of the United States during the period beginning on December seventh, nineteen hundred forty-one and ending on December thirty-first, nineteen hundred forty-six, and (i) was honorably discharged or released under honorable circumstances from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

(2) "New York city veteran of the Korean conflict." Any member of the New York city employees' retirement system in city-service who, after his or her last membership in such system began, served as a member of the armed forces of the United States during the period beginning on the twenty-seventh of June, nineteen hundred fifty and ending on the thirty-first day of January, nineteen hundred fifty-five, and (i) was honorably discharged or released under honorable circumstances from such service, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 72. Section 245 of the military law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 245. Retirement allowances of certain war veterans. 1. Any member of a teachers' retirement system to which the city of New York is required by law to make contributions on account of such member who (i) is an honorably discharged member of any branch of the armed forces of the United States, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable, having served as such during the time of war and who has attained the age of fifty years, may retire upon his or her own request upon written application to the board setting forth at what time not less than thirty days subsequent to the execution and filing thereof he or she desires to be retired, provided that such member at the time so specified for his or her retirement shall have completed at least twenty-five years of allowable service. Upon retirement such member shall receive an annuity of equivalent actuarial value to his or her accumulated deductions, and, in addition, a pension beginning immediately, having a value equal to the present value of the pension that would have become payable had he or she continued at his or her current salary to the age at which he or she would have first become eligible for service retirement, provided, however, that the said member on making application for retirement shall pay into the retirement fund a sum of money which calculated on an actuarial basis, together with his or her prior contributions and other accumulations in said fund then to his or her credit, shall be sufficient to entitle the said member to the same annuity and pension that he or she would have received had he or she remained in the service of the city until he or she had attained the age at which he or she otherwise would have first become eligible for service retirement.

2. Notwithstanding any other provision of this section or of any general, special or local law or code to the contrary, a member of any such teachers' retirement system who (i) is separated or discharged under honorable conditions from any branch of the armed forces of the United States, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable, having served as such during the time of war and who has attained the age of fifty years, may retire upon his or her own request upon written application to the board setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, he or she desires to be retired, provided that such member at that time so specified for his or her retirement shall have completed at least twenty-five years of allowable service. Upon reaching his or her previously selected minimum retirement age, such member shall receive an annuity of equivalent actuarial value, at that time, to his or her accumulated deductions, and, in addition, a pension based upon his or her credited years of allowable service, plus the pension-for-increased-take-home-pay, if any. Should such member die before reaching his or her retirement age, then any beneficiary under a selected option shall be eligible for benefits under such option at the date upon which the member would have reached his or her selected retirement age.

§ 73. Subdivision 1-b of section 247 of the military law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

1-b. The adjutant general is hereby authorized to present in the name of the legislature of the state of New York, a certificate, to be known as the "Cold War Certificate", bearing a suitable inscription, to any person: (i) who is a citizen of the state of New York or (ii) who was a citizen of the state of New York while serving in the armed forces of the United States; (iii) who served in the United States Armed Forces during the period of time from September second, nineteen hundred forty-five through December twenty-sixth, nineteen hundred ninety-one, commonly known as the Cold War Era; and (iv) who was honorably discharged or released under honorable circumstances during the Cold War Era, or has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable during the Cold War Era, or is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable during the Cold War Era. Not more than one Cold War Certificate shall be awarded or presented, under the provisions of this subdivision, to any person whose entire service subsequent to the time of the receipt of such medal shall not have been honorable. In the event of the death of any person during or subsequent to the receipt of such certificate it shall be presented to such representative of the deceased as may be designated. The adjutant general, in consultation with the [~~director~~] commissioner of the [~~division~~] department of veterans' services, shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of the certificate.

§ 74. Section 249 of the military law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 249. State and municipal officers and employees granted leaves of absence on July fourth in certain cases. Each officer and employee of the state or of a municipal corporation or of any other political subdivision thereof who was a member of the national guard or naval militia or a member of the reserve corps at a time when the United States was not at war and who (i) has been honorably discharged therefrom, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, shall, in so far as practicable, be entitled to absent himself or herself from [~~his~~] duties or service, with pay, on July fourth of each year. Notwithstanding the provisions of any general, special or local law or the provisions of any city charter, no such officer or employee shall be subjected by any person whatever directly or indirectly by reason of such absence to any loss or diminution of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuance in office or employment or to reappointment to office or to re-employment.

§ 75. Subparagraph 2 of paragraph b of subdivision 1 of section 156 of the public housing law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(2) (i) have been thereafter discharged or released therefrom under conditions other than dishonorable, or (ii) have a qualifying condition,

as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and have received a discharge other than bad conduct or dishonorable from such service, or (iii) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and have received a discharge other than bad conduct or dishonorable from such service, or (iv) died in such service, not more than five years prior to the time of application for admission to such project, and

§ 76. The opening paragraph and paragraph (d) of subdivision 1 of section 2632 of the public health law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

Every veteran of the armed forces of the United States, who (i) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days, or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (ii) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, and who was a recipient of the armed forces expeditionary medal, navy expeditionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or in Bosnia and Herzgegovina from November twenty-first, nineteen hundred ninety-five to November first, two thousand seven, or was a recipient of the Kosovo campaign medal or (iii) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days or (B) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (C) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, and who served during the period of actual hostilities of either

(d) world war II between December seventh, nineteen hundred forty-one and December thirty-first, nineteen hundred forty-six, both inclusive, or who was employed by the War Shipping Administration or Office of

Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service; or

§ 77. Subdivision 5 of section 2805-b of the public health law, as amended by section 21 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

5. The staff of a general hospital shall: (a) inquire whether or not the person admitted has served in the United States armed forces. Such information shall be listed on the admissions form; (b) notify any admittee who is a veteran of the possible availability of services at a hospital operated by the United States veterans health administration, and, upon request by the admittee, such staff shall make arrangements for the individual's transfer to a United States veterans health administration hospital, provided, however, that transfers shall be authorized only after it has been determined, according to accepted clinical and medical standards, that the patient's condition has stabilized and transfer can be accomplished safely and without complication; and (c) provide any admittee who has served in the United States armed forces with a copy of the "Information for Veterans concerning Health Care

Options" fact sheet, maintained by the [~~division~~] department of veterans' services pursuant to subdivision [~~twenty-three~~] twenty-nine of section [~~three hundred fifty-three~~] four of the [~~executive~~] veterans' services law prior to discharging or transferring the patient. The commissioner shall promulgate rules and regulations for notifying such admittees of possible available services and for arranging a requested transfer.

§ 78. Subdivision 2 of section 2805-o of the public health law, as amended by chapter 75 of the laws of 2022, is amended to read as follows:

2. Every nursing home, residential health care facility and every adult care facility licensed and certified by the department pursuant to title two of article seven of the social services law or article forty-six-B of this chapter, including all adult homes, enriched housing programs, residences for adults, assisted living programs, and assisted living residences shall in writing advise all individuals identifying themselves as veterans or spouses of veterans that the [~~division~~] department of veterans' services and local veterans' service agencies established pursuant to section [~~three hundred fifty-seven~~] fourteen of the [~~executive~~] veterans' services law to provide assistance to veterans and their spouses regarding benefits under federal and state law. Such written information shall include the name, address and telephone number of the New York state [~~division~~] department of veterans' services, the nearest [~~division~~] department of veterans' services office, the nearest county or city veterans' service agency and the nearest accredited veterans' service officer.

§ 79. Subdivision 3 of section 3422 of the public health law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

3. A candidate who fails to attain a passing grade on his or her licensing examination is entitled to a maximum of three re-examinations; provided, however, that if such candidate fails to attain a passing grade within three years after completion of his or her training, he or she must requalify in accordance with the provisions of the public health law and rules and regulations promulgated thereunder existing and in force as of the date of subsequent application for licensing examination, except that a satisfactorily completed required course of study need not be recompleted. A candidate inducted into the armed forces of the United States during or after completion of training may (a) after honorable discharge or (b) after a discharge other than bad conduct or dishonorable where the candidate (i) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, or (ii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and upon proper application as required by the department be eligible for an exemption with respect to time served in such service.

§ 80. Section 63 of the public officers law, as amended by chapter 606 of the laws of 2021, is amended to read as follows:

§ 63. Leave of absence for veterans on Memorial day and Veterans' day. It shall be the duty of the head of every public department and of every court of the state of New York, of every superintendent or foreman on the public works of said state, of the county officers of the several counties of said state, of the town officers of the various towns in this state, of the fire district officers of the various fire districts in this state, and of the head of every department, bureau and office in the government of the various cities and villages in this state, and the

officers of any public benefit corporation or any public authority of this state, or of any public benefit corporation or public authority of any county or subdivision of this state, to give leave of absence with pay for twenty-four hours on the day prescribed by law as a public holiday for the observance of Memorial day and on the eleventh day of November, known as Veterans' day, to every person in the service of the state, the county, the town, the fire district, the city or village, the public benefit corporation or public authority of this state, or any public benefit corporation or public authority of any county or subdivision of this state, as the case may be, (i) who served on active duty in the armed forces of the United States during world war I or world war II, or who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense, or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (a) was discharged or released therefrom under honorable conditions, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (d) was discharged or released therefrom under honorable conditions, or (e) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (f) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service or during the period of the Korean conflict at any time between the dates of June twenty-seventh, nineteen hundred fifty and January thirty-first, nineteen hundred fifty-five, or during the period of the Vietnam conflict from the [~~twenty-eighth day of February, nineteen hundred sixty-one~~] first day of

November, nineteen hundred fifty-five to the seventh day of May, nineteen hundred seventy-five, or (ii) who served on active duty in the armed forces of the United States and who was a recipient of the armed forces expeditionary medal, navy expeditionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or (iii) who served in the armed forces of a foreign country allied with the United States during world war I or world war II, or during the period of the Korean conflict at any time between June twenty-seventh, nineteen hundred fifty and January thirty-first, nineteen hundred fifty-five, or during the period of the Vietnam conflict from the first day of November, nineteen hundred fifty-five to the seventh day of May, nineteen hundred seventy-five, or during the period of the Persian Gulf conflict from the second day of August, nineteen hundred ninety to the end of such conflict, or who served on active duty in the army or navy or marine corps or air force or coast guard of the United States, and who (a) was honorably discharged or separated from such service under honorable conditions, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service except where such action would endanger the public safety or the safety or health of persons cared for by the state, in which event such persons shall be entitled to leave of absence with pay on another day in lieu thereof. All such persons who are compensated on a per diem, hourly, semi-monthly or monthly basis, with or without maintenance, shall also be entitled to leave of absence with pay under the provisions of this section and no deduction in vacation allowance or budgetary allowable number of working days shall be made in lieu thereof. A refusal to give such leave of absence to one entitled thereto shall be neglect of duty.

§ 81. Subdivision 3 of section 1271 of the private housing finance law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

3. "Veteran" shall mean [~~a resident of this state who (a) has served in the United States army, navy, marine corps, air force or coast guard or (b) has served on active duty or ordered to active duty as defined in 10 USC 101 (d)(1) as a member of the national guard or other reserve component of the armed forces of the United States or (c) has served on active duty or ordered to active duty for the state, as a member of the state organized militia as defined in subdivision nine of section one of the military law, and has been released from such service documented by an honorable or general discharge, or has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service~~] a veteran as defined in section one of the veterans' services law, or is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, who is a resident of the state and has received a discharge other than bad conduct or dishonorable from such service.

§ 82. Subdivisions 2 and 4-a of section 458 of the real property tax law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

2. Real property purchased with moneys collected by popular subscription in partial recognition of extraordinary services rendered by any veteran of world war one, world war two, or of the hostilities which commenced June twenty-seventh, nineteen hundred fifty, who (a) was honorably discharged from such service, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and who sustained permanent disability while on military duty, either total or partial, and owned by the person who sustained such injuries, or by his or her spouse or unremarried surviving spouse, or dependent father or mother, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax district. At the meeting of the assessors to hear complaints concerning the assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of moneys so raised and used in or toward the purchase of such property. No exemption on account of any such gift shall be allowed in excess of five thousand dollars. The application for exemption shall be presented and action thereon taken in the manner provided by subdivision one of this section. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The provisions herein, relating to the assessment and exemption of property purchased with moneys raised by popular subscription, apply and shall be enforced in each municipal corporation authorized to levy taxes.

4-a. For the purposes of this section, the term "military or naval services" shall be deemed to also include service: (a) by a person who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the department of defense; (b) service by a United States civilian employed by the American Field Service who served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom

under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service; or (c) service by a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates who served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 83. Paragraph (e) of subdivision 1 and subdivisions 9 and 10 of section 458-a of the real property tax law, paragraph (e) of subdivision 1 and subdivision 10 as amended by chapter 490 of the laws of 2019, subdivision 9 as amended by section 36 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

(e) "Veteran" means a person (i) who served in the active military, naval, or air service during a period of war, or who was a recipient of the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, and who (1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, (ii) who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the department of defense, (iii) who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May

eighth, nineteen hundred forty-five, and who (1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, (iv) who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (v) notwithstanding any other provision of law to the contrary, who are members of the reserve components of the armed forces of the United States who (1) received an honorable discharge or release therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, but are still members of the reserve components of the armed forces of the United States provided that such members meet all other qualifications under the provisions of this section.

9. The commissioner shall develop in consultation with the [~~director~~] commissioner of the New York state [~~division~~] department of veterans' services a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of [~~Causality~~] Casualty from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the [~~division~~] department of veterans' services and the office of real property tax services.

10. A county, city, town, village or school district may adopt a local law or resolution to include those military personnel who served in the Reserve component of the United States Armed Forces that were deemed on active duty under Executive Order 11519 signed March twenty-third, nineteen hundred seventy, 35 Federal Register 5003, dated March twenty-fourth, nineteen hundred seventy and later designated by the United States Department of Defense as Operation Graphic Hand, if such member (1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a

discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, provided that such veteran meets all other qualifications of this section.

§ 84. Paragraph (a) of subdivision 1 and subdivision 8 of section 458-b of the real property tax law, paragraph (a) of subdivision 1 as amended by chapter 490 of the laws of 2019, subdivision 8 as amended by section 37 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

(a) "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, and (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service.

8. The commissioner shall develop in consultation with the [~~director~~] **commissioner** of the New York state [~~division~~] **department** of veterans' services a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of [~~Causality~~] **Casualty** from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the [~~division~~] **department** of veterans' services and the office of real property tax services.

§ 85. Subparagraph (v) of paragraph (a) of subdivision 1 of section 122 of the social services law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(v) any alien lawfully residing in the state who is on active duty in the armed forces (other than active duty for training) or who (1) has received an honorable discharge (and not on account of alienage) from the armed forces, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable (and not on account of alienage) from the armed forces, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable (and not on account of alienage) from the armed forces, or the spouse, unremarried surviving spouse or unmarried dependent child of any such alien, if such alien, spouse or dependent child is a qualified alien as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended;

§ 86. Subdivision 1 and paragraph 5 of subdivision 2 of section 168 of the social services law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

1. Veteran means a person, male or female, who has served in the armed forces of the United States in time of war, or who was a recipient of the armed forces expeditionary medal, navy expeditionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, and who (1) has been honorably discharged or released under honorable circumstances from such service or furloughed to the reserve, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

(5) World war II; from the seventh day of December, nineteen hundred forty-one to and including the thirty-first day of December, nineteen hundred forty-six, or who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge

other than bad conduct or dishonorable from such service, or (vi) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 87. Subparagraph 1 of paragraph (b) of subdivision 29 of section 210-B of the tax law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(1) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; who (i) was released from [~~active duty by general or honorable discharge~~] such service after September eleventh, two thousand one, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one;

§ 88. Subparagraph (A) of paragraph 2 of subsection (a-2) of section 606 of the tax law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(A) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; who (i) was released from active duty by general or honorable discharge after September eleventh, two thousand one, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one;

§ 89. Paragraph 18-a of subdivision (a) of section 1115 of the tax law, as added by chapter 478 of the laws of 2016, is amended to read as follows:

(18-a) Tangible personal property manufactured and sold by a veteran, as defined in section [~~three hundred sixty-four~~] twenty-two of the [~~executive~~] veterans' services law, for the benefit of a veteran's service organization, provided that such person or any member of his or her household does not conduct a trade or business in which similar items are sold, the first two thousand five hundred dollars of receipts from such sales in a calendar year.

§ 90. Subparagraph (A) of paragraph 2 of subdivision (g-1) of section 1511 of the tax law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(A) who served on active duty in the United States army, navy, air force, marine corps, coast guard or the reserves thereof, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; who (i) was released from active duty by general or honorable

discharge after September eleventh, two thousand one, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service after September eleventh, two thousand one;

§ 91. Section 295 of the town law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 295. Removal of remains of deceased members of armed forces. Upon a verified petition presented to a judge of a court of record by any armed forces' organization in any town or city in this state by a majority of its officers, or a majority of any memorial committee in any town or city where there are two or more veteran armed forces' organizations, or in towns or cities where there are no veteran armed forces' organizations, upon the petition of five or more veterans of the armed forces, the judge to whom said verified petition is presented shall make an order to show cause, returnable before him **or her** at a time and place within the county in not less than fourteen or more than twenty days from the date of presentation of said petition, why the remains of any deceased members of the armed forces buried in potter's field, or in any neglected or abandoned cemeteries, should not be removed to and reinterred in a properly kept incorporated cemetery in the same town or city or in a town adjoining the town or city in which the remains of a deceased member of the armed forces are buried, and to fix the amount of the expenses for such removal and reinterment, and the order to show cause shall provide for its publication in a newspaper, to be designated in the order, which is published nearest to the cemetery from which the removal is sought to be made, once in each week for two successive weeks. The verified petition presented to the judge shall show that the petitioners are a majority of the officers of a veteran armed forces organization, or a majority of a memorial committee in towns or cities where two or more veteran armed forces organizations exist, or that the petitioners are honorably discharged veterans of the armed forces in towns or cities where no veteran armed forces organization exists, or that the petitioners have a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and received a discharge other than bad conduct or dishonorable from such service and are in towns or cities where no veteran armed forces organizations exist, or that the petitioners are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and received a discharge other than bad conduct or dishonorable from such service and are in towns and cities where no veteran armed forces organizations exist, and (1) the name of the deceased member or members of the armed forces, whose remains are sought to be removed, and if known the unit in which he**, she** or they served; (2) the name and location of the cemetery in which he **or she** is interred and from which removal is asked to be made; (3) the name and location of the incorporated cemetery to which the remains are desired to be removed and reinterred; (4) the facts showing the reasons for such removal. Upon the return day of the order to show cause and at the time and place fixed in said order, upon filing proof of publication of the order to show cause with the judge, if no objection is made thereto, he **or she** shall make an order directing the removal of the remains of said

deceased member or members of the armed forces to the cemetery designated in the petition within the town or city or within a town adjoining the town or city in which the remains are then buried and shall specify in the order the amount of the expenses of such removal, which expenses of removal and reinterment, including the expense of the proceeding under this section, shall be a charge upon the county in which the town or city is situated from which the removal is made and such expenses shall be a county charge and audited by the board of supervisors of the county and paid in the same manner as other county charges. On and after the removal and reinterment of the remains of the deceased member or members of the armed forces in the armed forces' plot, the expenses for annual care of the grave in the armed forces' burial plot to which the removal is made shall be annually provided by the town or city in which the remains were originally buried, at the rate of not to exceed twenty dollars per grave, and shall be paid annually to the incorporated cemetery association to which the remains of each deceased member of the armed forces may be removed and reinterred. The petition and order shall be filed in the county clerk's office of the county in which the remains of the deceased member of the armed forces were originally interred, and the service of a certified copy of the final order upon the cemetery association shall be made prior to any removal. Any relative of the deceased member or members of the armed forces, or the officer of any cemetery association in which the remains of the deceased member or members of the armed forces were originally interred, or the authorities of the county in which the member or members of the armed forces were originally buried, may oppose the granting of said order and the judge shall summarily hear the statement of the parties and make such order as the justice and equity of the application shall require. Any headstone or monument which marks the grave of the deceased member of the armed forces shall be removed and reset at the grave in the cemetery in which the removal is permitted to be made and in each case the final order shall provide the amount of the expenses of such removals and reinterment and resetting of the headstone or monument, including the expenses of the proceedings under this section; except that where provision is otherwise made for the purchase or erection of a new headstone, monument or marker at the grave in the cemetery to which such removal is permitted, such old headstone or monument need not be so removed and reset, in which case such final order shall not provide for the expense of resetting. The order shall designate the person or persons having charge of the removals and reinterments. Upon completion of the removal, reinterment and resetting of the headstones or monuments, the person or persons having charge of the same shall make a verified report of the removal, reinterment and resetting of the headstone or monument and file the report in the clerk's office of the proper county. The words "member of the armed forces" shall be construed to mean a member of the armed forces who served in the armed forces of the United States and who (5) was honorably discharged from such service, or (6) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (7) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, and the words "armed forces plot" shall be construed to mean a plot of land in any incorporated cemetery set apart to be exclusively used as a place for interring

the remains of deceased veterans of the armed forces of the United States.

§ 92. Subdivision 2 of section 404-v of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

2. The distinctive plate authorized pursuant to this section shall be issued upon proof, satisfactory to the commissioner, that the applicant is a veteran who served in the United States Naval Armed Guard and who (1) was honorably discharged from such service, or (2) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 93. Subdivision 3 of section 404-v of the vehicle and traffic law, as amended by section 19 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

3. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon the payment of the regular registration fee prescribed by section four hundred one of this article, provided, however, that an additional annual service charge of fifteen dollars shall be charged for such plate. Such annual service charge shall be deposited to the credit of the Eighth Air Force Historical Society fund established pursuant to section ninety-five-f of the state finance law and shall be used for veterans' counseling services provided by local veterans' service agencies pursuant to section [~~three hundred fifty-seven~~] fourteen of the [~~executive~~] veterans' services law under the direction of the [~~division~~] department of veterans' services. Provided, however, that one year after the effective date of this section funds in the amount of five thousand dollars, or so much thereof as may be available, shall be allocated to the department to offset costs associated with the production of such license plates.

§ 94. Paragraphs (a) and (b) of subdivision 1 of section 404-w of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(a) a person who served in the armed forces of the United States in the hostilities that occurred in the Persian Gulf from the eleventh day of September, two thousand one, to the end of such hostilities, who (i) was discharged therefrom under other than dishonorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service; or

(b) a person who served in the armed forces of the United States~~,~~ in the hostilities that occurred in Afghanistan from the eleventh day of September, two thousand one, to the end of such hostilities, who (i) was discharged therefrom under other than dishonorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 95. Subdivision 3 of section 404-w of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

3. For the purposes of this section, "Persian Gulf veteran" shall mean a person who is a resident of this state, who served in the armed forces of the United States in the hostilities that occurred in the Persian Gulf from the second day of August, nineteen hundred ninety to the end of such hostilities, and was (a) honorably discharged from the military, or (b) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 96. Paragraphs (a) and (b) of subdivision 3 of section 404-y of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(a) "Veteran of the Iraq War" shall mean a person who is a resident of this state, who served in the armed forces of the United States in the hostilities that occurred in Iraq from the sixteenth day of October, two thousand two to the end of such hostilities who (i) was discharged therefrom under other than dishonorable conditions or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service; and

(b) "Veteran of the Afghanistan War" shall mean a person who is a resident of this state, who served in the armed forces of the United States in the hostilities that occurred in Afghanistan from the seventh day of October, two thousand one to the end of such hostilities who (i) was discharged therefrom under other than dishonorable conditions or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 97. Paragraph (b) of subdivision 3 of section 490 of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(b) The identification card shall contain a distinguishing number or mark and adequate space upon which an anatomical gift, pursuant to article forty-three of the public health law, by the holder may be recorded and shall contain such other information and shall be issued in such form as the commissioner shall determine; provided, however, every identification card or renewal thereof issued to a person under the age of twenty-one years shall have prominently imprinted thereon the statement "UNDER 21 YEARS OF AGE" in notably distinctive print or format. Provided, further, however, that every identification card issued to an applicant who was a member of the armed forces of the United States and (i) received an honorable discharge or was released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable

from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, shall, upon his or her request and submission of proof as set forth herein, contain a distinguishing mark, in such form as the commissioner shall determine, indicating that he or she is a veteran. Such proof shall consist of a certificate of release or discharge from active duty including but not limited to a DD Form 214 or other proof satisfactory to the commissioner. The commissioner shall not require fees for the issuance of such identification cards or renewals thereof to persons under twenty-one years of age which are different from the fees required for the issuance of identification cards or renewals thereof to persons twenty-one years of age or over, nor fees to persons requesting a veteran distinguishing mark which are different from fees that would otherwise be required. Provided, however, that notwithstanding the provisions of section four hundred ninety-one of this article, the commissioner shall not require any fees for the duplication or amendment of an identification card prior to its renewal if such duplication or amendment was solely for the purpose of adding a veteran distinguishing mark to such identification card.

§ 98. Paragraph (a-1) of subdivision 1 of section 504 of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(a-1) Every license or renewal thereof issued to an applicant who was a member of the armed forces of the United States and who (i) received an honorable discharge or was released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and has received a discharge other than bad conduct or dishonorable from such service, shall, upon his or her request and submission of proof as set forth herein, contain a distinguishing mark, in such form as the commissioner shall determine, indicating that he or she is a veteran. Such proof shall consist of a certificate of release or discharge from active duty including but not limited to a DD Form 214 or other proof satisfactory to the commissioner. The commissioner shall not require fees for the issuance of such licenses or renewals thereof to persons requesting a veteran distinguishing mark which are different from fees otherwise required; provided, however, that notwithstanding the provisions of this section, the commissioner shall not require fees for a duplication or amendment of a license prior to its renewal if such duplication or amendment was solely for the purpose of adding a veteran distinguishing mark to such license.

§ 99. The second undesignated subparagraph of paragraph (a) of subdivision 8 of section 15 of the workers' compensation law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

Second: That any plan which will reasonably, equitably and practically operate to break down hindrances and remove obstacles to the employment of partially disabled persons who (i) are honorably discharged from our armed forces, or (ii) have a qualifying condition, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] **one** of the [~~executive~~] **veterans' services** law, and

received a discharge other than bad conduct or dishonorable from such service, or any other physically handicapped persons, is of vital importance to the state and its people and is of concern to this legislature;

§ 100. Transfer of powers of the division of veterans' services. The functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, shall be transferred and assigned to, and assumed by and devolved upon, the department of veterans' services.

§ 101. Abolition of the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, the division of veterans' services shall be abolished.

§ 102. Continuity of authority of the division of veterans' services. Except as herein otherwise provided, upon the transfer pursuant to this act of the functions and powers possessed by, and all of the obligations and duties of, the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, for the purpose of succession, all functions, powers, duties and obligations of the department of veterans' services shall be deemed and be held to constitute the continuation of such functions, powers, duties and obligations and not a different agency.

§ 103. Transfer of records of the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, all books, papers, records and property pertaining to the division of veterans' services shall be transferred to and maintained by the department of veterans' services.

§ 104. Completion of unfinished business of the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, any business or other matter undertaken or commenced by the division of veterans' services pertaining to or connected with the functions, powers, obligations and duties so transferred and assigned to the department of veterans' services, may be conducted or completed by the department of veterans' services.

§ 105. Terms occurring in laws, contracts or other documents of or pertaining to the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, as prescribed by this act, whenever the division of veterans' services and the commissioner thereof, the functions, powers, obligations and duties of which are transferred to the department of veterans' services, are referred to or designated in any law, regulation, contract or document pertaining to the functions, powers, obligations and duties transferred and assigned pursuant to this act, such reference or designation shall be deemed to refer to the department of veterans' services and its commissioner.

§ 106. (a) Wherever the term "division of veterans' services" appears in the consolidated or unconsolidated laws of this state, such term is hereby changed to "department of veterans' services".

(b) The legislative bill drafting commission is hereby directed to effectuate this provision, and shall be guided by a memorandum of instruction setting forth the specific provisions of law to be amended. Such memorandum shall be transmitted to the legislative bill drafting commission within sixty days of enactment of this provision. Such memorandum shall be issued jointly by the governor, the temporary president of the senate and the speaker of the assembly, or by the delegate of each.

§ 107. Existing rights and remedies of or pertaining to the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, no existing right or remedy of the state, including the division of veterans' services, shall be lost, impaired or affected by reason of this act.

§ 108. Pending actions and proceedings of or pertaining to the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, no action or proceeding pending on the effective date of this act, brought by or against the division of veterans' services or the commissioner thereof shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the New York state department of veterans' services. In all such actions and proceedings, the New York state department of veterans' services, upon application to the court, shall be substituted as a party.

§ 109. Continuation of rules and regulations of or pertaining to the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, all rules, regulations, acts, orders, determinations, decisions, licenses, registrations and charters of the division of veterans' services, pertaining to the functions transferred and assigned by this act to the department of veterans' services, in force at the time of such transfer, assignment, assumption or devolution shall continue in force and effect as rules, regulations, acts, determinations and decisions of the department of veterans' services until duly modified or repealed.

§ 110. Transfer of appropriations heretofore made to the division of veterans' services. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the obligations and duties of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, all appropriations and reappropriations which shall have been made available as of the date of such transfer to the division of veterans' services or segregated pursuant to law, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, shall be transferred to and made available for use and expendi-

ture by the department of veterans' services and shall be payable on vouchers certified or approved by the commissioner of taxation and finance, on audit and warrant of the comptroller. Payments of liabilities for expenses of personnel services, maintenance and operation which shall have been incurred as of the date of such transfer by the division of veterans' services, and for liabilities incurred and to be incurred in completing its affairs shall also be made on vouchers certified or approved by the commissioner of veterans' services, on audit and warrant of the comptroller.

§ 111. Transfer of employees. Upon the transfer pursuant to this act of the functions and powers possessed by and all of the division of veterans' services, as established pursuant to article 17 of the executive law and other laws, to the department of veterans' services as prescribed by this act, provision shall be made for the transfer of all employees from the division of veterans' services into the department of veterans' services. Employees so transferred shall be transferred without further examination or qualification to the same or similar titles and shall remain in the same collective bargaining units and shall retain their respective civil service classifications, status and rights pursuant to their collective bargaining units and collective bargaining agreements.

§ 112. Severability. If any clause, sentence, paragraph, 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, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 113. This act shall take effect April 1, 2023; provided, however, that the amendments to subdivision (l) of section 7.09 of the mental hygiene law made by section fifteen of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and provided further that the amendments to paragraph j of subdivision 1 and subdivisions 6 and 6-d of section 163 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 to be repealed therewith; and provided further that the amendments to paragraph 5 of subdivision (b) of section 5.06 of the mental hygiene law made by section fourteen-a of this act shall take effect on the same date and in the same manner as section 2 of chapter 4 of the laws of 2022, takes effect; and provided further that the amendments to subdivision 3 of section 103-a of the state technology law made by section thirty-one of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.

PART QQ

Section 1. This act shall be known and may be cited as the "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. Commission on ethics and lobbying in government. 1. (a) Commission established. There is hereby established within the department of state, a commission on ethics and lobbying in government, an 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 sections seventy-three, seventy-three-a, and seventy-four of the public officers law, candidates for statewide elected office and for the senate or assembly, and the political party chair as is defined in section seventy-three 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.

(b) The commission shall provide for the transfer, assumption or other disposition of the records, property, and personnel affected by this section, and it is further provided, should any employees be transferred from the joint commission on public ethics ("JCOPE"), the predecessor ethics agency, to the commission, that such transfer will be without further examination or qualification and such employees shall retain their respective civil service classifications, status and collective bargaining agreements.

(c) The commission shall review any pending inquiries or matters affected by this section and shall establish policies to address them.

(d) The commission shall undertake a comprehensive review of all regulations in effect upon the effective date of this section; and review of all advisory opinions of predecessor ethics agencies, including JCOPE, the legislative ethics commission, the commission on public integrity, the state ethics commission, and the temporary lobbying commission, which will address the consistency of such regulations and advisory opinions among each other and with the new statutory language, and of the effectiveness of the existing laws, regulations, guidance and ethics enforcement structure.

(e) 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.

(f) The annual budget submitted by the governor shall separately state the recommended appropriations for the commission on ethics and lobbying in government. Upon enactment, these separately stated appropriations for the commission on ethics and lobbying in government shall not be decreased by interchange with any other appropriation, notwithstanding section fifty-one of the state finance law.

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

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

(b) "selection members" means the governor, speaker of the assembly, temporary president of the senate, minority leader of the senate, minority leader of the assembly, comptroller, and the attorney general.

(c) "independent review committee" means the committee of the American Bar Association accredited New York state law school deans or interim deans, or their designee who is an associate dean of their respective law school, tasked with reviewing, approving, or denying the members of the commission as nominated by the selection members and other tasks pursuant to this section.

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

(e) "victim" means any individual that has suffered or alleged to have suffered direct harm from any violation of law that is subject to investigation under the jurisdiction of the commission.

3. Nomination and appointment of the commission. (a) The commission shall consist of eleven members, to be nominated by the selection members as follows: three members by the governor; two members by the temporary president of the senate; one member by the minority leader of the senate; two members by the speaker of the assembly; one member by the minority leader of the assembly; one member by the attorney general; and one member by the comptroller.

(b) The independent review committee shall within thirty days review the qualifications of the nominated candidates and approve or deny each candidate nominated by their respective selection member.

(c) The independent review committee shall publish on its website a procedure by which it will review the qualifications of the nominated candidate and approve or deny each candidate.

(d) Those candidates that the independent review committee deems to meet the qualifications necessary for the services required based on their background and expertise that relate to the candidate's potential service on the commission shall be appointed as a commission member. The nominating selection member shall nominate a new candidate for those that are denied by the independent review committee.

(e) No individual shall be eligible for nomination and 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 or employee 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 chair, as defined in section seventy-three of the public officers law; or

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

(f) The independent review committee shall convene as needed or as requested by the selection members. The chair of the independent review committee shall be elected from the members of the independent review committee.

(g) Appropriate staffing and other resources shall be provided for in the commission's budget for the independent review committee to carry out its powers, functions, and duties. The independent review committee shall publish on the commission's website a procedure by which it will review and select the commission members and other processes to effectuate its responsibilities under this section.

(h) The majority of the independent review committee shall constitute a quorum to hold a meeting and conduct official business.

(i) During the pendency of the review and approval or denial of the candidates, the independent review committee shall be subject to and maintain confidentiality in all independent review committee processes, reviews, analyses, approvals, and denials. A member of the independent review committee may be removed by majority vote of the committee for substantial neglect of duty, misconduct, violation of the confidentiality restrictions set forth in this section, inability to discharge the

powers or duties of the committee or violation of this section, after written notice and opportunity for a reply.

(j) Upon the receipt of the selection members' appointments, members of the independent review committee shall disclose to the independent review committee any personal, professional, financial, or other direct or indirect relationships a member of the independent review committee may have with an appointee. If the independent review committee determines a conflict of interest exists, such independent review committee member shall, in writing, notify the other members of the independent review committee of the possible conflict. The member may recuse themself from all subsequent involvement in the consideration of and action upon the appointment. If, after disclosure, the member does not recuse themself from the matter, the independent review committee, by majority vote finding the disclosed information creates a substantial conflict of interest, may remove the conflicted member from further consideration of and action upon the appointment.

(k) Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding of the independent review committee shall be open to the public, except the applicable records pertaining to the review and 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.

(l) The independent review committee shall neither be public officers nor be subject to the requirements of the public officers law.

(m) Notwithstanding subdivision (l) of this section, the independent review committee members shall be entitled to representation, indemnification, and to be held harmless to the same extent as any other person employed in service of the state and entitled to such coverage under sections seventeen and nineteen of the public officers law, provided however, that any independent review committee member removed due to a violation of paragraph (i) of this subdivision shall not qualify for such entitlements.

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, five members shall serve a term of four years, three 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 only 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 no more than two terms for such office.

(c) Members of the commission may be removed by majority vote of the commission 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, political action committees, political parties or committees, newsletter funds, or political advertisements 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) The commission shall meet at least quarterly and additionally as called by the chairperson, or upon the call of a majority of the members of the commission. The commission shall be subject to articles six and seven of the public officers law.

(h) A majority of the 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 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 shall adopt and post on its website guidance documents detailing the processes and procedures of an investigation, including the stages of an investigation; timelines, including the reasons for any potential delays in an investigation; the hearing and adjudication process; outcomes of an investigation; and, anything else the commission deems necessary to inform the public as well as relevant parties to an investigation including complainants, respondents, victims, if any, and witnesses as to such processes and procedures. The guidance documents shall delineate the processes and procedures that apply to the relevant parties, including, where applicable, the due process and any other rights or remedies that the relevant party may have under the commission's procedures or any other area of law. The guidance documents shall be provided to the relevant party of an investigation upon such party's involvement in such investigation.

(c) 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 through a majority vote of the members of the commission, 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 meet the qualifications necessary for the services required based on their background and expertise that relate to the candidate's potential service to the commission. 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 or employee 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 chair, as defined in section seventy-three of the public officers law.

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

(iii) 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.

(iv) 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) The commission may 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) The commission, through the executive director, shall 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) The commission, through the executive director, shall 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) In addition to meeting the qualifications necessary for the services required for the position, the deputy director for investigations and enforcement shall have completed substantial training and have experience in trauma-informed approaches to investigations and enforcement. The deputy director for investigations and enforcement shall complete a minimum of four hours of training annually in trauma-informed approaches to investigations and enforcement. Such trainings may include, but not be limited to, the impact of trauma, first impression matters, victim interviews, investigative strategies, and alcohol and drug facilitated cases.

(f) The commission, through the executive director, shall 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.

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, except with respect to members of the legislature and legislative staff, who shall seek advice from the legislative ethics commission in the first instance.

(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. 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:

(a) The commission shall develop and administer a comprehensive and interactive live-in person 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, seventy-three-a, and seventy-four of the public officers law, and the political party chair as is defined in section seventy-three 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.

(b) 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 paragraph (a) of this subdivision.

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

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

(e) 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.

(f) 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.

(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 on a random basis the financial disclosure statements for filers who are not statewide elected officials and members of the legislature.

(e) 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.

(f) 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 for two years 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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) Upon the receipt of a complaint, referral, or the commencement of an investigation, members of the commission shall disclose to the commission any personal, professional, financial, or other direct or indirect relationships a member of the commission may have with a complainant or respondent. If any commissioner determines a conflict of interest may exist, the commissioner shall, in writing, notify the other members of the commission setting forth the possible conflict of interest. The commissioner may recuse themself from all subsequent involvement in the consideration and determination of the matter. If, after the disclosure, the commissioner does not recuse themself from the matter, the commission, by a majority vote finding that the disclosed information creates a substantial conflict of interest, shall remove the conflicted commissioner from all subsequent involvement in the consideration and determination of the matter, provided the reason for the decision is clearly stated in the determination of the commission.

(c) 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. The commission may, by a majority vote and pursuant to regulations adopted pursuant to the state administrative procedure act, delegate to the executive director the authority to issue subpoenas, provided that the executive director first notify the chair of the commission.

(d) 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.

(e) The commission shall notify the complainant, if any, that the commission has received their complaint.

(f) If, following a preliminary review of any complaint or referral, the commission or commission staff decides to elevate such preliminary review into an investigation, written notice shall be provided to the respondent setting forth, to the extent the commission is able to, the possible or alleged violation or violations of such law and a description of the allegations against the respondent and the evidence, if any, already gathered pertaining to such allegations, provided however that any information that may, in the judgment of the commission or staff, either be prejudicial to the complainant or compromise the investigation shall be redacted. The respondent shall have fifteen days from receipt of the written notice to provide any preliminary response or information the respondent determines may benefit the commission or commission staff in its work. After the review and investigation, the staff shall prepare a report to the commission setting forth the allegation or allegations made, the evidence gathered in the review and investigation tending to support and disprove, if any, the allegation or allegations, the relevant law, and a recommendation for the closing of the matter as unfounded or unsubstantiated, for settlement, for guidance, or moving the matter to a confidential due process hearing. The commission shall, by majority vote, return the matter to the staff for further investigation or accept or reject the staff recommendation.

(g) In an investigation involving a victim the commission shall ensure that any interview of such victim is upon such victim's consent and that the investigator or investigators interviewing such victim have adequate trauma informed and victim centered investigative training. If a victim is requested to testify at a hearing, the commission shall provide sufficient notice to the victim of such request. Regardless of whether a victim is requested to or testifies at a hearing, the victim shall be informed as to how any statements made or information provided will be used in an investigation.

(h) Upon the conclusion of an investigation, if the commission, after consideration of a staff report, determines by majority vote that 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. If after a hearing the complaint is unsubstantiated or unfounded, the commission shall provide written notice to the respondent, complainant, if any, and victim, if any, provided that such notice shall not include any personally identifying information or information tending to identify any party involved in an investigation.

(i) 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.

(j) 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.

(k) 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.

(l) If the commission's vote to proceed to a due process hearing after the completion of an investigation does not carry, the commission shall provide written notice of the decision to the respondent, complainant, if any, and victim, if any, provided that such notice shall not include any personally identifying information or information tending to identify any party involved in an investigation.

(m) If the commission determines a complaint or referral lacks specific and credible evidence of a violation of the laws under its jurisdiction, or a matter is closed due to the allegations being unsubstantiated prior to a vote by the commission, such records and all related material shall be exempt from public disclosure under article six of the public officers law, except the commission's vote shall be publicly disclosed in accordance with articles six and seven of the public officers law. The commission shall provide written notice of such closure to the respondent, complainant, if any, or victim, if any, provided that such notice shall not include any personally identifying information or information tending to identify any party involved in an investigation.

(n) (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 or section one hundred seven of the civil service law, except that the commission may recommend that the individual in violation of such subdivision or section be disciplined.

(o) 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.

(p) (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 or section one hundred seven of the civil service 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, by a majority vote, a substantial basis to conclude that the individual or entity has violated the public officers law, section one hundred seven of the civil service law, or the legislative law, the commission shall determine whether, in addition to or in lieu of any fine authorized by this article, the matter 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 complainant and respondent. The commission shall publish such report on its website within twenty days of its delivery to the complainant and 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, or when necessary to inform the complainant or respondent of the alleged violation of law, if any, of the status of an investigation, 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 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 on the number of investigations pending and nature of such investigations;

(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 April for the preceding year.

13. Website. (a) Within one hundred twenty days of the effective date of this section, the commission shall update JCOPE's 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 of statewide elected officials and members of the legislature;

(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 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, subdivisions 7, 9, 12 and 13 as amended and subdivision 10 as added 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~~] **chair** 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~~] **chair** 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~~] 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~~] 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~~] 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~~] 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~~] 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~~] **twenty** calendar days after receipt from the [~~joint~~] 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~~] 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~~] 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~~] commission **on ethics and lobbying in government** in accordance with this paragraph, the [~~joint~~] 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~~] commission on [~~public~~] ethics **and lobbying in government** for additional investigation more than once. If the commission refers the matter back to the [~~joint~~] commission **on ethics and lobbying in government** for additional fact-finding, the

[~~joint commission's~~] commission on ethics and lobbying in government's original report shall remain confidential.

10. Upon receipt of a written report from the [~~joint~~] 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~~] 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~~] 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~~] 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~~] 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 section 73-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~~] 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 multi-state 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~~] 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~~] 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~~] 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 1 of section 73-a of the public officers law is amended by adding a new paragraph (e-1) to read as follows:

(e-1) The term "domestic partner" shall mean a person who, with respect to another person, is formally a party in a domestic partnership or similar relationship with the other person, entered into pursuant to the laws of the United States or any state, local or foreign jurisdiction, or registered as the domestic partner of the other person with any registry maintained by the employer of either party or any state, municipality, or foreign jurisdiction.

§ 7. 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~~] **chair** 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 legisla-

tive 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~~] 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~~] 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~~] 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 within the additional period of time granted; and the legislative ethics commission shall notify the [~~joint~~] 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 inde-

pendent 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~~] 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~~] 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~~] **chair**, such statement shall be filed with the [~~joint~~] commission on [~~public~~] ethics **and lobbying in government** established by section ninety-four of the executive law.

(d) The [~~joint~~] 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~~] **chair** shall file such statement within thirty days after commencing employment or of taking the position of political party [~~chairman~~] **chair**, 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~~] 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~~] 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~~] 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~~] 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.

§ 8. 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~~] 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 individ-

ual; 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~~] 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~~] 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~~] 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~~] 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 informa-

tion 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~~] 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~~] 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~~] 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~~] 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 Decem-

ber 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)

§ 9. 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~~] 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~~] 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~~] 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~~] 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~~] 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~~] 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~~] 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.

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

§ 11. The closing paragraph of paragraph 4 of subdivision (c) of section 1-h of the legislative law, as amended by section 1 of part D of chapter 286 of the laws of 2016, is amended to read as follows:

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

§ 12. The closing paragraph of paragraph 4 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~~] commission on [~~public~~] ethics **and lobbying in government** shall promulgate regulations to implement these requirements.

§ 13. 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~~] commission on [~~public~~] ethics **and lobbying in government** or legislative ethics commission in relation to persons subject to their respective jurisdictions.

§ 14. Subdivision 1 of section 73 of the public officers law is amended by adding a new paragraph (n) to read as follows:

(n) The term "domestic partner" shall mean a person who, with respect to another person, is formally a party in a domestic partnership or similar relationship with the other person, entered into pursuant to the laws of the United States or of any state, local or foreign jurisdiction, or registered as the domestic partner of the other person with any registry maintained by the employer of either party or any state, municipality, or foreign jurisdiction.

§ 15. 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~~] 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 **or domestic partner** 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.

§ 16. 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~~] 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.

§ 17. 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~~] 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 permit-

ted activities provided that the general counsel of the state agency, after consultation with the [~~joint~~] commission on [~~public~~] ethics **and lobbying in government**, provides to the [~~joint~~] 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~~] 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~~] 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~~] **chair**, 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~~] **chair** 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~~] **chair**, where such statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party [~~chairman~~] **chair** does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the [~~joint~~] 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~~] 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.

§ 18. Subdivision 3 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, paragraph 8 as amended by section 6 of part K of chapter 286 of the laws of 2016, and paragraph 13 as amended by section 1 of part CC of chapter 56 of the laws of 2015, is amended to read as follows:

3. The annual statement of financial disclosure shall contain the information and shall be in the form set forth hereinbelow:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - (For calendar year _____)

1. Name _____

2. (a) Title of Position _____
   (b) Department, Agency or other Governmental Entity _____
   (c) Address of Present Office _____
   (d) Office Telephone Number _____

3. (a) Marital Status _____. If married, please give spouse's full name [~~including maiden name where applicable~~].
   _____.
   (b) **Full name of domestic partner (if applicable).**
   _____ .

   (c) List the names of all unemancipated children.

   _____
   _____
   _____
   _____
   _____

Answer each of the following questions completely, with respect to calendar year _____, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories in Table I or Table II of this subdivision as called for in the question: A reporting individual shall indicate the Category by letter only.

Whenever "income" is required to be reported herein, the term "income" shall mean the aggregate net income before taxes from the source identified.

The term "calendar year" shall mean the year ending the December 31st preceding the date of filing of the annual statement.

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Organization	State or Local Agency

(b) List any office, trusteeship, directorship, partnership, or position of any nature, whether compensated or not, held by the spouse**, domestic partner** or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Organization	State or Local Agency

5. (a) List the name, address and description of any occupation, employment (other than the employment listed under Item 2 above),

trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

(b) If the spouse**, domestic partner** or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

6. List any interest, in EXCESS of $1,000, held by the reporting individual, such individual's spouse**, domestic partner** or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse**, domestic partner** or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do NOT list any interest in a contract made or executed by a local agency after public notice and pursuant to a process for

competitive bidding or a process for competitive requests for proposals.

Self, Spouse, Domestic Partner or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	Category of Value of Contract (In Table II)

7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

_____
_____
_____
_____
_____

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, or works as a member or employee of a firm required to register pursuant to section one-e of the legislative law as a lobbyist, describe the services rendered for which compensation was paid including a general description of the principal subject areas of matters undertaken by such individual and principal duties performed. Specifically state whether the reporting individual provides services directly to clients. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation.

_____
_____
_____
_____
_____

(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~~] commission 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-1) 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 THOU-

SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

If the reporting individual receives income from employment reportable in question 8(a) and 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"), the reporting individual shall 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 in direct connection with:

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

(ii) A grant of $10,000 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 such services rendered by the reporting individual directly to each such client, describe each matter that was the subject of such representation, the services actually provided and the payment received. For payments received from clients referred to the firm by the reporting individual, if the reporting individual directly received a referral fee or fees for such referral, identify the client and the payment so received.

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 having knowingly solicited or directed 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 clauses (i) through (iv) of this subparagraph, as the result of such procurement, solicitation or direction of the reporting individual. 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.

Client	Matter	Nature of Services Provided	Category of Amount (in Table I)

(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 individ-

ual; 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~~] commission 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~~] commission 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~~] commission 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~~] commission 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 informa-

tion 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~~] commission 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~~] commission 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~~] commission 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~~] commission 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)

(d) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse **or domestic partner** had an investment in excess of $1,000 excluding investments in securities and interests in real property.

9. List each source of gifts, EXCLUDING campaign contributions, in EXCESS of $1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse**, domestic partner** or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

Self, Spouse**,** **Domestic Partner** or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift (In Table I)

10. Identify and briefly describe the source of any reimbursements for expenditures, EXCLUDING campaign expenditures and expenditures in connection with official duties reimbursed by the state, in EXCESS of $1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursements" does NOT include gifts reported under item 9.

Source	Description

11. List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans (other than retirement plans of the state of New York or the city of New York), and deferred compensation plans (e.g., 401, 403(b), 457, etc.) established in accordance with the internal revenue code, in which the REPORTING INDIVIDUAL held a beneficial interest in EXCESS of $1,000 at any time during the preceding year. Do NOT report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

Identity	Category of Value* (In Table II)

* The value of such interest shall be reported only if reasonably ascertainable.

12. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).

_____
_____
_____
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_____

(b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the REPORTING INDIVIDUAL in EXCESS of $1,000 from a prior employer OTHER THAN the State. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

_____
_____
_____
_____
_____

13. List below the nature and amount of any income in EXCESS of $1,000 from EACH SOURCE for the reporting individual and such individual's spouse **or domestic partner** for the taxable year last occurring prior to the date of filing. Each such source must be described with particularity. Nature of income includes, but is not limited to, all income (other than that received from the employment listed under Item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrange-

ments, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/ Spouse or Domestic Partner	Source	Nature	Category of Amount (In Table I)

14. List the sources of any deferred income (not retirement income) in EXCESS of $1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Source	Category of Amount (In Table I)

15. List each assignment of income in EXCESS of $1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of $1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

Item Assigned or Transferred	Assigned or Transferred to	Category of Value (In Table I)

_____
_____
_____
_____
_____

16. List below the type and market value of securities held by the reporting individual or such individual's spouse **or domestic partner** from each issuing entity in EXCESS of $1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse **or domestic partner** has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse **or domestic partner** is the owner of record but in which such individual or the reporting individual's spouse **or domestic partner** has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person or the reporting person's spouse **or domestic partner** holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse **or domestic partner**. For the purpose of this item the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security is corporate stock, NOT publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse **or domestic partner**.

	Percentage of corporate stock owned or controlled (if more than 5% of publicly traded stock, or more than	Category of Market Value as of the close of the taxable year last occurring

Self/ Spouse or Domestic Partner	Issuing Entity	Type of Security	10% if stock not publicly traded, is held)	prior to the filing of this statement (In Table II)

17. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of $1,000 is held by the reporting individual or the reporting individual's spouse or domestic partner. Also list real property owned for investment purposes by a corporation more than fifty percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse or domestic partner. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse or domestic partner, except where there is a co-owner who is other than a relative.

Self/ Spouse/ Domestic Partner Corporation	Location	Size	General Nature	Acquisition Date	Percentage of Ownership	Category of Market Value (In Table II)

18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of $1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	Category of Amount (In Table II)

_____
_____
_____

19. List below all liabilities of the reporting individual and such individual's spouse **or domestic partner**, in EXCESS of $10,000 as of the date of filing of this statement, other than liabilities to a relative. Do NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse **or domestic partner** or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse **or domestic partner** has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse **or domestic partner**. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Name of Creditor or Guarantor	Type of Liability and Collateral, if any	Category of Amount (In Table II)

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

_____ _____
(Signature of Reporting Individual) Date (month/day/year)

TABLE I

Category A		none			
Category B	$	1	to under $	1,000	
Category C	$	1,000	to under $	5,000	
Category D	$	5,000	to under $	20,000	
Category E	$	20,000	to under $	50,000	
Category F	$	50,000	to under $	75,000	
Category G	$	75,000	to under $	100,000	
Category H	$	100,000	to under $	150,000	
Category I	$	150,000	to under $	250,000	
Category J	$	250,000	to under $	350,000	

Category K	$ 350,000 to under	$ 450,000
Category L	$ 450,000 to under	$ 550,000
Category M	$ 550,000 to under	$ 650,000
Category N	$ 650,000 to under	$ 750,000
Category O	$ 750,000 to under	$ 850,000
Category P	$ 850,000 to under	$ 950,000
Category Q	$ 950,000 to under	$1,050,000
Category R	$1,050,000 to under	$1,150,000
Category S	$1,150,000 to under	$1,250,000
Category T	$1,250,000 to under	$1,350,000
Category U	$1,350,000 to under	$1,450,000
Category V	$1,450,000 to under	$1,550,000
Category W	$1,550,000 to under	$1,650,000
Category X	$1,650,000 to under	$1,750,000
Category Y	$1,750,000 to under	$1,850,000
Category Z	$1,850,000 to under	$1,950,000
Category AA	$1,950,000 to under	$2,050,000
Category BB	$2,050,000 to under	$2,150,000
Category CC	$2,150,000 to under	$2,250,000
Category DD	$2,250,000 to under	$2,350,000
Category EE	$2,350,000 to under	$2,450,000
Category FF	$2,450,000 to under	$2,550,000
Category GG	$2,550,000 to under	$2,650,000
Category HH	$2,650,000 to under	$2,750,000
Category II	$2,750,000 to under	$2,850,000
Category JJ	$2,850,000 to under	$2,950,000
Category KK	$2,950,000 to under	$3,050,000
Category LL	$3,050,000 to under	$3,150,000
Category MM	$3,150,000 to under	$3,250,000
Category NN	$3,250,000 to under	$3,350,000
Category OO	$3,350,000 to under	$3,450,000
Category PP	$3,450,000 to under	$3,550,000
Category QQ	$3,550,000 to under	$3,650,000
Category RR	$3,650,000 to under	$3,750,000
Category SS	$3,750,000 to under	$3,850,000
Category TT	$3,850,000 to under	$3,950,000
Category UU	$3,950,000 to under	$4,050,000
Category VV	$4,050,000 to under	$4,150,000
Category WW	$4,150,000 to under	$4,250,000
Category XX	$4,250,000 to under	$4,350,000
Category YY	$4,350,000 to under	$4,450,000
Category ZZ	$4,450,000 to under	$4,550,000
Category AAA	$4,550,000 to under	$4,650,000
Category BBB	$4,650,000 to under	$4,750,000
Category CCC	$4,750,000 to under	$4,850,000
Category DDD	$4,850,000 to under	$4,950,000
Category EEE	$4,950,000 to under	$5,050,000
Category FFF	$5,050,000 to under	$5,150,000
Category GGG	$5,150,000 to under	$5,250,000
Category HHH	$5,250,000 to under	$5,350,000
Category III	$5,350,000 to under	$5,450,000
Category JJJ	$5,450,000 to under	$5,550,000
Category KKK	$5,550,000 to under	$5,650,000
Category LLL	$5,650,000 to under	$5,750,000
Category MMM	$5,750,000 to under	$5,850,000
Category NNN	[~~$5,580,000~~] $5,850,000 to under	$5,950,000

Category OOO	$5,950,000 to under	$6,050,000
Category PPP	$6,050,000 to under	$6,150,000
Category QQQ	$6,150,000 to under	$6,250,000
Category RRR	$6,250,000 to under	$6,350,000
Category SSS	$6,350,000 to under	$6,450,000
Category TTT	$6,450,000 to under	$6,550,000
Category UUU	$6,550,000 to under	$6,650,000
Category VVV	$6,650,000 to under	$6,750,000
Category WWW	$6,750,000 to under	$6,850,000
Category XXX	$6,850,000 to under	$6,950,000
Category YYY	$6,950,000 to under	$7,050,000
Category ZZZ	$7,050,000 to under	$7,150,000
Category AAAA	$7,150,000 to under	$7,250,000
Category BBBB	$7,250,000 to under	$7,350,000
Category CCCC	$7,350,000 to under	$7,450,000
Category DDDD	$7,450,000 to under	$7,550,000
Category EEEE	$7,550,000 to under	$7,650,000
Category FFFF	$7,650,000 to under	$7,750,000
Category GGGG	$7,750,000 to under	$7,850,000
Category HHHH	$7,850,000 to under	$7,950,000
Category IIII	$7,950,000 to under	$8,050,000
Category JJJJ	$8,050,000 to under	$8,150,000
Category KKKK	$8,150,000 to under	$8,250,000
Category LLLL	$8,250,000 to under	$8,350,000
Category MMMM	$8,350,000 to under	$8,450,000
Category NNNN	$8,450,000 to under	$8,550,000
Category OOOO	$8,550,000 to under	$8,650,000
Category PPPP	$8,650,000 to under	$8,750,000
Category QQQQ	$8,750,000 to under	$8,850,000
Category RRRR	$8,850,000 to under	$8,950,000
Category SSSS	$8,950,000 to under	$9,050,000
Category TTTT	$9,050,000 to under	$9,150,000
Category UUUU	$9,150,000 to under	$9,250,000
Category VVVV	$9,250,000 to under	$9,350,000
Category WWWW	$9,350,000 to under	$9,450,000
Category XXXX	$9,450,000 to under	$9,550,000
Category YYYY	$9,550,000 to under	$9,650,000
Category ZZZZ	$9,650,000 to under	$9,750,000
Category AAAAA	$9,750,000 to under	$9,850,000
Category BBBBB	$9,850,000 to under	$9,950,000
Category CCCCC	$9,950,000 to under	$10,000,000
Category DDDDD	$10,000,000 or over	

TABLE II

Category A	none	
Category B	$ 1 to under $	1,000
Category C	$ 1,000 to under $	5,000
Category D	$ 5,000 to under $	20,000
Category E	$ 20,000 to under $	50,000
Category F	$ 50,000 to under $	75,000
Category G	$ 75,000 to under $	100,000
Category H	$ 100,000 to under $	150,000
Category I	$ 150,000 to under $	250,000
Category J	$ 250,000 to under $	500,000
Category K	$ 500,000 to under $	750,000
Category L	$ 750,000 to under $	1,000,000

Category M	$1,000,000 to under $1,250,000
Category N	$1,250,000 to under $1,500,000
Category O	$1,500,000 to under $1,750,000
Category P	$1,750,000 to under $2,000,000
Category Q	$2,000,000 to under $2,250,000
Category R	$2,250,000 to under $2,500,000
Category S	$2,500,000 to under $2,750,000
Category T	$2,750,000 to under $3,000,000
Category U	$3,000,000 to under $3,250,000
Category V	$3,250,000 to under $3,500,000
Category W	$3,500,000 to under $3,750,000
Category X	$3,750,000 to under $4,000,000
Category Y	$4,000,000 to under $4,250,000
Category Z	$4,250,000 to under $4,500,000
Category AA	$4,500,000 to under $4,750,000
Category BB	$4,750,000 to under $5,000,000
Category CC	$5,000,000 to under $5,250,000
Category DD	$5,250,000 to under $5,500,000
Category EE	$5,500,000 to under $5,750,000
Category FF	$5,750,000 to under $6,000,000
Category GG	$6,000,000 to under $6,250,000
Category HH	$6,250,000 to under $6,500,000
Category II	$6,500,000 to under $6,750,000
Category JJ	$6,750,000 to under $7,000,000
Category KK	$7,000,000 to under $7,250,000
Category LL	$7,250,000 to under $7,500,000
Category MM	$7,500,000 to under $7,750,000
Category NN	$7,750,000 to under $8,000,000
Category OO	$8,000,000 to under $8,250,000
Category PP	$8,250,000 to under $8,500,000
Category QQ	$8,500,000 to under $8,750,000
Category RR	$8,750,000 to under $9,000,000
Category SS	$9,000,000 to under $9,250,000
Category TT	$9,250,000 to under $9,500,000
Category UU	$9,500,000 or over

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

PART RR

Section 1. The opening paragraph and subdivisions 1 and 2 of section 1306 of the racing, pari-mutuel wagering and breeding law, the opening paragraph as amended by chapter 243 of the laws of 2020 and subdivisions 1 and 2 as added by chapter 174 of the laws of 2013, are amended to read as follows:

The New York state gaming facility location board shall select, following a competitive process and subject to the restrictions of this article, no more than [~~four~~] **seven** entities to apply to the commission for gaming facility licenses**; provided however, that no more than three gaming facilities shall be located in zone one**. In exercising its authority, the board shall have all powers necessary or convenient to fully carry out and effectuate its purposes including, but not limited to, the following powers. The board shall:

1. issue a request for applications for zone **one or** two gaming facility licenses pursuant to section one thousand three hundred twelve **or section one thousand three hundred twenty-one-b** of this article;

2. assist the commission in prescribing the form of the application for zone **one or** two gaming facility licenses including information to be furnished by an applicant concerning an applicant's antecedents, habits, character, associates, criminal record, business activities and financial affairs, past or present pursuant to section one thousand three hundred thirteen **or section one thousand three hundred twenty-one-c** of this article;

§ 2. Subparagraph 2 of paragraph (a) of subdivision 2 of section 1310 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

(2) Region two shall consist of Bronx, Kings, New York, Queens and Richmond counties[~~. No gaming facility shall be authorized in region two~~]; and

§ 3. The title heading of title 2 of article 13 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

FACILITY DETERMINATION AND LICENSING**: UPSTATE GAMING FACILITIES**

§ 4. Section 1310 of title 2 of article 13 of the racing, pari-mutuel wagering and breeding law is redesignated section 1310 of title 1 of such article.

§ 5. Subdivisions 1 and 3 of section 1311 of the racing, pari-mutuel wagering and breeding law, subdivision 1 as amended by chapter 175 of the laws of 2013 and subdivision 3 as added by section 6 of part Y of chapter 59 of the laws of 2021, are amended to read as follows:

1. The commission is authorized to award up to four gaming facility licenses, in regions one, two and five of zone two. The duration of such initial license shall be ten years. The term of renewal shall be determined by the commission. The commission may award a second license to a qualified applicant in no more than a single region. The commission is not empowered to award any license [~~in zone one. No gaming facilities are authorized~~] **nor are any gaming facilities authorized** under this [~~article~~] **title** for the city of New York or any other portion of zone one.

As a condition of licensure, licensees are required to commence gaming operations no more than twenty-four months following license award. No additional licenses may be awarded during the twenty-four month period, nor for an additional sixty months following the end of the twenty-four month period. Should the state legislatively authorize additional gaming facility licenses within these periods, licensees shall have the right to recover the license fee paid pursuant to section one thousand three hundred six of this article.

This right shall be incorporated into the license itself, vest upon the opening of a gaming facility in zone one or in the same region as the licensee and entitle the holder of such license to bring an action in the court of claims to recover the license fee paid pursuant to section one thousand three hundred fifteen of this [~~article~~] **title** in the event that any gaming facility license in excess of the number authorized by this section as of the effective date of this section is awarded within seven years from the date that the initial gaming facility license is awarded. This right to recover any such fee shall be proportionate to the length of the respective period that is still remaining upon the vesting of such right.

Additionally, the right to bring an action in the court of claims to recover the fee paid to the state on the twenty-fourth day of September, two thousand ten, by the operator of a video lottery gaming facility in a city of more than one million shall vest with such operator upon the

opening of any gaming facility licensed by the commission in zone one within seven years from the date that the initial gaming facility license is awarded; provided however that the amount recoverable shall be limited to the pro rata amount of the time remaining until the end of the seven year exclusivity period, proportionate to the period of time between the date of opening of the video lottery facility until the conclusion of the seven year period.

3. As a condition for continued licensure, licensees shall be required to house upon the physical premises of the licensed gaming facility, **upon request,** a mobile sports wagering platform provider's server or other equipment used for receiving mobile sports wagers pursuant to section [~~1367-a of the racing, pari-mutuel wagering and breeding law~~] **1367-a of this article**; provided however, that such licensee shall be entitled to the reasonable and actual costs, as determined by the gaming commission, of physically housing and securing such server or other equipment used for receiving mobile sports wagers at such licensee's licensed gaming facility; and provided further, [~~that as consideration for housing and securing such server at the physical premises of the licensed gaming facility,~~] **for the duration of the initial license term,** a mobile sports wagering platform [~~providers~~] **provider** shall pay [~~to such licensed gaming facility, five~~] **two and one-half** million dollars per year [~~for the duration of the time that such server is housed and operating at the physical premises of such licensed gaming facility~~]. **Each gaming facility licensed under title two of this article shall receive five million dollars per year, which shall be paid no later than May first of each year.**

§ 6. The opening paragraph of subdivision 1 of section 1312 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

The board shall issue within ninety days of a majority of members being appointed a request for applications for a gaming facility license in regions one, two and five in zone two; provided, however, that the board shall not issue any requests for applications for any region in zone one **under this title**; and further provided that the board shall not issue any requests for applications with respect to any gaming facility subsequently legislatively authorized until seven years following the commencement of gaming activities in zone two**, unless such request for application with respect to any subsequently legislatively authorized gaming facility adheres to the procedure as described in section one thousand three hundred eleven of this title**. All requests for applications shall include:

§ 7. Article 13 of the racing, pari-mutuel wagering and breeding law is amended by adding a new title 2-A to read as follows:

TITLE 2-A

FACILITY DETERMINATION AND LICENSING: ADDITIONAL GAMING FACILITIES

Section 1321-a. License authorization; restrictions.
1321-b. Requests for applications.
1321-c. Form of application.
1321-d. License applicant eligibility.
1321-e. Required capital investment.
1321-f. Minimum license thresholds.
1321-g. Investigation of license applicants.
1321-h. Disqualifying criteria.
1321-i. Hearings.
1321-j. Siting evaluation.
1321-k. Zoning.

§ 1321-a. License authorization; restrictions. 1. The commission is authorized to award up to three additional gaming facility licenses. The duration of such initial license and the term of renewal shall be determined by the commission; provided however, that such initial license term shall be no less than ten years but no more than thirty years based on the proposed total investment of the applicant's project.

2. If any of the three additional gaming facility licenses are awarded to an entity that was licensed for video lottery gaming pursuant to section sixteen hundred seventeen-a of the tax law as of January first two thousand twenty-two, the education aid for the state resulting from taxes imposed pursuant to subdivision one-a of section thirteen hundred fifty-one of this article on the gaming facility operations of any such entity in a given state fiscal year shall be no less than the total of education aid deposits into the state lottery fund from the video lottery gaming operations of such entity for the full twelve month period immediately preceding its opening date as a gaming facility, provided however, that the twelve month period education aid total shall not be less than the education aid total from the video lottery gaming operations of such entity for state fiscal year two thousand twenty-two. Should the education aid for the state resulting from taxes imposed pursuant to subdivision one-a of section thirteen hundred fifty-one of this article on the gaming facility operations of such entity at the conclusion of a given state fiscal year be less than the total required under this subdivision, such entity shall remit the necessary payment to the commission for deposit into the commercial gaming revenue fund no later than the next occurring May first. Notwithstanding section ninety-seven-nnnn of the state finance law, such payment into the commercial gaming revenue fund shall be available only for elementary and secondary education. For the purposes of this section, video lottery gaming operations of an entity shall include any hosted video lottery devices.

3. Notwithstanding the foregoing, no casino gaming facility shall be authorized:

(a) in the counties of Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, Saint Lawrence and Warren;

(b) within the following area: (1) to the east, State Route 14 from Sodus Point to the Pennsylvania border with New York; (2) to the north, the border between New York and Canada; (3) to the south, the Pennsylvania border with New York; and (4) to the west, the border between New York and Canada and the border between Pennsylvania and New York; and

(c) in the counties of Cayuga, Chenango, Cortland, Herkimer, Lewis, Madison, Oneida, Onondaga, Oswego and Otsego.

§ 1321-b. Requests for applications. Requests for applications shall be handled in the same manner as provided for in section thirteen hundred twelve of this article for gaming licenses authorized but not awarded, provided however that any requests for applications for gaming facility licenses authorized but not awarded may be for gaming facility licenses in any region in zone one or in regions one, two and five in zone two.

§ 1321-c. Form of application. The form of the application shall be the same as established under section thirteen hundred thirteen of this article.

§ 1321-d. License applicant eligibility. 1. Gaming facility licenses shall only be issued to applicants who are qualified under the criteria set forth in this article, as determined by the commission.

2. Prior to official review by the board, each potential license applicant must:

(a) demonstrate to the board's satisfaction that the applicant has acquired public support and presented evidence of compliance and approval with all required state and local zoning requirements as required under subdivision three of this section and section thirteen hundred twenty-one-k of this title; and

(b) waive all rights they or any affiliated entity possess under section thirteen hundred eleven of this article to bring an action to recover a fee.

(c) pursuant to section thirteen hundred twenty-one-f of this title, an applicant shall pay to the commission an application fee of one million dollars to defray the costs associated with the processing of the application, commission expenses related to the community advisory committee, and investigation of the applicant; provided, however, that if the costs exceed the initial application fee, the applicant shall pay the additional amount to the commission within thirty days after notification of insufficient fees or the application shall be rejected and further provided that should the costs not exceed the fee remitted, any unexpended portion shall be returned to the applicant;

3. (a) For each applicant who proposes a gaming facility located in region two of zone one, there shall be established a community advisory committee. Each committee shall consist of six members, one to be appointed by the governor, one to be appointed by the senator representing the senate district where the proposed facility is to be located, one to be appointed by the assemblymember representing the assembly district where the proposed facility is to be located, one to be appointed by the borough president where the facility is proposed to be located, one to be appointed by the city councilmember representing the district where the facility is proposed to be located, and one to be appointed by the New York city mayor.

(b) For each applicant who proposes a gaming facility located in regions one or three of zone one, or regions one, two or five of zone two there shall be established a community advisory committee. Each committee shall consist of five members, one to be appointed by the governor, one to be appointed by the senator representing the senate district where the proposed facility is to be located, one to be appointed by the assemblymember representing the assembly district where the proposed facility is to be located, one to be appointed by the county executive of the county where the facility is proposed to be located, and one to be appointed as follows:

(i) If the proposed facility is to be located in a city, one to be appointed by the mayor of such city;

(ii) If the proposed facility is to be located in a town, one to be appointed by the town supervisor of such town; or

(iii) If the proposed facility is to be located in a village, one representative to be appointed jointly by the village mayor and the town supervisor.

(c) The activities of the community advisory committees constituted pursuant to this subdivision shall be subject to the open meetings provisions contained in article seven of the public officers law.

(d) The commission may hire a consultant to serve as a community consultant to assist and manage the community advisory committee process. The commission or community consultant shall provide administrative support and technical assistance for the establishment and activities of committees constituted pursuant to this subdivision.

(e) Prior to a determination on any application by the board, the following community advisory committee process shall apply:

(i) Upon the majority of members of the board being appointed, a community consultant may be hired by the commission to manage the process and any other activities as determined by the commission;

(ii) the commission shall issue a request for applications no later than ninety days following the majority of members of the board being appointed;

(iii) interested entities may submit an application to the board who shall provide such application to the community consultant;

(iv) the community consultant shall notify the commission of all applications and notify the appropriate appointing authorities of their responsibility to submit appointments for each required community advisory committee established pursuant to this section;

(v) the community consultant shall ensure the formation of each committee, as necessary;

(vi) upon notification, the appointing authority shall appoint their respective appointees;

(vii) upon a committee's first meeting the respective appointees shall elect by majority vote a committee chair;

(viii) the community consultant shall assign applications to each appropriate committee;

(ix) each committee shall review, solicit public comments and written submissions of such comments, and hold public hearings;

(x) upon a two-thirds vote, each committee shall issue a finding either establishing public support approving or disapproving the application.

(f) Following a two-thirds vote by the applicable community advisory committee, the following shall apply:

(i) Upon notification of a finding of support in approval of an application following a two-thirds vote by the appropriate committee, the community consultant shall notify the applicant, board, and commission;

(ii) following such notification, the applicant must comply and receive approval under the applicable state and local zoning requirements;

(iii) the board shall not issue a decision on the application until the applicant presents evidence of compliance and approval with all necessary state and local zoning requirements.

4. The expiration of the seven year restricted period from the date that an initial gaming facility license was awarded is February twenty-eighth, two thousand twenty-three for the three initial casino licenses and November twenty-second, two thousand twenty-three for the final casino license awarded. Should an applicant or applicants commence gaming activities prior to such dates, such applicant or applicants shall be jointly and severally liable for payment of the proportionate fee for the respective period remaining as required by section thirteen hundred eleven of this article.

§ 1321-e. Required capital investment. 1. The board shall establish the minimum capital investment for each unawarded gaming facility license. Such investment may include, but not be limited to, a casino area, hotel and other amenities; and provided further, that the board shall determine whether it will include the purchase or lease price of the land where the gaming facility will be located or any infrastructure designed to support the site including, but not limited to, drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water contamination issues. The board may consider private capital investment made previous to the effective date of this title, but may, in its discretion, discount a percentage of the investment made.

Upon award of a gaming license by the commission, the commission shall require the applicant to deposit no less than five percent and no more than ten percent of the total investment proposed in the application into an interest-bearing account based on the liquidity of the applicant. Monies received from the applicant shall be held in escrow until the final stage of construction, as detailed in the timeline of construction submitted with the licensee's application and approved by the commission, at which time the deposit plus interest earned shall be returned to the applicant to be applied for the final stage. Should the applicant be unable to complete the gaming facility, the deposit shall be forfeited to the state. In place of a cash deposit, the commission may allow for an applicant to secure a deposit bond insuring that such percent of the proposed capital investment shall be forfeited to the state if the applicant is unable to complete the gaming facility.

2. Each applicant shall submit its proposed capital investment with its application to the board which shall include stages of construction of the gaming facility and the deadline by which the stages and overall construction and any infrastructure improvements will be completed. In awarding a license, the commission shall determine at what stage of construction a licensee shall be approved to open for gaming; provided, however, that a licensee shall not be approved to open for gaming until the commission has determined that at least the gaming area and other ancillary entertainment services and non-gaming amenities, as required by the board, have been built and are of a superior quality as set forth in the conditions of licensure. The commission shall not approve a gaming facility to open before the completion of the permanent casino area.

3. The board shall determine a licensing fee to be paid by a licensee within thirty days after the award of the license which shall be deposited into the commercial gaming revenue fund, provided however that no licensing fee shall be less than five hundred million dollars. The license shall set forth the conditions to be satisfied by the licensee before the gaming facility shall be opened to the public. The commission shall set any renewal fee for such license based on the cost of fees associated with the evaluation of a licensee under this article which shall be deposited into the commercial gaming fund. Such renewal fee shall be exclusive of any subsequent licensing fees under this section.

4. The commission shall determine the sources and total amount of an applicant's proposed capitalization to develop, construct, maintain and operate a proposed gaming facility under this article. Upon award of a gaming license, the commission shall continue to assess the capitalization of a licensee for the duration of construction of the proposed gaming facility and the term of the license.

§ 1321-f. Minimum license thresholds. The minimum licensing thresholds shall be the same as those established under section thirteen hundred sixteen of this article.

§ 1321-g. Investigation of license applicants. The process used to investigate license applicants shall be the same process established under section thirteen hundred seventeen of this article.

§ 1321-h. Disqualifying criteria. The criteria to disqualify applicants shall be the same criteria used for upstate gaming facility licensing, which are enumerated in section thirteen hundred eighteen of this article.

§ 1321-i. Hearings. The process used for hearings shall be the same process established under section thirteen hundred nineteen of this article.

§ 1321-j. Siting evaluation. In determining whether an applicant shall be eligible for a gaming facility license, the board shall evaluate and make a determination of how each applicant proposes to advance the following objectives with consideration given to the differences between proposed projects related to whether it is a conversion of an existing video lottery gaming facility or new facility construction, and the proposed location. The board shall also conduct an analysis of the revenue impact of each applicant's proposed gaming facility on existing facilities and potential new facilities.

1. The decision by the board to select a gaming facility license applicant shall be weighted by seventy percent based on economic activity and business development factors including:

(a) realizing capital investment exclusive of land acquisition and infrastructure improvements;

(b) maximizing revenues received by the state and localities;

(c) providing the highest number of quality jobs in the gaming facility;

(d) building a gaming facility of the highest caliber with a variety of quality amenities;

(e) offering the highest and best value to patrons to create a secure and robust gaming market in the region and the state;

(f) detailing the benefits of the site location of the gaming facility and the estimated recapture rate of gaming-related spending by residents travelling to an out-of-state gaming facility;

(g) offering a reasonable and feasible construction schedule to completion of the full gaming facility;

(h) demonstrating the ability to fully finance the gaming facility; and

(i) demonstrating experience in the development and operation of a quality gaming facility;

2. The decision by the board to select a gaming facility license applicant shall be weighted by ten percent based on local impact siting factors including:

(a) mitigating potential impacts on host and nearby municipalities which might result from the development or operation of the gaming facility;

(b) operating in partnership with and promoting local hotels, restaurants and retail facilities so that patrons experience the full diversified regional tourism industry; and

(c) establishing a fair and reasonable partnership with live entertainment venues that may be impacted by a gaming facility under which the gaming facility actively supports the mission and the operation of the impacted entertainment venues;

3. The decision by the board to select a gaming facility license applicant shall be weighted by ten percent based on workforce enhancement factors including:

(a) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming facility will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming facility;

(b) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling;

(c) utilizing sustainable development principles including, but not limited to:

(1) having new and renovation construction certified under the appropriate certification category in the Leadership in Energy and Environmental Design Green Building Rating System created by the United States Green Building Council;

(2) efforts to mitigate vehicle trips;

(3) efforts to conserve water and manage storm water;

(4) demonstrating that electrical and HVAC equipment and appliances will be Energy Star labeled where available;

(5) procuring or generating on-site ten percent of its annual electricity consumption from renewable sources; and

(6) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

(d) establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that:

(1) establishes transparent career paths with measurable criteria within the gaming facility that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion;

(2) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and

(3) establishes an on-site child day care program;

(e) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming facility;

(f) implementing a workforce development plan that:

(1) utilizes the existing labor force in the state;

(2) estimates the number of construction jobs a gaming facility will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and service-disabled veterans on those construction jobs;

(3) identifies workforce training programs offered by the gaming facility; and

(4) identifies the methods for accessing employment at the gaming facility; and

(5) incorporates a workforce diversity framework, which is scored under subdivision four of this section.

(g) demonstrating that the applicant has an agreement with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies:

(1) the number of employees to be employed at the gaming facility, including detailed information on the pay rate and benefits for employees and contractors in the gaming facility and all infrastructure improvements related to the project; and

(2) detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming facility.

4. The decision by the board to select a gaming facility license applicant shall be weighted by ten percent based on a diversity framework. Diversity framework factors shall include, but not be limited to, the following:

(a) workforce demographics including current employment of minorities, women and service-disabled veterans in permanent and part-time jobs at the applicant's gaming facilities;

(b) diversity in the ownership and leadership of the corporate entity;

(c) efforts the applicant is currently undertaking to ensure diversity at its facilities and plans to undertake at this proposed facility including:

(1) establishing mentorship opportunities and other business development programs;

(2) incorporating an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including minorities, women and persons with disabilities;

(3) providing specific goals for the inclusion of minorities, women and veterans on construction jobs;

(4) ensuring that any contractors or subcontractors to any contractor make good faith efforts to provide minorities, women and veterans an opportunity to participate in the workforce;

(5) working and partnering with minority-owned businesses;

(6) developing a plan of action that shall promote diversity in its business model, financing, employment goals, and other social and economic equity roles in the gaming industry; and

(7) any such further criteria as the board shall see fit for inclusion after consultation with the division of minority and women's business development in the department of economic development.

§ 1321-k. Zoning. 1. Notwithstanding section thirteen hundred sixty-six of this article, all gaming facilities licensed pursuant to this title shall comply with all relevant city, county, town, or village land use or zoning ordinances, rules, or regulations if applicable.

2. (a) In addition, for any gaming facility located within the city of New York, all applicable zoning provisions shall be subject to the uniform land use review procedure pursuant to section one hundred ninety-seven-c of the New York city charter if such provisions would otherwise be applicable; and

(b) Any determination on whether gaming is a permissible use or activity or whether any other activity taken pursuant to the uniform land use review procedure shall not be subject to a mayoral zoning override, special permit process, or any other action or decision that preempts, circumvents, or supersedes the usual and customary local zoning process.

§ 8. Section 1351 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 1-a to read as follows:

1-a. For a gaming facility licensed pursuant to title two-A of this article, there is hereby imposed a tax on gross gaming revenues with the rates to be determined by the gaming commission pursuant to a competitive bidding process as outlined in title two-A of this article; provided however that the tax rate on gross gaming revenue from slot machines shall be no less than twenty-five percent and the tax rate on gross gaming revenue from all other sources shall be no less than ten percent.

§ 9. Section 109-a of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

§ 109-a. Separate board for facility siting. The commission shall establish a separate board to be known as the New York gaming facility location board to perform designated functions under article thirteen of this chapter, the following provisions shall apply to the board:

1. The commission shall select five members and name the chair of the board. Each member of the board shall be a resident of the state of New York. No member of the legislature or person holding any elective or appointive office in federal, state or local government shall be eligible to serve as a member of the board.

2. **A majority of members of the board shall be appointed within one hundred eighty days of the date that title two-A of this article shall become law.**

3. Qualifications of members. Members of the board shall each possess no less than ten years of responsible experience in fiscal matters and shall have any one or more of the following qualifications:

(a) significant service as an accountant economist, or financial analyst experienced in finance or economics;

(b) significant service in an academic field relating to finance or economics;

(c) significant service and knowledge of the commercial real estate industry; or

(d) significant service as an executive with fiduciary responsibilities in charge of a large organization or foundation.

[~~3.~~] **4.** No member of the board:

(a) may have a close familial or business relationship to a person that holds a license under this chapter;

(b) may have any direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests in any gaming activities, including horse racing, lottery or gambling;

(c) may receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities, including horse racing, lottery or gambling;

(d) may have a beneficial interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of any independent consulting services in connection with any establishment licensed under this chapter.

[~~4.~~] **5.** Board members are entitled to actual and necessary expenses incurred in the discharge of their duties but may not receive compensation for their service on the board.

[~~5.~~] **6.** (a) The commission shall provide staff to the board.

(b) The board [~~shall~~] **may** contract with [~~an outside~~] **a** consultant to [~~provide~~] **assist in the** analysis of [~~the gaming industry and to support the board's comprehensive review and evaluation of the~~] applications submitted [~~to the board~~] for gaming facility licenses.

(c) The board may contract with attorneys, accountants, auditors and financial and other experts to render necessary services.

(d) All other state agencies shall cooperate with and assist the board in the fulfillment of its duties under this article and may render such services to the board within their respective functions as the board may reasonably request.

[~~6~~] **7.** Utilizing the powers and duties prescribed for it by article thirteen of this chapter, the board shall select, through a competitive process consistent with provisions of article thirteen of this chapter, not more than [~~four~~] **seven** gaming facility license applicants. Such selectees shall be authorized to receive a gaming facility license, if found suitable by the commission. The board may select another applicant for authorization to be licensed as a gaming facility if a previous selectee fails to meet licensing thresholds, is revoked or surrenders a license opportunity.

§ 10. The opening paragraph of section 1348 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

In addition to any other tax or fee imposed by this article, there shall be imposed an annual license fee of five hundred dollars for each slot machine and table approved by the commission for use by a gaming licensee at a gaming facility **located in zone two**; [~~**provided**~~] **and there shall be imposed an annual license fee of seven hundred fifty dollars for each slot machine and table game approved by the commission for use by a gaming licensee at a gaming facility located in zone one. Provided**, however, that not sooner than five years after award of an original gaming license, the commission may annually adjust the fee for inflation. The fee shall be imposed as of July first of each year for all approved slot machines and tables on that date and shall be assessed on a pro rata basis for any slot machine or table approved for use thereafter.

§ 11. Section 1355 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 3 to read as follows:

3. As part of the final gaming facility license award process for licenses authorized under title two-A of this article, the commission shall determine the obligations of such entity or entities required to maintain certain racing support payments at the same dollar level realized in two thousand nineteen, to be adjusted annually pursuant to changes in the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics.

(a) In either region two or three of zone one, one or more licensees shall pay an amount to horsemen for the purpose of enhancing purses at Aqueduct racetrack, Belmont Park racetrack and Saratoga race course, an amount to the franchise corporation, and an amount to the New York state thoroughbred breeding and development fund that, in aggregate, shall be equal to the racing support payments made from video lottery gaming operations to the relevant horsemen, breeders organizations or franchised corporation at the same dollar level realized in two thousand nineteen, to be adjusted annually pursuant to changes in the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics.

(b) In region one of zone one, one or more licensees shall pay an amount to the relevant horsemen and the breeders organizations at Yonkers Raceway at the same dollar level realized in two thousand nineteen, to be adjusted annually pursuant to changes in the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics.

§ 12. This act shall take effect immediately.

PART SS

Section 1. The second undesignated paragraph of subdivision a of section 517 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in the New York state and local employees' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. **Notwithstanding the foregoing,**

when determining the rate at which each such member who became a member of the New York state and local employees' retirement system on or after April first, two thousand twelve shall contribute for any plan year (April first to March thirty-first) between April first, two thousand twenty-two and April first, two thousand twenty-four, such rate shall be determined by reference to employees annual base wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year. Base wages shall include regular pay, shift differential pay, location pay, and any increased hiring rate pay, but shall not include any overtime payments.

§ 2. The second undesignated paragraph of paragraph 1 and the second undesignated paragraph of paragraph 2 of subdivision a, the second undesignated paragraph of subdivision f and the second undesignated paragraph of subdivision g of section 613 of the retirement and social security law, the second undesignated paragraph of paragraph 1 and the second undesignated paragraph of paragraph 2 of subdivision a as amended by chapter 510 of the laws of 2015 and the second undesignated paragraph of subdivision f and the second undesignated paragraph of subdivision g as amended by chapter 18 of the laws of 2012, are amended to read as follows:

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first, except for members of New York city employees' retirement system, New York city teachers' retirement system and New York city board of education retirement system, plan year shall mean January first through December thirty-first commencing with the January first next succeeding the effective date of [~~the~~] chapter five hundred ten of the laws of two thousand fifteen [~~that amended this paragraph~~]) in which such member has established membership in a public retirement system of the state, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. Notwithstanding the foregoing, when determining the rate at which each such member who became a member of the New York state and local employees' retirement system, New York city employees' retirement system, New York city teachers' retirement system and New York city board of education retirement system, on or after April first, two thousand twelve shall contribute for any plan year (April first to March thirty-first, except for members of the New York city employees' retirement system, New York city teachers' retirement system and New York city board of education retirement system, plan year shall mean January first through December thirty-first commencing with January first next succeeding the effective date of chapter five hundred ten of the laws of two thousand fifteen) between April first, two thousand twenty-two and April first, two thousand twenty-four, such rate shall be determined by reference to employees annual base wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year. Base wages shall include regular pay, shift differential pay, location pay, and any increased hiring rate pay, but shall not include any overtime payments or compensation earned for extracurricular programs or any other pensionable earnings paid in addition to the annual base wages.

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first, provided, however, that plan year shall mean January first through December thirty-first commencing with the January first next succeeding the effective date of [~~the~~] chapter five hundred ten of the laws of two thousand fifteen [~~that amended this paragraph~~]) in which such member has established membership in the

New York city employees' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. **Notwithstanding the foregoing, when determining the rate at which each such member who became a member of, New York city employees' retirement system, on or after April first, two thousand twelve shall contribute for any plan year (April first to March thirty-first, provided, however, that plan year shall mean January first through December thirty-first commencing with the January first next succeeding the effective date of chapter five hundred ten of the laws of two thousand fifteen) between April first, two thousand twenty-two and April first, two thousand twenty-four, such rate shall be determined by reference to employees annual base wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year. Base wages shall include regular pay, shift differential pay, location pay, and any increased hiring rate pay, but shall not include any overtime payments.**

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in the New York state and local employees' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. **Notwithstanding the foregoing, when determining the rate at which each such member who became a member of the New York state and local employees' retirement system on or after April first, two thousand twelve shall contribute for any plan year (April first to March thirty-first) between April first, two thousand twenty-two and April first, two thousand twenty-four, such rate shall be determined by reference to employees annual base wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year. Base wages shall include regular pay, shift differential pay, location pay, and any increased hiring rate pay, but shall not include any overtime payments.**

Notwithstanding the foregoing, during each of the first three plan years (July first to June thirtieth) in which such member has established membership in the New York state teachers' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. **Notwithstanding the foregoing, when determining the contribution rate at which a member of the New York state teachers' retirement system with a date of membership on or after April first, two thousand twelve shall contribute for plan years (July first to June thirtieth) between July first, two thousand twenty-two and July first, two thousand twenty-four, such rate shall be determined by reference to the member's annual base wages in the second plan year (July first to June thirtieth) preceding such current plan year. Annual base wages shall not include compensation earned for extracurricular programs or any other pensionable earnings paid in addition to the annual base wages.**

§ 3. The second undesignated paragraph of section 1204 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in the New York state and local police and fire retirement system, such member shall contribute a percentage of annual

wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. **Notwithstanding the foregoing, when determining the rate at which each such member who became a member of the New York state and local police and fire retirement system on or after April first, two thousand twelve shall contribute for any plan year (April first to March thirty-first) between April first, two thousand twenty-two and April first, two thousand twenty-four, such rate shall be determined by reference to employees annual base wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year. Base wages shall include regular pay, shift differential pay, location pay, and any increased hiring rate pay, but shall not include any overtime payments.** Effective April first, two thousand twelve, all members subject to the provisions of this article shall not be required to make member contributions on annual wages excluded from the calculation of final average salary pursuant to section [~~1203~~] **twelve hundred three** of this article. Nothing in this section, however, shall be construed or deemed to allow members to receive a refund of any member contributions on such wages paid prior to April first, two thousand twelve.

§ 4. Nothing in this act shall be construed or deemed to allow members to receive a refund of any member contributions made or collected prior to the effective date of this act.

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

§ 6. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.

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

This bill would exclude overtime pay from the annual wages used to determine the variable member contribution rate for Tier 6 members of the New York State and Local Retirement System during the period of April 1, 2022 to April 1, 2024. There will be no return of member contributions.

Section 25 does not apply.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), if this legislation is enacted during the 2022 legislative session, there will be an increase in the present value of benefits of approximately $27 million which would be shared by the State of New York and all participating employers in the NYSLERS. The estimated first-year cost would be approximately $1.2 million to the State of New York and approximately $1.7 million to the participating employers in the NYSLERS.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), if this legislation is enacted during the 2022 legislative session, there will be an increase in the present value of benefits of approximately $5 million which would be shared by the State of New York and all participating employers in the NYSLPFRS. The estimated first-year cost would be approximately $0.1 million to the State of New York and approximately $0.4 million to the participating employers in the NYSLPFRS.

In addition to the first-year costs discussed above, implementing the provisions of this legislation would generate administrative costs.

Summary of relevant resources:

Membership data as of March 31, 2021 was used in measuring the impact of the proposed change, the same data used in the April 1, 2021 actuarial valuation. Distributions and other statistics can be found in the

2021 Report of the Actuary and the 2021 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 and 2021 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2021 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated April 7, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-123, prepared by the Actuary for the New York State and Local Retirement System.

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

As this bill relates to the New York State Teachers' Retirement System, this bill would amend Section 613 of the Retirement and Social Security Law to permit the employee contribution rate for Tier 6 members to be determined using only a member's annual base wages and would not include compensation earned for extracurricular programs or any other pensionable earnings paid in addition to the annual base wages, for employee contributions to be made during the two fiscal years ending June 30, 2023 and June 30, 2024. Currently, the employee contribution rate for a Tier 6 member is determined using a member's total annual wages, including earnings from extracurricular programs and any other pensionable earnings paid to the member.

The cost for using only annual base wages to determine the employee contribution rate for Tier 6 members during 2023 and 2024 is estimated to be $9.3 million, over the two-year period, if this bill is enacted. This is not a recurring annual cost, but rather a temporary cost due to the projected decrease in employee contributions to be made during the two fiscal years ending June 30, 2023 and June 30, 2024.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Annual Report. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report and the 2021 Actuarial Assumptions Report.

The source of this estimate is Fiscal Note 2022-37 dated April 6, 2022 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2022 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

SUMMARY OF BILL: This proposed legislation, as it relates to the New York City Retirement Systems and Pension Funds (NYCRS), would amend Section 613 of the Retirement and Social Security Law (RSSL) to limit the salary used in determining employee contribution rates during a certain period of time by excluding compensation earned for work performed outside of the regular hours or workday for Tier 6 members of

the New York City Employees' Retirement System (NYCERS), the New York City Teachers' Retirement System (NYCTRS), and the New York City Board of Education Retirement System (BERS).

Effective Date: Upon enactment.

BACKGROUND: Currently, Tier 6 members of NYCERS, NYCTRS, and BERS are required to make Basic Member Contributions (BMC) ranging from 3% to 6% depending on the members' applicable annual wages. Annual wages include overtime up to a certain limit ($17,301 for calendar year 2021).

Under the proposed legislation, if enacted, any pensionable earnings paid in addition to the annual base wages, including overtime and compensation earned for extracurricular activities, during the specified period would be excluded from annual wages used to calculate Tier 6 BMC rates.

FINANCIAL IMPACT - PRESENT VALUES: The estimated financial impact of implementing the changes described above is a decrease in the Present Value of member contributions. There is also a small decrease in the Present Value of Future Benefits (PVFB) as a result of reduced refunds of member contributions upon termination of employment. The net result is an increase in the Present Value of future employer contributions and annual employer contributions of NYCERS, NYCTRS, and BERS. A breakdown of the financial impact by System is shown in the table below.

NYCRS	Additional Present Value of Future Employer Contributions ($ Millions)	Estimated First Year Annual Employer Contributions ($ Millions)
NYCERS	$ 9.9	$0.9
NYCTRS	6.1	0.4
BERS *	**0.0**	**0.0**
Total	$16.0	$1.3**

* The increase in the Present Value of future employer contributions and annual employer contributions for BERS is expected to be de minimis.

** The increase in the employer contributions is estimated to be $0.8 million for New York City and $0.5 million for the other obligors of NYCRS.

In accordance with Section 13-638.2(k-2) of the Administrative Code of the City of New York (ACCNY), new Unfunded Accrued Liability (UAL) attributable to benefit changes are to be amortized as determined by the Actuary but are generally amortized over the remaining working lifetime of those impacted by the benefit changes.

As of June 30, 2021, the remaining working lifetime of NYCERS Tier 6 members is approximately 16 years, NYCTRS Tier 6 members is approximately 20 years, and BERS Tier 6 members is approximately 15 years.

For purposes of this Fiscal Note, the increase in the UAL for NYCERS was amortized over a 16-year period (15 payments under the One-Year Lag Methodology (OYLM)) using level dollar payments. Under the same methodology the increase in the UAL for NYCTRS and BERS was amortized over 19 and 14 payments, respectively.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the Present Value of future employer contributions and annual employer contributions would be reflected for the first time in the Final June 30, 2021 actuarial valuation of NYCERS, NYCTRS, and BERS. In accordance with the OYLM used to determine employer

contributions, the increase in employer contributions would first be reflected in Fiscal Year 2023.

CENSUS DATA: The estimates presented herein are based on the census data used in the Preliminary June 30, 2021 (Lag) actuarial valuation of NYCERS, NYCTRS, and BERS to determine the Preliminary Fiscal Year 2023 employer contributions.

The table below contains a summary of the census data for Tier 6 members in NYCERS, NYCTRS, and BERS as of June 30, 2021.

NYCRS	Active Count	Average Age	Average Service	Average Salary
NYCERS	71,663	41.3	3.9	$72,000
NYCTRS	49,642	37.1	4.5	$74,600
BERS	12,229	45.5	3.3	$50,400

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the Present Value of future employer contributions and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2021 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2023 employer contributions of NYCERS, NYCTRS, and BERS.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCERS, NYCTRS, and BERS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

* The initial, additional administrative costs of NYCERS, NYCTRS, and BERS and other New York City agencies to implement the proposed legislation.

STATEMENT OF ACTUARIAL OPINION: I, Michael J. Samet, am the Interim Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2022-16 dated April 7, 2022 was prepared by the Interim Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, and the New York City Board of Education Retirement System. This estimate is intended for use only during the 2022 Legislative Session.

PART TT

Section 1. Subdivision a of section 516 of the retirement and social security law, as amended by section 4 of part B of chapter 504 of the laws of 2009, is amended to read as follows:

a. A member who has five or more years of credited service [~~or ten or more years of credited service for members who first join the New York state and local employees' retirement system on or after January first, two thousand ten~~] upon termination of employment shall be entitled to a deferred vested benefit as provided herein.

§ 2. Subdivisions a and a-1 of section 612 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, are amended to read as follows:

a. Except as provided in subdivision a-1 of this section, a member who has five or more years of credited service[~~, or ten or more years of credited service for a member who first joined the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten~~], upon termination of employment, other than a member who is entitled to a deferred vested benefit pursuant to any other provision of this article, shall be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. Except as provided in subdivision a-1 of this section, a member of a teachers' retirement system or the New York state and local employees' retirement system who has five or more years of credited service, [~~or ten or more years of credited service for a member who first becomes a member of the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten,~~] upon termination of employment shall be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in accordance with the provisions of subdivision i of section six hundred three of this article as amended by section eight of part B of chapter five hundred four of the laws of two thousand nine. Anything to the contrary notwithstanding, a member of a public retirement system of the state who first became a member of such system on or after April first, two thousand twelve must have at least [~~ten~~] **five** years of credited service in order to qualify for a deferred vested benefit under this section; such member shall not be entitled to such benefit prior to the member's attainment of age sixty-three; and such deferred vested benefit shall be computed pursuant to subdivision b-1 of section six hundred four of this article.

a-1. Notwithstanding the provisions of subdivision a of this section or any other provision of law to the contrary, (i) a member of the New York city teachers' retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has [~~ten~~] **five** or more years of credited service, or (ii) a member of the New York city board of education retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has [~~ten~~] **five** or more years of credited service, other than such a member of either of such retirement systems who is entitled to a deferred vested benefit pursuant to any other provision of this article, shall, upon termination of employment, be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. Notwithstanding the provisions of subdivision a of this section or any other provision of law to the contrary, a member of the New York city teachers' retirement system who holds a position

represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has [~~ten~~] **five** or more years of credited service, shall, upon termination of employment, be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in accordance with the provisions of subdivision i of section six hundred three of this article, provided, however, that any such member of either of such retirement systems who is a New York city revised plan member shall be required to have at least [~~ten~~] **five** years of credited service in order to be eligible for a deferred vested benefit, such member shall not be entitled to payability of such benefit prior to attainment of age sixty-three and such deferred vested benefit shall be computed pursuant to subdivision b-1 of section six hundred four of this article.

§ 3. Subdivisions a and b of section 502 of the retirement and social security law, as amended by section 2 of part B of chapter 504 of the laws of 2009, are amended to read as follows:

a. A member who first joins a public retirement system of this state on or after June thirtieth, nineteen hundred seventy-six shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of creditable service after July first, nineteen hundred seventy-three[~~, except that a member who first joins the New York state and local employees' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service~~].

b. A member who previously was a member of a public retirement system of this state shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of service which is creditable pursuant to section five hundred thirteen of this article. [~~A member who first joins the New York state and local employees' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service.~~]

§ 4. Subdivisions a, b and b-1 of section 602 of the retirement and social security law, subdivisions a and b as separately amended by section 6 of part B and section 1 of part C of chapter 504 of the laws of 2009, and subdivision b-1 as amended by chapter 18 of the laws of 2012, are amended to read as follows:

a. Except as provided in subdivision b-1 of this section, a member who first joins a public retirement system of this state on or after July first, nineteen hundred seventy-six shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of credited service[~~, except that a member who first joins the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service~~].

b. Except as provided in subdivision b-1 of this section, a member who previously was a member of a public retirement system of this state shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of service which is credited pursuant to section six hundred nine of this article. [~~A member who first joins the New York state and local employees' retirement~~

~~system or the New York state teachers' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service.~~]

b-1. (1) Notwithstanding the provisions of subdivision a or b of this section or any other provision of law to the contrary, (i) a member of the New York city teachers' retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, and who became subject to the provisions of this article after the effective date of this subdivision, or (ii) a member of the New York city board of education retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, and who became subject to the provisions of this article after the effective date of this subdivision, shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of [~~ten~~] **five** years of credited service.

(2) Notwithstanding the provisions of subdivision a or b of this section or any other provision of law to the contrary, a member who first joins a public retirement system of the state on or after April first, two thousand twelve shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of [~~ten~~] **five** years of credited service.

§ 5. Subparagraph (ii) of paragraph 1 of subdivision d of section 604-b of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

(ii) [~~in the case of a participant who is not a New York city revised plan member,~~] prior to such discontinuance, completed five but less than twenty-five years of allowable service in the transit authority [~~or, in the case of a participant who is a New York city revised plan member, has completed ten but less than twenty-five years of allowable service in the transit authority prior to such discontinuance~~]; and

§ 6. Subparagraph (ii) of paragraph 1 of subdivision d of section 604-c of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

(ii) [~~in the case of a participant who is not a New York city revised plan member,~~] prior to such discontinuance, completed five but less than twenty years of credited service [~~or, in the case of a participant who is a New York city revised plan member, has completed ten but less than twenty years of credited service~~]; and

§ 7. Subparagraph (ii) of paragraph 1 of subdivision d of section 604-e of the retirement and social security law, as amended by section 41 of chapter 18 of the laws of 2012, is amended to read as follows:

(ii) [~~in the case of a participant who is not a New York city revised plan member,~~] who prior to such discontinuance, completed five but less than twenty-five years of allowable service as a dispatcher member [~~or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of allowable service as a dispatcher member~~]; and

§ 8. Subparagraph (ii) of paragraph 1 of subdivision d of section 604-e of the retirement and social security law, as amended by section 43 of chapter 18 of the laws of 2012, is amended to read as follows:

(ii) [~~in the case of a participant who is not a New York city revised plan member,~~] who prior to such discontinuance, completed five but less than twenty-five years of allowable service as an EMT member [~~or, in the case of a participant who is a New York city revised plan member, who~~

~~prior to such discontinuance, completed ten but less than twenty-five years of allowable service as an EMT member~~]; and

§ 9. Subparagraph (ii) of paragraph 1 of subdivision d of section 604-f of the retirement and social security law, as amended by section 45 of chapter 18 of the laws of 2012, is amended to read as follows:

(ii) [~~in the case of a participant who is not a New York city revised plan member,~~] who prior to such discontinuance, completed five but less than twenty-five years of credited service [~~or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of credited service~~]; and

§ 10. Subparagraph (ii) of paragraph 1 of subdivision d of section 604-f of the retirement and social security law, as amended by section 47 of chapter 18 of the laws of 2012, is amended to read as follows:

(ii) [~~in the case of a participant who is not a New York city revised plan member,~~] who prior to such discontinuance, completed five but less than twenty-five years of allowable service as a special officer, parking control specialist, school safety agent, campus peace officer or taxi and limousine inspector member [~~or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of allowable service as a special officer, parking control specialist, school safety agent, campus peace officer or taxi and limousine inspector member~~]; and

§ 11. Subparagraph (ii) of paragraph 1 of subdivision d of section 604-g of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

(ii) [~~in the case of a participant who is not a New York city revised plan member,~~] who prior to such discontinuance, completed five but less than twenty-five years of credited service [~~or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of credited service~~]; and

§ 12. Subparagraph (ii) of paragraph 1 of subdivision d of section 604-h of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

(ii) [~~in the case of a participant who is not a New York city revised plan member,~~] who prior to such discontinuance, completed five but less than twenty-five years of credited service [~~or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of credited service~~]; and

§ 13. Subdivision a of section 1202 of the retirement and social security law, as added by section 1 of part A of chapter 504 of the laws of 2009, is amended to read as follows:

a. In order to qualify for a service retirement benefit, members subject to the provisions of this article must have a minimum of [~~ten~~] **five** years of creditable service.

§ 14. Nothing in this act shall be construed or deemed to allow members to receive a refund of any member contributions made prior to the effective date of this act.

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

§ 16. This act shall take effect immediately.

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

This bill would provide members of Tier 5 and Tier 6 in the New York State and Local Employees' Retirement System (NYSLERS) or in the New York State and Local Police and Fire Retirement System (NYSLPFRS) vested status upon attainment of 5 years of service credit. It also clarifies that these NYSLERS members will only be ineligible for a service retirement benefit prior to attaining 5 years of service credit, to align with the revised vesting requirement. Currently, these members are ineligible for a service retirement benefit prior to attaining 10 years of service credit, after which they become vested and eligible for a vested deferred benefit.

Insofar as this bill affects the NYSLERS, if this legislation is enacted during the 2022 legislative session, there would be an increase in accrued liabilities of approximately $430 million, due to the past service accruals of tier 5 and 6 members, which would be shared by the State of New York and all local participating employers in the NYSLERS. This will increase the billing rates charged annually to all participating employers by approximately 0.2% of salary, beginning with the fiscal year ending March 31, 2023.

In addition to the cost for past service above, there would be a cost for future service accruals which would further increase the annual billing rates for tier 5 members by 0.2% of salary (for a 0.4% total annual rate increase) and further increase the annual billing rates for tier 6 members by 0.1% of salary (for a 0.3% total annual rate increase).

Insofar as this bill affects the NYSLPFRS, if this legislation is enacted during the 2022 legislative session, there would be an increase in the billing rates charged annually to the State of New York and all other participating employers in the NYSLPFRS of approximately 0.1% of salary, beginning with the fiscal year ending March 31, 2023.

These estimated costs are based on 250,109 affected members with annual salary of approximately $11.6 billion as of March 31, 2021.

Summary of relevant resources:

Membership data as of March 31, 2021 was used in measuring the impact of the proposed change, the same data used in the April 1, 2021 actuarial valuation. Distributions and other statistics can be found in the 2021 Report of the Actuary and the 2021 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 and 2021 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2021 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated April 6, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-122, prepared by the Actuary for the New York State and Local Retirement System.

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

As this bill relates to the New York State Teachers' Retirement System, this bill would amend Sections 602 and 612 of the Retirement and Social Security Law by reducing the number of years of credited service

required for vesting to five years for Tier 5 and 6 members for purposes of eligibility for a service retirement benefit or a deferred-vested retirement benefit. Currently, Tier 5 and 6 members need to have ten years of credited service to be vested for a service retirement benefit or a deferred-vested retirement benefit. Members who withdraw with between five and ten years of service credit will have the option of either receiving a refund of their accumulated member contributions or receiving the deferred-vested retirement benefit when eligible.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be $6.2 million or .04% of payroll if this bill is enacted.

The System's "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 4.69% of pay under the current Tier 6 benefit structure. This can be thought of as the long-term expected employer cost of Tier 6, based on the current actuarial assumptions. For the proposed change to the Tier 6 benefit structure under this bill, this new entrant rate is estimated to increase to 4.76% of pay, an increase of .07% of pay.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Annual Report. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report and the 2021 Actuarial Assumptions Report.

The source of this estimate is Fiscal Note 2022-36 dated April 8, 2022, prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2022 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

SUMMARY OF BILL: This proposed legislation, as it relates to the New York City Retirement Systems (NYCRS), would amend Article 15 of the Retirement and Social Security Law (RSSL) to reduce vesting requirements for certain Tier 4 members with a membership date after December 10, 2009 and Tier 6 members of the New York City Employees' Retirement System (NYCERS), the New York City Teachers' Retirement System (NYCTRS), and the New York City Board of Education Retirement System (BERS).

Effective Date: Upon enactment.

IMPACT ON BENEFITS: Currently, Tier 6 members of NYCERS, NYCTRS, and BERS, as well as Tier 4 members of NYCTRS and BERS who held a position represented by the recognized teacher organization and who became members after December 10, 2009, need a minimum of 10 years of Credited Service to be eligible for a vested benefit. Such members are also ineligible to retire for service without at least 10 years of Credited Service.

Under the proposed legislation, if enacted, the required service for a vested benefit or service retirement benefit would be lowered to five years.

FINANCIAL IMPACT-SUMMARY: The financial impact will generally increase as the impacted populations increase over time, assuming that the demographics of new entrants remain similar to what they were historically.

The estimated financial impact of implementing the changes described above is an increase in the Present Value of Future Benefits (PVFB) and a decrease in the Present Value of member contributions. The net result is an increase in the Present Value of future employer contributions and annual employer contributions for NYCERS, NYCTRS, and BERS. A breakdown of the financial impact by System is shown in the table below.

NYCRS	Additional Present Value of Future Employer Contributions ($ Millions)	Estimated First Year Annual Employer Contributions ($ Millions)
NYCERS	$110.8	$25.8
NYCTRS	39.8	7.8
BERS	**30.9**	**5.0**
Total	$181.5	$38.6*

* The increase in the employer contributions is estimated to be $24.5 million for New York City and $14.1 million for the other obligors of NYCRS.

In accordance with Section 13-638.2(k-2) of the Administrative Code of the City of New York (ACCNY), new Unfunded Accrued Liability (UAL) attributable to benefit changes are to be amortized as determined by the Actuary but are generally amortized over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2021, the remaining working lifetime of NYCERS Tier 6 members is approximately 16-years, NYCTRS impacted members is approximately 20 years, and BERS impacted members is approximately 14 years.

For purposes of this Fiscal Note, the increase in the UAL for NYCERS was amortized over a 16-year period (15 payments under the One-Year Lag Methodology (OYLM)) using level dollar payments. Under the same methodology the increase in the UAL for NYCTRS and BERS was amortized over 19 and 13 payments, respectively.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the Present Value of future employer contributions and annual employer contributions would be reflected for the first time in the Final June 30, 2021 actuarial valuations of NYCERS, NYCTRS, and BERS. In accordance with the OYLM used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2023.

CENSUS DATA: The estimates presented herein are based on the census data used in the Preliminary June 30, 2021 (Lag) actuarial valuations of NYCERS, NYCTRS, and BERS to determine the Preliminary Fiscal Year 2023 employer contributions.

The table below contains a summary of the census data for the members in the plans affected by the proposed legislation as of June 30, 2021.

NYCRS	Active Count	Average Age	Average Service	Average Salary
NYCERS	71,663	41.3	3.9	$72,000
NYCTRS	59,134	38.0	5.4	$76,200
BERS	12,707	45.5	3.5	$52,100

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the Present Value of future employer contributions and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2021 (Lag) actuarial valuations

used to determine the Preliminary Fiscal Year 2023 employer contributions of NYCERS, NYCTRS, and BERS.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCERS, NYCTRS, and BERS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

* The initial, additional administrative costs of NYCERS, NYCTRS, BERS, and other New York City agencies to implement the proposed legislation.

* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

* Costs associated with former members of NYCRS with five or more years of service who may become eligible to vest under the proposed legislation.

* The cost of potential Tax-Deferred Annuity (TDA) plan accelerated vesting.

STATEMENT OF ACTUARIAL OPINION: I, Michael J. Samet, am the Interim Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2022-17 dated April 7, 2022 was prepared by the Interim Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, and the New York City Board of Education Retirement System. This estimate is intended for use only during the 2022 Legislative Session.

PART UU

Section 1. This act enacts into law components of legislation relating to criminal justice reform. Each component is wholly contained within a Subpart identified as Subparts A through H. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Sections 265.12 and 265.13 of the penal law, as amended by chapter 764 of the laws of 2005, are amended to read as follows:

§ 265.12 Criminal sale of a firearm in the second degree.

A person is guilty of criminal sale of a firearm in the second degree when such person:

(1) unlawfully sells, exchanges, gives or disposes of to another five or more firearms; or

(2) unlawfully sells, exchanges, gives or disposes of to another person or persons a total of [~~five~~] two or more firearms in a period of not more than one year.

Criminal sale of a firearm in the second degree is a class C felony.

§ 265.13 Criminal sale of a firearm in the first degree.

A person is guilty of criminal sale of a firearm in the first degree when such person:

(1) unlawfully sells, exchanges, gives or disposes of to another ten or more firearms; or

(2) unlawfully sells, exchanges, gives or disposes of to another person or persons a total of [~~ten~~] three or more firearms in a period of not more than one year.

Criminal sale of a firearm in the first degree is a class B felony.

§ 2. Subdivision 6 of section 265.15 of the penal law, as added by chapter 233 of the laws of 1980, is amended to read as follows:

6. The possession of [~~five~~] three or more firearms by any person is presumptive evidence that such person possessed the firearms with the intent to sell same.

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

SUBPART B

Section 1. Subparagraph (viii) of paragraph (b) of subdivision 1 of section 150.20 of the criminal procedure law, as added by section 1-a of part JJJ of chapter 59 of the laws of 2019, is amended and three new subparagraphs (ix), (x), and (xi) are added to read as follows:

(viii) it reasonably appears to the officer, based on the observed behavior of the individual in the present contact with the officer and facts regarding the person's condition that indicates a sign of distress to such a degree that the person would face harm without immediate medical or mental health care, that bringing the person before the court would be in such person's interest in addressing that need; provided, however, that before making the arrest, the officer shall make all reasonable efforts to assist the person in securing appropriate services[~~.~~];

(ix) the person is eighteen years of age or older and charged with criminal possession of a weapon on school grounds as defined in section 265.01-a of the penal law;

(x) the person is eighteen years of age or older and charged with a hate crime as defined in section 485.05 of the penal law; or

(xi) the offense is a qualifying offense pursuant to paragraph (t) of subdivision four of section 510.10 of this chapter, or pursuant to paragraph (t) of subdivision four of section 530.40 of this chapter.

§ 2. Paragraphs (s) and (t) of subdivision 4 of section 510.10 of the criminal procedure law, as added by section 2 of part UU of chapter 56 of the laws of 2020, are amended and a new paragraph (u) is added to read as follows:

(s) a felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law; [~~or~~]

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, **or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law,** where such charge arose from conduct occurring while the defendant was released on his or her own recognizance [~~or~~], released under conditions**, or had yet to be arraigned after the issuance of a desk appearance ticket** for a separate felony or class A misdemeanor involving harm to an identifiable person or property, **or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law,** provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. **For the purposes of this paragraph, "harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-monetary conditions; or**

(u) criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale of a firearm to a minor as defined in section 265.16 of the penal law.

§ 3. Subdivision 3 of section 530.40 of the of the criminal procedure law, as amended by section 18 of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

3. In cases other than as described in subdivision four of this section the court shall release the principal pending trial on the principal's own recognizance, unless the court finds on the record or in writing that release on the principal's own recognizance will not reasonably assure the principal's return to court. In such instances, the court shall release the principal under non-monetary conditions, selecting the least restrictive alternative and conditions that will reasonably assure the principal's return to court. The court shall explain its choice of alternative and conditions on the record or in writing. **In making its determination, the court must consider and take into account available information about the principal, including:**

(a) the principal's activities and history;

(b) if the principal is a defendant, the charges facing the principal;

(c) the principal's criminal conviction record if any;

(d) the principal's record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.1 of the family court act, or of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any;

(e) the principal's previous record with respect to flight to avoid criminal prosecution;

(f) if monetary bail is authorized, according to the restrictions set forth in this title, the principal's individual financial circumstances, and, in cases where bail is authorized, the principal's ability to post bail without posing undue hardship, as well as his or her ability to obtain a secured, unsecured, or partially secured bond;

(g) any violation by the principal of an order of protection issued by any court;

(h) the principal's history and use or possession of a firearm;

(i) whether the charge is alleged to have caused serious harm to an individual or group of individuals; and

(j) if the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal.

§ 4. Paragraphs (s) and (t) of subdivision 4 of section 530.40 of the criminal procedure law, as added by section 4 of part UU of chapter 56 of the laws of 2020, are amended and a new paragraph (u) is added to read as follows:

(s) a felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law; [~~or~~]

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, **or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law,** where such charge arose from conduct occurring while the defendant was released on his or her own recognizance [~~or~~], released under conditions**, or had yet to be arraigned after the issuance of a desk appearance ticket** for a separate felony or class A misdemeanor involving harm to an identifiable person or property, **or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law,** provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. **For the purposes of this paragraph, "harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-monetary conditions; or**

(u) criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale of a firearm to a minor as defined in section 265.16 of the penal law.

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

SUBPART C

Section 1. Subdivision 1 of section 510.10 of the criminal procedure law, as amended by section 2 of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

1. When a principal, whose future court attendance at a criminal action or proceeding is or may be required, comes under the control of a court, such court shall, in accordance with this title, by a securing order release the principal on the principal's own recognizance, release the principal under non-monetary conditions, or, where authorized, fix bail or commit the principal to the custody of the sheriff. In all such cases, except where another type of securing order is shown to be required by law, the court shall release the principal pending trial on the principal's own recognizance, unless it is demonstrated and the court makes an individualized determination that the principal poses a risk of flight to avoid prosecution. If such a finding is made, the court must select the least restrictive alternative and condition or conditions that will reasonably assure the principal's return to court. The court shall explain its choice of release, release with conditions, bail or remand on the record or in writing. **In making its determination,**

the court must consider and take into account available information about the principal, including:

(a) The principal's activities and history;

(b) If the principal is a defendant, the charges facing the principal;

(c) The principal's criminal conviction record if any;

(d) The principal's record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.1 of the family court act, or, of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any;

(e) The principal's previous record with respect to flight to avoid criminal prosecution;

(f) If monetary bail is authorized, according to the restrictions set forth in this title, the principal's individual financial circumstances, and, in cases where bail is authorized, the principal's ability to post bail without posing undue hardship, as well as his or her ability to obtain a secured, unsecured, or partially secured bond;

(g) Any violation by the principal of an order of protection issued by any court;

(h) The principal's history of use or possession of a firearm;

(i) Whether the charge is alleged to have caused serious harm to an individual or group of individuals; and

(j) If the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal.

§ 2. Subdivision 1 of section 510.30 of the criminal procedure law, as amended by section 5 of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

1. With respect to any principal, the court in all cases, unless otherwise provided by law, must impose the least restrictive kind and degree of control or restriction that is necessary to secure the principal's return to court when required. In determining that matter, the court must, on the basis of available information, consider and take into account information about the principal that is relevant to the principal's return to court, including:

(a) The principal's activities and history;

(b) If the principal is a defendant, the charges facing the principal;

(c) The principal's criminal conviction record if any;

(d) The principal's record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.2 of the family court act, or, of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any;

(e) The principal's previous record with respect to flight to avoid criminal prosecution;

(f) If monetary bail is authorized, according to the restrictions set forth in this title, the principal's individual financial circumstances, and, in cases where bail is authorized, the principal's ability to post bail without posing undue hardship, as well as his or her ability to obtain a secured, unsecured, or partially secured bond;

(g) [~~Where the principal is charged with a crime or crimes against a member or members of the same family or household as that term is defined in subdivision one of section 530.11 of this title, the following factors:~~

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

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

[~~(ii)~~] (h) the principal's history of use or possession of a firearm;

(i) whether the charge is alleged to have caused serious harm to an individual or group of individuals; and

[~~(h)~~] (j) If the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal.

§ 3. Paragraph (a) of subdivision 1 of section 530.20 of the criminal procedure law, as added by section 16 of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

(a) In cases other than as described in paragraph (b) of this subdivision the court shall release the principal pending trial on the principal's own recognizance, unless the court finds on the record or in writing that release on the principal's own recognizance will not reasonably assure the principal's return to court. In such instances, the court shall release the principal under non-monetary conditions, selecting the least restrictive alternative and conditions that will reasonably assure the principal's return to court. The court shall explain its choice of alternative and conditions on the record or in writing. In making its determination, the court must consider and take into account available information about the principal, including:

(i) the principal's activities and history;

(ii) if the principal is a defendant, the charges facing the principal;

(iii) the principal's criminal conviction record if any;

(iv) the principal's record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.1 of the family court act, or of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any;

(v) the principal's previous record with respect to flight to avoid criminal prosecution;

(vi) if monetary bail is authorized, according to the restrictions set forth in this title, the principal's individual financial circumstances, and, in cases where bail is authorized, the principal's ability to post bail without posing undue hardship, as well as his or her ability to obtain a secured, unsecured, or partially secured bond;

(vii) any violation by the principal of an order of protection issued by any court;

(viii) the principal's history and use or possession of a firearm;

(ix) whether the charge is alleged to have caused serious harm to an individual or group of individuals; and

(x) if the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal.

§ 4. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, as amended by section 3 of part UU of chapter 56 of the laws of 2020, are amended and a new subparagraph (xxi) is added to read as follows:

(xix) a felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law; [~~or~~]

(xx) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law where such charge arose from conduct occurring while the defendant was released on

his or her own recognizance [~~or~~], released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. For the purposes of this paragraph, "harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-monetary conditions; or

(xxi) criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale of a firearm to a minor as defined in section 265.16 of the penal law.

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

SUBPART D

Section 1. Subdivision 4 of section 245.50 of the criminal procedure law, as amended by section 7 of part HHH of chapter 56 of the laws of 2020, is amended and a new subdivision 1-a is added to read as follows:

1-a. Any supplemental certificate of compliance shall detail the basis for the delayed disclosure so that the court may determine whether the delayed disclosure impacts the propriety of the certificate of compliance. The filing of a supplemental certificate of compliance shall not impact the validity of the original certificate of compliance if filed in good faith and after exercising due diligence pursuant to section 245.20 of this article, or if the additional discovery did not exist at the time of the filing of the original certificate of compliance.

4. (a) Challenges to, or questions related to a certificate of compliance shall be addressed by motion.

(b) To the extent that the party is aware of a potential defect or deficiency related to a certificate of compliance or supplemental certificate of compliance, the party entitled to disclosure shall notify or alert the opposing party as soon as practicable.

(c) Challenges related to the sufficiency of a certificate of compliance or supplemental certificates of compliance shall be addressed by motion as soon as practicable, provided that nothing in this section shall be construed to waive a party's right to make further challenges, including but not limited to a motion pursuant to section 30.30 of this chapter.

§ 2. Paragraph (a) of subdivision 1 and subdivision 2 of section 245.80 of the criminal procedure law, as added by section 2 of part LLL of chapter 59 of the laws of 2019, are amended to read as follows:

(a) When material or information is discoverable under this article but is disclosed belatedly, the court shall impose [~~an appropriate~~] a remedy or sanction [~~if~~] that is appropriate and proportionate to the prejudice suffered by the party entitled to disclosure [~~shows that it was prejudiced~~]. Regardless of a showing of prejudice the party entitled to disclosure shall be given reasonable time to prepare and respond to the new material.

2. Available remedies or sanctions. For failure to comply with any discovery order imposed or issued pursuant to this article, the court may make a further order for discovery, grant a continuance, order that a hearing be reopened, order that a witness be called or recalled, instruct the jury that it may draw an adverse inference regarding the non-compliance, preclude or strike a witness's testimony or a portion of a witness's testimony, admit or exclude evidence, order a mistrial, order the dismissal of all or some of the charges **provided that, after considering all other remedies, dismissal is appropriate and proportionate to the prejudice suffered by the party entitled to disclosure**, or make such other order as it deems just under the circumstances; except that any sanction against the defendant shall comport with the defendant's constitutional right to present a defense, and precluding a defense witness from testifying shall be permissible only upon a finding that the defendant's failure to comply with the discovery obligation or order was willful and motivated by a desire to obtain a tactical advantage.

§ 3. Section 450.20 of the criminal procedure law is amended by adding a new subdivision 12 to read as follows:

12. That portion of an order dismissing an accusatory instrument or some of its counts pursuant to subdivision two of section 245.80 of this part as a sanction for failure to comply with any discovery order issued pursuant to article two hundred forty-five of this part.

§ 4. Section 530.50 of the criminal procedure law is amended by adding a new subdivision 3 to read as follows:

3. Where an appeal by the people has been taken from an order dismissing one or more counts of an accusatory instrument for failure to comply with a discovery order pursuant to subdivision twelve of section 450.20 of this chapter and the defendant is charged with a qualifying offense in the remaining counts in the accusatory instrument, pending determination of an appeal, the defendant may apply for an order of recognizance or release on non-monetary conditions, where authorized, or fixing bail. A judge identified in subdivision two of section 460.50 of this chapter or paragraph (a) of subdivision one of section 460.60 of this chapter may, in accordance with law, and except as otherwise provided by law, issue a securing order releasing the defendant on the defendant's own recognizance or under non-monetary conditions where authorized, fixing bail, or remanding the defendant to the custody of the sheriff where authorized.

§ 5. Subparagraph (iii) of paragraph (a) of subdivision 1 of section 245.10 of the criminal procedure law, as amended by section 1 of part HHH of chapter 56 of the laws of 2020, is amended to read as follows:

(iii) [~~**Notwithstanding the timelines contained in the opening paragraph of this paragraph, the prosecutor's discovery obligation under subdivision one of section 245.20 of this article shall be performed as soon as practicable, but not later than fifteen days before the trial of a simplified information charging a traffic infraction under the vehicle and traffic law, or by an information charging one or more petty offenses as defined by the municipal code of a village, town, city, or county, that do not carry a statutorily authorized sentence of imprisonment, and where the defendant stands charged before the court with no crime or offense, provided however that nothing in this subparagraph shall prevent a defendant from filing a motion for disclosure of such items and information under subdivision one of such section 245.20 of this article at an earlier date.**~~] **Notwithstanding the previous provisions of this section, the prosecutor's obligations shall not apply**

to a simplified information charging a traffic infraction under the vehicle and traffic law, or to an information charging one or more petty offenses as defined by the municipal code of a village, town, city, or county, that do not carry a statutorily authorized sentence of imprisonment, and where the defendant stands charged before the court with no crime or offense, provided however that nothing in this subparagraph shall prevent a defendant from filing a motion for disclosure of such items and information under subdivision one of section 245.20 of this article. The court shall, at the first appearance, advise the defendant of their right to file a motion for discovery.

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

SUBPART E

Section 1. Section 302.1 of the family court act is amended by adding a new subdivision 4 to read as follows:

4. Where a proceeding had been commenced in the youth part of a superior court for an act alleged to have been committed prior to his or her eighteenth birthday and then had been removed to family court, the family court shall exercise jurisdiction under this article, notwithstanding the fact that the respondent may be over the age of eighteen prior to the proceeding having commenced in the family court.

§ 2. Section 302.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

§ 302.2. Statute of limitations. A juvenile delinquency proceeding must be commenced within the period of limitation prescribed in section 30.10 of the criminal procedure law or, unless the alleged act is a designated felony as defined in subdivision eight of section 301.2 of this part or is an act allegedly committed when the respondent was aged sixteen years or older, commenced before the respondent's eighteenth birthday, whichever occurs earlier, provided however, that consistent with subdivision four of section 302.1 of this part, a proceeding commenced for an act allegedly committed when the respondent was aged sixteen years or older shall be considered timely if it is commenced within such period of limitation prescribed in section 30.10 of the criminal procedure law or prior to the respondent's twentieth birthday, whichever occurs earlier, regardless of whether the action had originally been commenced prior to the respondent's eighteenth birthday in a youth part of a superior court. When the alleged act constitutes a designated felony as defined in subdivision eight of section 301.2 of this part or is an act allegedly committed when the respondent was aged sixteen years or older, such proceeding must be commenced within such period of limitation or before the respondent's twentieth birthday, whichever occurs earlier.

§ 3. The family court act is amended by adding a new section 309.1 to read as follows:

§ 309.1. Community based treatment referrals. 1. A youth who is released prior to the filing of a petition shall be made aware of and referred to community based organizations offering counseling, treatment, employment, educational, or vocational services in which they may voluntarily enroll or participate. Such services shall be separate from and in addition to any adjustment services provided under section 308.1 of this part, where applicable.

2. The youth shall be advised that the service referrals are being made as a resource and participation in them is voluntary and that

refusal to participate will not negatively impact any aspect of their pending case. Provided, however, nothing shall preclude the youth from voluntarily providing information, after consulting with their attorney, demonstrating successful enrollment, participation, and completion, where applicable, of any such services. The court shall consider any information provided by the youth regarding such participation in the case proceedings including but not limited to dispositional or placement determinations. The court may require supporting documentation for any such consideration that the youth requests, provided however, that such information shall be maintained as confidential in accordance with any applicable state or federal law.

3. No statements made to probation when discussing any service referrals under this section shall be admissible in a fact-finding hearing.

§ 4. This act shall take effect immediately; provided that section three of this act shall apply to offenses committed on or after such date and to offenses for which the statute of limitations that was in effect prior to such date has not elapsed as of such date.

SUBPART F

Section 1. Section 500.10 of the criminal procedure law is amended by adding a new subdivision 3-c to read as follows:

3-c. (a) "Release for mental health assessment and evaluation." When a principal appearing before the court appears, by clear and convincing evidence, to be mentally ill at the present moment such that if left unattended their conduct may result in harm to himself or herself or others, the court may: order as a condition of release under supervision that the principal seek a voluntary psychiatric assessment under section 9.13 of the mental hygiene law if the principal has a recently documented history of mental illness or psychiatric hospitalization, and the defense consents to the assessment.

(b) "Involuntary assessment pending release." When a principal appearing before the court appears, by clear and convincing evidence, to be mentally ill at the present moment such that if left unattended their conduct may result in immediate serious harm to himself or herself or others, the court may order as a condition of release under supervision that the principal be taken by an entity, including but not limited to, pretrial services agencies, or another qualified provider, to a local hospital for immediate psychiatric assessment involuntarily under section 9.43 of the mental hygiene law if the principal is conducting himself or herself before the court, in such a manner which in a person who is not mentally ill would be deemed disorderly conduct which is likely to result in immediate serious harm to himself or herself or others. The court is also authorized to request peace officers, when acting pursuant to their special duties, or police officers, who are members of an authorized police department or force or of a sheriff's department, to take into custody and transport such person to a hospital for determination by the director of community services when such person qualifies for admission pursuant to this section. The court may authorize an ambulance service, as defined by subdivision two of section three thousand one of the public health law, to transport such person to any hospital specified in subdivision (a) of section 9.39 of the mental hygiene law or any comprehensive psychiatric emergency program specified in subdivision (a) of section 9.40 of the mental hygiene law, that is willing to receive such person. Upon removal, there shall be a determination made by the director of such hospital or program whether such

person should be retained therein pursuant to section 9.39 of the mental hygiene law. If the principal is hospitalized, at the time of release the hospital shall complete a discharge plan with linkages to community-based mental health treatment, including services that are provided after the individual has stabilized, if applicable and other community-based services as may be deemed necessary and appropriate and notify pretrial services agencies and the defense counsel of the person's discharge. Pretrial services agencies are responsible for ensuring continuity of care for the principal in the community.

(c) "Pretrial services." Pretrial services agencies shall be required, upon the request of the court to provide a summary of the assessment, limited to necessary and relevant information relating to the principal's completion of an assessment and evaluation, placement, treatment, and discharge from the hospital solely for the purpose of ensuring compliance with the conditions of release and in accordance with any applicable state and federal confidentiality laws. Conditions of release may not be revoked solely based on noncompliance with treatment.

(d) "Confidential." Any clinical record produced as a part of the assessment, services or treatment plans required pursuant to this subdivision shall be considered confidential and shall not be considered part of the public record, and access to such records shall be limited in accordance with applicable federal and state privacy laws. Such information shall not be used as part of the criminal proceeding and shall be expunged upon the resolution of the case.

(e) "Referral." Courts shall refer the principal, where appropriate, to a judicial diversion program as defined in section 216.00 of this chapter or to any other appropriate treatment court.

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

SUBPART G

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

5. The chief administrator of the courts, in conjunction with the division of criminal justice services, shall collect data and report every six months regarding pretrial release and detention. Such data and report shall contain information categorized by age, gender, racial and ethnic background; regarding the nature of the criminal offenses, including the top charge of each case; the number and type of charges in each defendant's criminal record; whether the prosecutor requested that the court fix bail, the amounts and forms of bail requested by the prosecutor, and the amounts and forms of bail set by the court; the number of individuals released on recognizance; the number of individuals released on non-monetary conditions, including the conditions imposed; the number of individuals committed to the custody of a sheriff prior to trial; the rates of failure to appear and rearrest; the outcome of such cases or dispositions; the length of the pretrial detention stay and any other such information as the chief administrator and the division of criminal justice services may find necessary and appropriate. Such report shall aggregate the data collected by county; court, including city, town and village courts; and judge. The data shall be [~~disaggregated~~] aggregated in order to protect the identity of individual defendants. The report shall be released publicly and published on the websites of the office of court administration and the division of crim-

inal justice services. The first report shall be published twelve months after this subdivision shall have become a law, and shall include data from the first six months following the enactment of this section. Reports for subsequent periods shall be published every six months thereafter.

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

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

§ 3. Paragraph (c) of subdivision 4 of section 837 of the executive law, as amended by chapter 512 of the laws of 1995, is amended to read as follows:

(c) collect and analyze statistical and other information and data with respect to the number of crimes reported or known to police officers or peace officers, the number of persons arrested for the commission of offense, **the age of the person or persons arrested, the number of custodial arrests and appearance tickets issued,** the offense for which the person was arrested, the county within which the arrest was made and the accusatory instrument filed, the disposition of the accusatory instrument including, but not limited to, as the case may be, dismissal, acquittal, the offense to which the defendant pled guilty, the offense the defendant was convicted of after trial, and the sentence; and where a firearm as defined in section 265.00 of the penal law or machine gun, rifle or shotgun comes into the custody of police officers or peace officers in the course of an investigation of such crime or offense, the make, model type, caliber and magazine or cylinder capacity of any such firearm and whether possession of such firearm by the defendant is licensed or unlicensed and if confiscated at arrest, the style and manufacturer of any ammunition; and

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

SUBPART H

Section 1. Section 18 of chapter 408 of the laws of 1999, constituting Kendra's law, as amended by chapter 67 of the laws of 2017, is amended to read as follows:

§ 18. This act shall take effect immediately, provided that section fifteen of this act shall take effect April 1, 2000, provided, further, that subdivision (e) of section 9.60 of the mental hygiene law as added by section six of this act shall be effective 90 days after this act shall become law; and that this act shall expire and be deemed repealed June 30, [~~2022~~] 2027.

§ 2. Paragraph 4 of subdivision (c) and paragraph 2 of subdivision (h) of section 9.60 of the mental hygiene law, as amended by chapter 158 of the laws of 2005, are amended and a new subdivision (s) is added to read as follows:

(4) has a history of lack of compliance with treatment for mental illness that has:

(i) except as otherwise provided in subparagraph (iii) of this paragraph, prior to the filing of the petition, at least twice within the last thirty-six months been a significant factor in necessitating hospitalization in a hospital, or receipt of services in a forensic or other mental health unit of a correctional facility or a local correctional facility, not including any current period, or period ending within the last six months, during which the person was or is hospitalized or incarcerated; or

(ii) except as otherwise provided in subparagraph (iii) of this paragraph, prior to the filing of the petition, resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others within the last forty-eight months, not including any current period, or period ending within the last six months, in which the person was or is hospitalized or incarcerated; [~~and~~] or

(iii) notwithstanding subparagraphs (i) and (ii) of this paragraph, resulted in the issuance of a court order for assisted outpatient treatment which has expired within the last six months, and since the expiration of the order, the person has experienced a substantial increase in symptoms of mental illness and such symptoms substantially interferes with or limits one or more major life activities as determined by a director of community services who previously was required to coordinate and monitor the care of any individual who was subject to such expired assisted outpatient treatment order. The applicable director of community services or their designee shall arrange for the individual to be evaluated by a physician. If the physician determines court ordered services are clinically necessary and the least restrictive option, the director of community services may initiate a court proceeding.

(2) The court shall not order assisted outpatient treatment unless an examining physician, who recommends assisted outpatient treatment and has personally examined the subject of the petition no more than ten days before the filing of the petition, testifies in person or by videoconference at the hearing. Provided however, a physician shall only be authorized to testify by video conference when it has been: (i) shown that diligent efforts have been made to attend such hearing in person and the subject of the petition consents to the physician testifying by

video conference; or (ii) the court orders the physician to testify by video conference upon a finding of good cause. Such physician shall state the facts and clinical determinations which support the allegation that the subject of the petition meets each of the criteria for assisted outpatient treatment.

(s) A director of community services or his or her designee may require a provider of inpatient psychiatric services operated or licensed by the office of mental health to provide contemporaneous information, including but not limited to relevant clinical records, documents, and other information concerning the person receiving assisted outpatient treatment pursuant to an active assisted outpatient treatment order, that is deemed necessary by such director or designee who is required to coordinate and monitor the care of any individual who was subject to an active assisted outpatient treatment order to appropriately discharge their duties pursuant to section 9.47 of this article, and where such provider of inpatient psychiatric services is required to disclose such information pursuant to paragraph twelve of subdivision (c) of section 33.13 of this chapter and such disclosure is in accordance with all other applicable state and federal confidentiality laws. None of the records or information obtained by the director of community services pursuant to this subdivision shall be public records, and the records shall not be released by the director to any person or agency, except as already authorized by law.

§ 3. This act shall take effect immediately, provided, however that the amendments to section 9.60 of the mental hygiene law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

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

PART VV

Section 1. Short title. This act shall be known and may be cited as the "private activity bond allocation act of 2022".

§ 2. Legislative findings and declaration. The legislature hereby finds and declares that the federal tax reform act of 1986 established a statewide bond volume ceiling on the issuance of certain tax exempt private activity bonds and notes and, under certain circumstances, governmental use bonds and notes issued by the state and its public authorities, local governments, agencies which issue on behalf of local governments, and certain other issuers. The federal tax reform act establishes a formula for the allocation of the bond volume ceiling which was subject to temporary modification by gubernatorial executive order until December 31, 1987. That act also permits state legislatures to establish, by statute, an alternative formula for allocating the volume ceiling. Bonds and notes subject to the volume ceiling require an

allocation from the state's annual volume ceiling in order to qualify for federal tax exemption.

It is hereby declared to be the policy of the state to maximize the public benefit through the issuance of private activity bonds for the purposes of, among other things, allocating a fair share of the bond volume ceiling upon initial allocation and from a bond reserve to local agencies and for needs identified by local governments; providing housing and promoting economic development; job creation; an economical energy supply; and resource recovery and to provide for an orderly and efficient volume ceiling allocation process for state and local agencies by establishing an alternative formula for making such allocations.

§ 3. Definitions. As used in this act, unless the context requires otherwise:

1. "Bonds" means bonds, notes or other obligations.

2. "Carryforward" means an amount of unused private activity bond ceiling available to an issuer pursuant to an election filed with the internal revenue service pursuant to section 146(f) of the code.

3. "Code" means the internal revenue code of 1986, as amended.

4. "Commissioner" means the commissioner of the New York state department of economic development.

5. "Covered bonds" means those tax exempt private activity bonds and that portion of the non-qualified amount of an issue of governmental use bonds for which an allocation of the statewide ceiling is required for the interest earned by holders of such bonds to be excluded from the gross income of such holders for federal income tax purposes under the code.

6. "Director" means the director of the New York state division of the budget.

7. "Issuer" means a local agency, state agency or other issuer.

8. "Local agency" means an industrial development agency established or operating pursuant to article 18-A of the general municipal law, the Troy industrial development authority and the Auburn industrial development authority.

9. "Other issuer" means any agency, political subdivision or other entity, other than a local agency or state agency, that is authorized to issue covered bonds.

10. "Qualified small issue bonds" means qualified small issue bonds, as defined in section 144(a) of the code.

11. "State agency" means the state of New York, the New York state energy research and development authority, the New York job development authority, the New York state environmental facilities corporation, the New York state urban development corporation and its subsidiaries, the Battery Park city authority, the port authority of New York and New Jersey, the power authority of the state of New York, the dormitory authority of the state of New York, the New York state housing finance agency, the state of New York mortgage agency, and any other public benefit corporation or public authority designated by the governor for the purposes of this act.

12. "Statewide ceiling" means for any calendar year the highest state ceiling (as such term is used in section 146 of the code) applicable to New York state.

13. "Future allocations" means allocations of statewide ceiling for up to two future years.

14. "Multi-year housing development project" means a project (a) which qualifies for covered bonds; (b) which is to be constructed over two or

more years and (c) in which at least twenty percent of the dwelling units will be occupied by persons and families of low income.

§ 4. Local agency set-aside. A set-aside of statewide ceiling for local agencies for any calendar year shall be an amount which bears the same ratio to one-third of the statewide ceiling as the population of the jurisdiction of such local agency bears to the population of the entire state. The commissioner shall administer allocations of such set-aside to local agencies.

§ 5. State agency set-aside. A set-aside of statewide ceiling for all state agencies for any calendar year shall be one-third of the statewide ceiling. The director shall administer allocations of such set-aside to state agencies and may grant an allocation to any state agency upon receipt of an application in such form as the director shall require.

§ 6. Statewide bond reserve. One-third of the statewide ceiling is hereby set aside as a statewide bond reserve to be administered by the director.

1. Allocation of the statewide bond reserve among state agencies, local agencies and other issuers. The director shall transfer a portion of the statewide bond reserve to the commissioner for allocation to and use by local agencies and other issuers in accordance with the terms of this section. The remainder of the statewide bond reserve may be allocated by the director to state agencies in accordance with the terms of this section.

2. Allocation of statewide bond reserve to local agencies or other issuers.

(a) Local agencies or other issuers may at any time apply to the commissioner for an allocation from the statewide bond reserve. Such application shall demonstrate:

(i) that the requested allocation is required under the code for the interest earned on the bonds to be excluded from the gross income of bondholders for federal income tax purposes;

(ii) that the local agency's remaining unused allocation provided pursuant to section four of this act, and other issuer's remaining unused allocation, or any available carryforward will be insufficient for the specific project or projects for which the reserve allocation is requested; and

(iii) that, except for those allocations made pursuant to section thirteen of this act to enable carryforward elections, the requested allocation is reasonably expected to be used during the calendar year, and the requested future allocation is reasonably expected to be used in the calendar year to which the future allocation relates.

(b) In reviewing and approving or disapproving applications, the commissioner shall exercise discretion to ensure an equitable distribution of allocations from the statewide bond reserve to local agencies and other issuers. Prior to making a determination on such applications, the commissioner shall notify and seek the recommendation of the president and chief executive officer of the New York state housing finance agency in the case of an application related to the issuance of multifamily housing or mortgage revenue bonds, and in the case of other requests, such state officers, departments, divisions and agencies as the commissioner deems appropriate.

(c) Applications for allocations shall be made in such form and contain such information and reports as the commissioner shall require.

(d) On or before September fifteenth of each year, the commissioner shall publish the total amount of local agency set-aside that has been

recaptured pursuant to section twelve of this act for that year on the department of economic development's website.

3. Allocation of statewide bond reserve to state agencies. The director may make an allocation from the statewide bond reserve to any state agency. Before making any allocation of statewide bond reserve to state agencies the director shall be satisfied:

(a) that the allocation is required under the code for the interest earned on the bonds to be excluded from the gross income of bondholders for federal income tax purposes;

(b) that the state agency's remaining unused allocation provided pursuant to section five of this act or any available carryforward will be insufficient to accommodate the specific bond issue or issues for which the reserve allocation is requested; and

(c) that, except for those allocations made pursuant to section thirteen of this act to enable carryforward elections, the requested allocation is reasonably expected to be used during the calendar year, and the requested future allocation is reasonably expected to be used in the calendar year to which the future allocation relates.

§ 7. Access to employment opportunities. 1. All issuers shall require that any new employment opportunities created in connection with industrial or manufacturing projects financed through the issuance of qualified small issue bonds shall be listed with the New York state department of labor and with the one-stop career center established pursuant to the federal Workforce Innovation and Opportunity Act (Pub. L. No. 113-128) serving the locality in which the employment opportunities are being created. Such listing shall be in a manner and form prescribed by the commissioner. All issuers shall further require that for any new employment opportunities created in connection with an industrial or manufacturing project financed through the issuance of qualified small issue bonds by such issuer, industrial or manufacturing firms shall first consider persons eligible to participate in the Workforce Innovation and Opportunity Act (Pub. L. No. 113-128) programs who shall be referred to the industrial or manufacturing firm by one-stop centers in local workforce investment areas or by the department of labor. Issuers of qualified small issue bonds are required to monitor compliance with the provisions of this section as prescribed by the commissioner.

2. Nothing in this section shall be construed to require users of qualified small issue bonds to violate any existing collective bargaining agreement with respect to the hiring of new employees. Failure on the part of any user of qualified small issue bonds to comply with the requirements of this section shall not affect the allocation of bonding authority to the issuer of the bonds or the validity or tax exempt status of such bonds.

§ 8. Overlapping jurisdictions. In a geographic area represented by a county local agency and one or more sub-county local agencies, the allocation granted by section four of this act with respect to such area of overlapping jurisdiction shall be apportioned one-half to the county local agency and one-half to the sub-county local agency or agencies. Where there is a local agency for the benefit of a village within the geographic area of a town for the benefit of which there is a local agency, the allocation of the village local agency shall be based on the population of the geographic area of the village, and the allocation of the town local agency shall be based upon the population of the geographic area of the town outside of the village. Notwithstanding the foregoing, a local agency may surrender all or part of its allocation for such calendar year to another local agency with an overlapping

jurisdiction. Such surrender shall be made at such time and in such manner as the commissioner shall prescribe.

§ 9. Ineligible local agencies. To the extent that any allocation of the local agency set-aside would be made by this act to a local agency which is ineligible to receive such allocation under the code or under regulations interpreting the state volume ceiling provisions of the code, such allocation shall instead be made to the political subdivision for whose benefit that local agency was created.

§ 10. Municipal reallocation. The chief executive officer of any political subdivision or, if such political subdivision has no chief executive officer, the governing board of the political subdivision for the benefit of which a local agency has been established, may withdraw all or any portion of the allocation granted by section four of this act to such local agency. The political subdivision may then reallocate all or any portion of such allocation, as well as all or any portion of the allocation received pursuant to section nine of this act, to itself or any other issuer established for the benefit of that political subdivision or may assign all or any portion of the allocation received pursuant to section nine of this act to the local agency created for its benefit. The chief executive officer or governing board of the political subdivision, as the case may be, shall notify the commissioner of any such reallocation.

§ 11. Future allocations for multi-year housing development projects. 1. In addition to other powers granted under this act, the commissioner is authorized to make the following future allocations of statewide ceiling for any multi-year housing development project for which the commissioner also makes an allocation of statewide ceiling for the current year under this act or for which, in the event of expiration of provisions of this act described in section eighteen of this act, an allocation of volume cap for a calendar year subsequent to such expiration shall have been made under section 146 of the code: (a) to local agencies from the local agency set-aside (but only with the approval of the chief executive officer of the political subdivision to which the local agency set-aside relates or the governing body of a political subdivision having no chief executive officer) and (b) to other issuers from that portion, if any, of the statewide bond reserve transferred to the commissioner by the director. Any future allocation made by the commissioner shall constitute an allocation of statewide ceiling for the future year specified by the commissioner and shall be deemed to have been made on the first day of the future year so specified.

2. In addition to other powers granted under this act, the director is authorized to make future allocations of statewide ceiling from the state agency set-aside or from the statewide bond reserve to state agencies for any multi-year housing development project for which the director also makes an allocation of statewide ceiling from the current year under this act or for which, in the event of expiration of provisions of this act described in section eighteen of this act, an allocation of volume cap for a calendar year subsequent to such expiration shall have been made under section 146 of the code, and is authorized to make transfers of the statewide bond reserve to the commissioner for future allocations to other issuers for multi-year housing development projects for which the commissioner has made an allocation of statewide ceiling for the current year. Any such future allocation or transfer of the statewide bond reserve for future allocation made by the director shall constitute an allocation of statewide ceiling or transfer of the statewide bond reserve for the future years specified by the director and

shall be deemed to have been made on the first day of the future year so specified.

3. (a) If an allocation made with respect to a multi-year housing development project is not used by September fifteenth of the year to which the allocation relates, the allocation with respect to the then current year shall be subject to recapture in accordance with the provisions of section twelve of this act, and in the event of such a recapture, unless a carryforward election by another issuer shall have been approved by the commissioner or a carryforward election by a state agency shall have been approved by the director, all future allocations made with respect to such project pursuant to subdivision one or two of this section shall be canceled.

(b) The commissioner and the director shall have the authority to make future allocations from recaptured current year allocations and canceled future allocations to multi-year housing development projects in a manner consistent with the provisions of this act. Any such future allocation shall, unless a carryforward election by another issuer shall have been approved by the commissioner or a carryforward election by a state agency shall have been approved by the director, be canceled if the current year allocation for the project is not used by December 31, 2023.

(c) The commissioner and the director shall establish procedures consistent with the provisions of this act relating to carryforward of future allocations.

4. The aggregate future allocations from either of the two succeeding years shall not exceed six hundred fifty million dollars for each such year.

§ 12. Year end allocation recapture. On or before September first of each year, each state agency shall report to the director and each local agency and each other issuer shall report to the commissioner the amount of bonds subject to allocation under this act that will be issued prior to the end of the then current calendar year, and the amount of the issuer's then total allocation that will remain unused. As of September fifteenth of each year, the unused portion of each local agency's and other issuer's then total allocation as reported and the unallocated portion of the set-aside for state agencies shall be recaptured and added to the statewide bond reserve and shall no longer be available to covered bond issuers except as otherwise provided herein. From September fifteenth through the end of the year, each local agency or other issuer having an allocation shall immediately report to the commissioner and each state agency having an allocation shall immediately report to the director any changes to the status of its allocation or the status of projects for which allocations have been made which should affect the timing or likelihood of the issuance of covered bonds therefor. If the commissioner determines that a local agency or other issuer has overestimated the amount of covered bonds subject to allocation that will be issued prior to the end of the calendar year, the commissioner may recapture the amount of the allocation to such local agency or other issuer represented by such overestimation by notice to the local agency or other issuer, and add such allocation to the statewide bond reserve. The director may likewise make such determination and recapture with respect to state agency allocations.

§ 13. Allocation carryforward. 1. No local agency or other issuer shall make a carryforward election utilizing any unused allocation (pursuant to section 146(f) of the code) without the prior approval of the commissioner. Likewise no state agency shall make or file such an

election, or elect to issue or carryforward mortgage credit certificates, without the prior approval of the director.

2. On or before November fifteenth of each year, each state agency seeking unused statewide ceiling for use in future years shall make a request for an allocation for a carryforward to the director, whose approval shall be required before a carryforward election is filed by or on behalf of any state agency. A later request may also be considered by the director, who may file a carryforward election for any state agency with the consent of such agency.

3. On or before November fifteenth of each year, each local agency or other issuer seeking unused statewide ceiling for use in future years shall make a request for an allocation for a carryforward to the commissioner, whose approval shall be required before a carryforward election is filed by or on behalf of any local or other agency. A later request may also be considered by the commissioner.

4. On or before January fifteenth of each year, the director shall publish the total amount of unused statewide ceiling from the prior year on the division of budget's website.

§ 14. New York state bond allocation policy advisory panel. 1. There is hereby created a policy advisory panel and process to provide policy advice regarding the priorities for distribution of the statewide ceiling.

2. The panel shall consist of five members, one designee being appointed by each of the following: the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly. The designee of the governor shall chair the panel. The panel shall monitor the allocation process through the year, and in that regard, the division of the budget and the department of economic development shall assist and cooperate with the panel as provided in this section. The advisory process shall operate through the issuance of advisory opinions by members of the panel as provided in subdivisions six and seven of this section. A meeting may be held at the call of the chair with the unanimous consent of the members.

3. (a) Upon receipt of a request for allocation or a request for approval of a carryforward election from the statewide reserve from a local agency or other issuer, the commissioner shall, within five working days, notify the panel of such request and provide the panel with copies of all application materials submitted by the applicant.

(b) Upon receipt of a request for allocation or a request for approval of carryforward election from the statewide reserve from a state agency, the director shall, within five working days, notify the panel of such request and provide the panel with copies of all application materials submitted by the applicant.

4. (a) Following receipt of a request for allocation from a local agency or other issuer, the commissioner shall notify the panel of a decision to approve or exclude from further consideration such request, and the commissioner shall state the reasons. Such notification shall be made with or after the transmittal of the information specified in subdivision three of this section and at least five working days before formal notification is made to the applicant.

(b) Following receipt of a request for allocation from a state agency, the director shall notify the panel of a decision to approve or exclude from further consideration such request, and shall state the reasons. Such notification shall be made with or after the transmission of the information specified in subdivision three of this section and at least

five working days before formal notification is made to the state agency.

5. The requirements of subdivisions three and four of this section shall not apply to adjustments to allocations due to bond sizing changes.

6. In the event that any decision to approve or to exclude from further consideration a request for allocation is made within ten working days of the end of the calendar year and in the case of all requests for consent to a carryforward election, the commissioner or director, as is appropriate, shall provide the panel with the longest possible advance notification of the action, consistent with the requirements of the code, and shall, wherever possible, solicit the opinions of the members of the panel before formally notifying any applicant of the action. Such notification may be made by means of telephone communication to the members or by written notice delivered to the Albany office of the appointing authority of the respective members.

7. Upon notification by the director or the commissioner, any member of the panel may, within five working days, notify the commissioner or the director of any policy objection concerning the expected action. If three or more members of the panel shall submit policy objections in writing to the intended action, the commissioner or the director shall respond in writing to the objection prior to taking the intended action unless exigent circumstances make it necessary to respond after the action has been taken.

8. On or before the first day of July, in any year, the director shall report to the members of the New York state bond allocation policy advisory panel on the actual utilization of volume cap for the issuance of bonds during the prior calendar year and the amount of such cap allocated for carryforwards for future bond issuance. The report shall include, for each local agency or other issuer and each state agency the initial allocation, the amount of bonds issued subject to the allocation, the amount of the issuer's allocation that remained unused, the allocation of the statewide bond reserve, carryforward allocations and recapture of allocations. Further, the report shall include projections regarding private activity bond issuance for state and local issuers for the calendar year, as well as any recommendations for legislative action. The director shall publish the report on the division of budget's website concurrently with the release of the report to the panel.

§ 15. Severability. If any clause, sentence, paragraph, section, or item of this part 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, section, or item thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 16. Notwithstanding any provisions of this act to the contrary (1) provided that a local agency or other issuer certifies to the commissioner on or before October 1, 2022 that it has issued private activity bonds described in this act and the amount thereof which used statewide ceiling, a commitment or allocation of statewide ceiling to a local agency or other issuer made to or so used by such local agency or other issuer pursuant to the federal tax reform act of 1986 on or after January 1, 2022 and prior to the effective date of this act, in an amount which exceeds the local agency set-aside established by section four of this act, shall be first chargeable to the statewide bond reserve established pursuant to section six of this act, and (2) a commitment or

allocation of statewide ceiling to a state agency made to or used by such agency pursuant to the internal revenue code, as amended, on or after January 1, 2022 and prior to the effective date of this act, shall be first chargeable to the state agency set-aside established pursuant to section five of this act, and, thereafter, to the statewide bond reserve established by section six of this act.

§ 17. Nothing contained in this act shall be deemed to supersede, alter or impair any allocation used by or committed by the director or commissioner to a state or local agency or other issuer pursuant to the federal tax reform act of 1986 and prior to the effective date of this act.

§ 18. This act shall take effect immediately; provided, however, that sections three, four, five, six, seven, eight, nine, ten, twelve, thirteen and fourteen of this act shall expire July 1, 2025 when upon such date the provisions of such sections shall be deemed repealed; except that the provisions of subdivisions two and three of section thirteen of this act shall expire and be deemed repealed February 15, 2025.

PART WW

Section 1. Subdivision (c) of section 103 of the public officers law, as added by chapter 289 of the laws of 2000, is amended to read as follows:

(c) A public body [~~that uses videoconferencing to conduct its meetings~~] shall provide an opportunity for the public to attend, listen and observe [~~at any site~~] meetings in at least one physical location at which a member participates.

§ 2. The public officers law is amended by adding a new section 103-a to read as follows:

§ 103-a. Videoconferencing by public bodies. 1. For the purposes of this section, "local public body" shall mean a public corporation as defined in section sixty-six of the general construction law, a political subdivision as defined in section one hundred of the general municipal law or a committee or subcommittee or other similar body of such entity, or any entity for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for an entity limited in the execution of its official functions to a portion only of the state, or a political subdivision of the state, or for an agency or department thereof. For the purposes of this section, a public body shall be as defined in subdivision two of section one hundred two of this article.

2. A public body may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of this article provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend and the following criteria are met:

(a) the governing board of a county, city, town or village has adopted a local law, or a public body has adopted a resolution, or the senate and assembly have adopted a joint resolution, following a public hearing, authorizing the use of videoconferencing:

(i) for itself and its committees or subcommittees; or,

(ii) specifying that each committee or subcommittee may make its own determination;

(iii) provided however, each community board in a city with a population of one million or more shall make its own determination;

(b) the public body has established written procedures governing member and public attendance consistent with this section, and such written procedures shall be conspicuously posted on the public website of the public body;

(c) members of the public body shall be physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances, as set forth in the resolution and written procedures adopted pursuant to paragraphs (a) and (b) of this subdivision, including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting;

(d) except in the case of executive sessions conducted pursuant to section one hundred five of this article, the public body shall ensure that members of the public body can be heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon;

(e) the minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public pursuant to section one hundred six of this article;

(f) if videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend;

(g) the public body shall provide that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request;

(h) if videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony; and

(i) a local public body electing to utilize videoconferencing to conduct its meetings must maintain an official website.

3. The in person participation requirements of paragraph (c) of subdivision two of this section shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-eight of the executive law, or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to section twenty-four of the executive law, if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.

4. No later than January first, two thousand twenty-four, the committee on open government, created by paragraph (a) of subdivision one of section eighty-nine of this chapter, shall issue a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate standing committee on local government, the chair of the senate standing committee on investigations and government operations, the chair of the assembly standing committee on local governments, and the chair of the assembly standing committee on govern-

mental operations concerning the application and implementation of such law and any further recommendations governing the use of videoconferencing by public bodies to conduct meetings pursuant to this section.

5. Open meetings of any public body that are broadcast or that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this section, "disability" shall have the meaning defined in section two hundred ninety-two of the executive law.

§ 3. Notwithstanding the provisions of article 7 of the public officers law to the contrary, for sixty days after the effective date of this act any public body shall be authorized to meet and take such action authorized by law without permitting in public-in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

§ 4. This act shall take effect immediately and shall expire and be deemed repealed July 1, 2024.

PART XX

Section 1. The public health law is amended by adding a new section 3614-f to read as follows:

§ 3614-f. Home care minimum wage increase. 1. For the purpose of this section, "home care aide" shall have the same meaning as defined in section thirty-six hundred fourteen-c of this article.

2. In addition to the otherwise applicable minimum wage under section six hundred fifty-two of the labor law, or any otherwise applicable wage rule or order under article nineteen of the labor law, the minimum wage for a home care aide shall be increased by an amount of three dollars and zero cents in accordance with the following schedule:

(a) beginning October first, two thousand twenty-two, the minimum wage for a home care aide shall be increased by an amount of two dollars and zero cents, and

(b) beginning October first, two thousand twenty-three, the minimum wage for a home care aide shall be increased by an additional amount of one dollar and zero cents.

3. Where any home care aide is paid less than required by subdivision two of this section, the home care aide, or the commissioner of labor acting on behalf of the home care aide, may bring a civil action under article six or nineteen of the labor law; provided that this shall not preclude the commissioner of labor from taking direct administrative enforcement action under article six of the labor law.

§ 2. Section 3614-d of the public health law, as added by section 49 of part B of chapter 57 of the laws of 2015, is amended to read as follows:

§ 3614-d. Universal standards for coding of payment for medical assistance claims for long term care. Claims for payment submitted under contracts or agreements with insurers under the medical assistance program for home and community-based long-term care services provided under this article, by fiscal intermediaries operating pursuant to section three hundred sixty-five-f of the social services law, and by residential health care facilities operating pursuant to article twenty-eight of this chapter shall have standard billing codes. Such insurers shall include but not be limited to Medicaid managed care plans and

managed long term care plans. Such payments shall be based on universal billing codes approved by the department or a nationally accredited organization as approved by the department; provided, however, such coding shall be consistent with any codes developed as part of the uniform assessment system for long term care established by the department **and shall include, for any entity operating pursuant to section three hundred sixty-five-f of the social services law a code that is specific to the hourly cost of services at an overtime rate; provided, however, that this section shall not be construed to require the department to develop an overtime rate**.

§ 3. Subparagraph (iv) of paragraph (a) of subdivision 3 of section 3614-c of the public health law, as amended by section 1 of part OO of chapter 56 of the laws of 2020, is amended and a new subparagraph (v) is added to read as follows:

(iv) for all periods on or after April first, two thousand sixteen, the cash portion of the minimum rate of home care aide total compensation shall be ten dollars or the minimum wage as laid out in paragraph (a) of subdivision one of section six hundred fifty-two of the labor law, whichever is higher. The benefit portion of the minimum rate of home care aide total compensation shall be four dollars and nine cents[~~.~~]**;**

(v) for all periods on or after January first, two thousand twenty-three, the cash portion of the minimum rate of home care aide total compensation shall be the minimum wage for home care aides in the applicable region, as defined in section thirty-six hundred fourteen-f of this article. The benefit portion of the minimum rate of home care aide total compensation shall be four dollars and nine cents.

§ 4. Subparagraph (iv) of paragraph (b) of subdivision 3 of section 3614-c of the public health law, as amended by section 1 of part OO of chapter 56 of the laws of 2020, is amended and a new subparagraph (v) is added to read as follows:

(iv) for all periods on or after March first, two thousand sixteen, the cash portion of the minimum rate of home care aide total compensation shall be ten dollars or the minimum wage as laid out in paragraph (b) of subdivision one of section six hundred fifty-two of the labor law, whichever is higher. The benefit portion of the minimum rate of home care aide total compensation shall be three dollars and twenty-two cents[~~.~~]**;**

(v) for all periods on or after January first, two thousand twenty-three, the cash portion of the minimum rate of home care aide total compensation shall be the minimum wage for the applicable region, as defined in section thirty-six hundred fourteen-f of this article. The benefit portion of the minimum rate of home care aide total compensation shall be three dollars and twenty-two cents.

§ 5. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, or to violate or be inconsistent with any federal law or regulation, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

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

PART YY

Section 1. Sections 1 and 3 of chapter 252 of the laws of 1968 relating to the construction and financing of a stadium by the county of Erie and authorizing, in aid of such financing, the leasing of such stadium and exemption from current funds requirements, are amended to read as follows:

Section 1. **(1)** Notwithstanding the provisions of any other law, general, special, or local, the county of Erie, acting by the county executive, with the approval of the Erie county legislature, is hereby authorized and empowered from time to time to enter into contracts, leases, or rental agreements with, **transfer real property to,** or grant licenses, permits, concessions, or other authorizations, to any person or persons, upon such terms and conditions, for such consideration and for such term of duration as may be agreed upon by the county and such person or persons, whereby, for any purpose or purposes hereinafter referred to, such person or persons are granted the right, to use, occupy, or carry on activities in, the whole or any part of a stadium, including the site thereof, parking areas and other facilities appurtenant thereto or utilized therefor **on real property owned by the county of Erie, or constructed and/or reconstructed by such person or persons on real property transferred by the county of Erie to such person or persons**, hereby authorized to be **(a)** constructed by the county of Erie on such site as may be finally determined by the Erie county legislature and acquired by the county of Erie**, or (b) constructed and/or reconstructed by such person or persons on such site as may be provided by transfer of real property by the county of Erie to such person or persons**. **(2)** Prior to or after the expiration or termination of the term of duration of any contracts, leases, rental agreements, licenses, permits, concessions, or other authorizations entered into or granted pursuant to the provisions of this act, the county of Erie, in accordance with the requirements and conditions of this act, may from time to time enter into amended, supplemental, new, additional, or further contracts, leases, or rental agreements with, and grant new, additional, supplemental, or further licenses, permits, concessions, or other authorizations to, the same or any other person or persons for any purpose or purposes referred to herein.

§ 3. The construction, **replacement,** reconstruction, or alteration of, or construction of an addition to or a roof or increased seating capacity for, such stadium, including acquisition of land or rights in land, demolition of existing structures thereon, grading or improving of the site, construction of parking areas and other facilities appurtenant thereto or utilized therefor and improvements in relation thereto and purchase and installation of original furnishings, equipment, machinery, and apparatus required for the purpose for which such stadium is to be used, is hereby declared to be a specific object or purpose for which indebtedness may be contracted and serial bonds and bond anticipation notes of the county of Erie may be issued, pursuant to the applicable provisions of the local finance law and the period of probable usefulness thereof is hereby determined to be forty years. Preliminary costs of surveys, maps, plans, estimates, and hearings in connection with such capital improvements and costs incidental to such improvement, including but not limited to legal fees, printing or engraving, publication of notices, taking of title, apportionment of costs and interest during construction shall be deemed part of the cost of such object or purpose.

§ 2. Section 5 of chapter 252 of the laws of 1968 relating to the construction and financing of a stadium by the county of Erie and authorizing, in aid of such financing, the leasing of such stadium and

exemption from current funds requirements, as renumbered by chapter 699 of the laws of 1974, is renumbered section 6 and a new section 5 is added to read as follows:

§ 5. The appropriation and expenditure of any funds after January 1, 2022 for any purposes related to services and expenses for any newly constructed athletic facilities related to professional football in Orchard Park, New York shall be subject to a contractual agreement between the Erie County Stadium Corporation and the lessee of such athletic facilities which provides that such lessee commit to the utilization and occupation of any newly constructed athletic facilities (prohibition on relocation) for a minimum duration of thirty years; and provided further, in addition to any other penalties, remedies and fees negotiated in such contract and any ancillary documents and agreements associated therewith between the Erie County Stadium Corporation and the lessee, such contract and any ancillary documents and agreements associated therewith shall provide that the lessee of such athletic facilities reimburse the state for a portion of such funds consistent with the terms of the prohibition on relocation provisions included in such contract and any ancillary documents and agreements associated therewith.

§ 3. This act shall take effect immediately.

PART ZZ

Section 1. The social services law is amended by adding a new section 367-w to read as follows:

§ 367-w. Health care and mental hygiene worker bonuses. 1. Purpose and intent. New York's essential front line health care and mental hygiene workers have seen us through a once-in-a-century public health crisis and turned our state into a model for battling and beating COVID-19. To attract talented people into the profession at a time of such significant strain while also retaining those who have been working so tirelessly these past two years, we must recognize the efforts of our health care and mental hygiene workforce and reward them financially for their service.

To do that, the commissioner of health is hereby directed to seek federal approvals as applicable, and, subject to federal financial participation, to support with federal and state funding bonuses to be made available during the state fiscal year of 2023 to recruit, retain, and reward health care and mental hygiene workers.

2. Definitions. As used in this section, the term:

(a) "Employee" means certain front line health care and mental hygiene practitioners, technicians, assistants and aides that provide hands on health or care services to individuals, without regard to whether the person works full-time, part-time, on a salaried, hourly, or temporary basis, or as an independent contractor, that received an annualized base salary of one hundred twenty-five thousand dollars or less, to include:

(i) Physician assistants, dental hygienists, dental assistants, psychiatric aides, pharmacists, pharmacy technicians, physical therapists, physical therapy assistants, physical therapy aides, occupational therapists, occupational therapy assistants, occupational therapy aides, speech-language pathologists, respiratory therapists, exercise physiologists, recreational therapists, all other therapists, orthotists, prosthetists, clinical laboratory technologists and technicians, diagnostic medical sonographers, nuclear medicine technologists, radiologic technologists, magnetic resonance imaging technologists, ophthalmic

medical technicians, radiation therapists, dietetic technicians, cardiovascular technologists and technicians, certified first responders, emergency medical technicians, advanced emergency medical technicians, paramedics, surgical technologists, all other health technologists and technicians, orderlies, medical assistants, phlebotomists, all other health care support workers, nurse anesthetists, nurse midwives, nurse practitioners, registered nurses, nursing assistants, and licensed practical and licensed vocational nurses;

(ii) to the extent not already included in subparagraph (i) of this paragraph, staff who perform functions as described in the consolidated fiscal report (CFR) manual with respect to the following title codes:

Mental Hygiene Worker;
Residence/Site Worker;
Counselor (OMH);
Manager (OMH);
Senior Counselor (OMH);
Supervisor (OMH);
Developmental Disabilities Specialist QIDP - Direct Care (OPWDD);
Certified Recovery Peer Advocate;
Peer Professional - Non-CRPA (OASAS Only);
Job Coach/Employment Specialist (OMH and OPWDD);
Peer Specialist (OMH);
Counselor - Alcoholism and Substance Abuse (CASAC);
Counseling Aide/Assistant - Alcoholism and Substance Abuse;
Other Direct Care Staff;
Case Manager;
Counselor - Rehabilitation;
Developmental Disabilities Specialist/Habilitation Specialist QIDP - Clinical (OPWDD);
Emergency Medical Technician;
Intensive Case Manager (OMH);
Intensive Case Manager/Coordinator (OMH);
Nurse - Licensed Practical;
Nurse - Registered;
Psychologist (Licensed);
Psychologist (Master's Level)/Behavioral Specialist;
Psychology Worker/Other Behavioral Worker;
Social Worker - Licensed (LMSW, LCSW);
Social Worker - Master's Level (MSW);
Licensed Mental Health Counselor (OASAS, OMH, OCFS);
Licensed Psychoanalyst (OMH);
Therapist - Recreation;
Therapist - Activity/Creative Arts;
Therapist - Occupational;
Dietician/Nutritionist;
Therapy Assistant/Activity Assistant;
Nurse's Aide/Medical Aide;
Behavior Intervention Specialist 1 (OPWDD);
Behavior Intervention Specialist 2 (OPWDD);
Clinical Coordinator;
Intake/Screening;
Pharmacist;
Marriage and Family Counselor/Therapist;
Residential Treatment Facility (RTF) Transition Coordinator (OMH);
Crisis Prevention Specialist (OMH);
Early Recognition Specialist (OMH);

Other Clinical Staff/Assistants;
Nurse Practitioner/Nursing Supervisor;
Therapist - Physical;
Therapist - Speech;
Program or Site Director; and
Assistant Program or Assistant Site Director; and

(iii) such titles as determined by the commissioner, or relevant agency commissioner as applicable, and approved by the director of the budget.

(b) "Employer" means a provider enrolled in the medical assistance program under this title that employs at least one employee and that bills for services under the state plan or a home and community based services waiver authorized pursuant to subdivision (c) of section nineteen hundred fifteen of the federal social security act, or that has a provider agreement to bill for services provided or arranged through a managed care provider under section three hundred sixty-four-j of this title or a managed long term care plan under section forty-four hundred three-f of the public health law, to include:

(i) providers and facilities licensed, certified or otherwise authorized under articles twenty-eight, thirty, thirty-six or forty of the public health law, articles sixteen, thirty-one, thirty-two or thirty-six of the mental hygiene law, article seven of this chapter, fiscal intermediaries under section three hundred sixty-five-f of this title, pharmacies registered under section six thousand eight hundred eight of the education law, or school based health centers;

(ii) programs that participate in the medical assistance program and are funded by the office of mental health, the office of addiction services and supports, or the office for people with developmental disabilities; and

(iii) other provider types determined by the commissioner and approved by the director of the budget;

(iv) provided, however, that unless the provider is subject to a certificate of need process as a condition of state licensure or approval, such provider shall not be an employer under this section unless at least twenty percent of the provider's patients or persons served are eligible for services under this title and title XIX of the federal social security act.

(c) Notwithstanding the definition of employer in paragraph (b) of this subdivision, and without regard to the availability of federal financial participation, "employer" shall also include an institution of higher education, a public or nonpublic school, a charter school, an approved preschool program for students with disabilities, a school district or boards of cooperative educational services, programs funded by the office of mental health, programs funded by the office of addiction services and supports, programs funded by the office for people with developmental disabilities, programs funded by the office for the aging, a health district as defined in section two of the public health law, or a municipal corporation, where such program or entity employs at least one employee. Such employers shall be required to enroll in the system designated by the commissioner, or relevant agency commissioners, in consultation with the director of the budget, for the purpose of claiming bonus payments under this section. Such system or process for claiming bonus payments may be different from the system and process used under subdivision three of this section.

(d) "Vesting period" shall mean a series of six-month periods between the dates of October first, two thousand twenty-one and March thirty-

first, two thousand twenty-four for which employees that are continuously employed by an employer during such six-month periods, in accordance with a schedule issued by the commissioner or relevant agency commissioner as applicable, may become eligible for a bonus pursuant to subdivision four of this section.

(e) "Base salary" shall mean, for the purposes of this section, the employee's gross wages with the employer during the vesting period, excluding any bonuses or overtime pay.

(f) "Municipal corporation" means a county outside the city of New York, a city, including the city of New York, a town, a village, or a school district.

3. Tracking and submission of claims for bonuses. (a) The commissioner, in consultation with the commissioner of labor and the Medicaid inspector general, and subject to any necessary approvals by the federal centers for Medicare and Medicaid services, shall develop such forms and procedures as may be needed to identify the number of hours employees worked and to provide reimbursement to employers for the purposes of funding employee bonuses in accordance with hours worked during the vesting period.

(b) Using the forms and processes developed by the commissioner under this subdivision, employers shall, for a period of time specified by the commissioner:

(i) track the number of hours that employees work during the vesting period and, as applicable, the number of patients served by the employer who are eligible for services under this title; and

(ii) submit claims for reimbursement of employee bonus payments. In filling out the information required to submit such claims, employers shall use information obtained from tracking required pursuant to paragraph (a) of this subdivision and provide such other information as may be prescribed by the commissioner. In determining an employee's annualized base salary, the employer shall use information based on payroll records.

(c) Employers shall be responsible for determining whether an employee is eligible under this section and shall maintain and make available upon request all records, data and information the employer relied upon in making the determination that an employee was eligible, in accordance with paragraph (d) of this subdivision.

(d) Employers shall maintain contemporaneous records for all tracking and claims related information and documents required to substantiate claims submitted under this section for a period of no less than six years. Employers shall furnish such records and information, upon request, to the commissioner, the Medicaid inspector general, the commissioner of labor, the secretary of the United States Department of Health and Human Services, and the deputy attorney general for Medicaid fraud control.

4. Payment of worker bonuses. (a) Upon issuance of a vesting schedule by the commissioner, or relevant agency commissioner as applicable, employers shall be required to pay bonuses to employees pursuant to such schedule based on the number of hours worked during the vesting period. The schedule shall provide for total payments not to exceed three thousand dollars per employee in accordance with the following:

(i) employees who have worked an average of at least twenty but less than thirty hours per week over the course of a vesting period would receive a five hundred dollar bonus for the vesting period;

(ii) employees who have worked an average of at least thirty but less than thirty-five hours per week over the course of a vesting period would receive a one thousand dollar bonus for such vesting period;

(iii) employees who have worked an average of at least thirty-five hours per week over the course of a vesting period would receive a one thousand five hundred dollar bonus for such vesting period.

(iv) full-time employees who are exempt from overtime compensation as established in the labor commissioner's minimum wage orders or otherwise provided by New York state law or regulation over the course of a vesting period would receive a one thousand five hundred dollar bonus for such vesting period.

(b) Notwithstanding paragraph (a) of this subdivision, the commissioner may through regulation specify an alternative number of vesting periods, provided that total payments do not exceed three thousand dollars per employee.

(c) Employees shall be eligible for bonuses for no more than two vesting periods per employer, in an amount equal to but not greater than three thousand dollars per employee across all employers.

(d) Upon completion of a vesting period with an employer, an employee shall be entitled to receive the bonus and the employer shall be required to pay the bonus no later than the date specified under this subdivision, provided however that prior to such date the employee does not terminate, through action or inaction, the employment relationship with the employer, in accordance with any employment agreement, including a collectively bargained agreement, if any, between the employee and employer.

(e) Any bonus due and payable to an employee under this section shall be made by the employer no later than thirty days after the bonus is paid to the employer.

(f) an employer shall be required to submit a claim for a bonus to the department no later than thirty days after an employee's eligibility for a bonus vests, in accordance with and upon issuance of the schedule issued by the commissioner or relevant agency commissioner.

(g) No portion of any dollars received from claims under subparagraph (ii) of paragraph (b) of subdivision three of this section for employee bonuses shall be returned to any person other than the employee to whom the bonus is due or used to reduce the total compensation an employer is obligated to pay to an employee under section thirty-six hundred fourteen-c of the public health law, section six hundred fifty-two of the labor law, or any other provisions of law or regulations, or pursuant to any collectively bargained agreement.

(h) No portion of any bonus available pursuant to this subdivision shall be payable to a person who has been suspended or excluded under the medical assistance program during the vesting period and at the time an employer submits a claim under this section.

(i) The use of any accruals or other leave, including but not limited to sick, vacation, or time used under the family medical leave act, shall be credited towards and included in the calculation of the average number of hours worked per week over the course of the vesting period.

5. Audits, investigations and reviews. (a) The Medicaid inspector general shall, in coordination with the commissioner, conduct audits, investigations and reviews of employers required to submit claims under this section. Such claims, inappropriately paid, under this section shall constitute overpayments as that term is defined under the regulations governing the medical assistance program. The Medicaid inspector general may recover such overpayments to employers as it would an over-

payment under the medical assistance program, impose sanctions up to and including exclusion from the medical assistance program, impose penalties, and take any other action authorized by law where:

(i) an employer claims a bonus not due to an employee or a bonus amount in excess of the correct bonus amount due to an employee;

(ii) an employer claims, receives and fails to pay any part of the bonus due to a designated employee;

(iii) an employer fails to claim a bonus due to an employee.

(b) Any employer identified in paragraph (a) of this subdivision who fails to identify, claim and pay any bonus for more than ten percent of its employees eligible for the bonus shall also be subject to additional penalties under subdivision four of section one hundred forty-five-b of this article.

(c) Any employer who fails to pay any part of the bonus payment to a designated employee shall remain liable to pay such bonus to that employee, regardless of any recovery, sanction or penalty the Medicaid inspector general may impose.

(d) In all instances recovery of inappropriate bonus payments shall be recovered from the employer. The employer shall not have the right to recover any inappropriately paid bonus from the employee.

(e) Where the Medicaid inspector general sanctions an employer for violations under this section, they may also sanction any affiliates as defined under the regulations governing the medical assistance program.

6. Rules and regulations. The commissioner, in consultation with the Medicaid inspector general as it relates to subdivision five of this section, may promulgate rules, to implement this section pursuant to emergency regulation; provided, however, that this provision shall not be construed as requiring the commissioner to issue regulations to implement this section.

§ 2. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 4 of section 145-b of the social services law, as amended by section 1 of part QQ of chapter 56 of the laws of 2020, are amended to read as follows:

(iv) such person arranges or contracts, by employment, agreement, or otherwise, with an individual or entity that the person knows or should know is suspended or excluded from the medical assistance program at the time such arrangement or contract regarding activities related to the medical assistance program is made[~~.~~];

(v) such person had an obligation to identify, claim, and pay a bonus under subdivision three of section three hundred sixty-seven-w of this article and such person failed to identify, claim and pay such bonus.

(vi) For purposes of this paragraph, "person" as used in subparagraph (i) of this paragraph does not include recipients of the medical assistance program; and "person" as used in subparagraphs (ii) [~~,~~], (iii) and (iv) of this paragraph, is as defined in paragraph (e) of subdivision [~~(6)~~] six of section three hundred sixty-three-d of this [~~chapter~~] article; and "person" as used in subparagraph (v) of this paragraph includes employers as defined in section three hundred sixty-seven-w of this article.

§ 3. Paragraph (c) of subdivision 4 of section 145-b of the social services law is amended by adding a new subparagraph (iii) to read as follows:

(iii) For subparagraph (v) of paragraph (a) of this subdivision, a monetary penalty shall be imposed for conduct described in subparagraphs (i), (ii) and (iii) of paragraph (a) of subdivision five of section three hundred sixty-seven-w of this article and shall not exceed one

thousand dollars per failure to identify, claim and pay a bonus for each employee.

§ 4. Health care and mental hygiene worker bonuses for state employees. 1. An employee who is employed by a state operated facility, an institutional or direct-care setting operated by the executive branch of the State of New York or a public hospital operated by the state university of New York and who is deemed substantially equivalent to the definition of employee pursuant to paragraph (a) of subdivision 2 of section 367-w of the social services law as determined by the commissioner of health, in consultation with the chancellor of the state university of New York, the commissioner of the department of civil service, the director of the office of employee relations, and the commissioners of other state agencies, as applicable, and approved by the director of the budget, shall be eligible for the health care and mental hygiene worker bonus. Notwithstanding the definition of base salary pursuant to paragraph (e) of subdivision 2 of section 367-w, such bonus shall only be paid to employees that receive an annualized base salary of one hundred twenty-five thousand dollars or less.

2. Employees shall be eligible for health care and mental hygiene worker bonuses in an amount up to but not exceeding three thousand dollars per employee. The payment of bonuses shall be paid based on the total number of hours worked during two vesting periods based on the employee's start date with the employer. No employee's first vesting period may begin later than March thirty-first, two thousand twenty-three, and in total both vesting periods may not exceed one year in duration. For each vesting period, payments shall be in accordance with the following:

(a) employees who have worked an average of at least twenty but less than thirty hours per week over the course of a vesting period shall receive a five hundred dollar bonus for the vesting period;

(b) employees who have worked an average of at least thirty but less than thirty-seven and one half hours per week over the course of a vesting period shall receive a one thousand dollar bonus for such vesting period; and

(c) employees who have worked an average of at least thirty-seven and one half hours per week over the course of a vesting period shall receive a one thousand five hundred dollar bonus for such vesting period.

§ 5. An employee under this act shall be limited to a bonus of three thousand dollars per employee without regard to which section or sections such employee may be eligible or whether the employee is eligible to receive a bonus from more than one employer.

§ 6. Notwithstanding any provision of law to the contrary, any bonus payment paid pursuant to this act, to the extent includible in gross income for federal income tax purposes, shall not be subject to state or local income tax.

§ 7. Bonuses under this act shall not be considered income for purposes of public benefits or other public assistance.

§ 8. Paragraph (a) of subdivision 8 of section 131-a of the social services law is amended by adding a new subparagraph (x) to read as follows:

(x) all of the income of a head of household or any person in the household, who is receiving such aid or for whom an application for such aid has been made, which is derived from the health care and mental hygiene worker bonuses under section three hundred sixty-seven-w of this

article or under the chapter of the laws of two thousand twenty-two which added this subparagraph.

§ 9. The department of health shall request any necessary waiver or waivers from the centers for medicare and medicaid services to ensure that the payments required by this act shall not be included in the calculation of federal disproportionate share payments as determined by 42 CFR § 412.106, or in the calculation of the upper payment limit as determined by 42 CFR § 447.272 and 42 CFR § 447.321, for any applicable employer types that receive disproportionate share payments, upper payment limit supplemental payments, or similar supplemental payments where the centers for medicare and medicaid services has a waiver or similar process for the exclusion of the payments required by this act from such calculations.

§ 10. This act shall take effect immediately.

PART AAA

Section 1. Subparagraph 4 of paragraph (b) of subdivision 1 of section 366 of the social services law, as added by section 1 of part D of chapter 56 of the laws of 2013, is amended to read as follows:

(4) An individual who is a pregnant woman or is a member of a family that contains a dependent child living with a parent or other caretaker relative is eligible for standard coverage if [~~his or her~~] their MAGI household income does not exceed [~~the MAGI-equivalent of~~] one hundred [~~thirty~~] thirty-three percent of the [~~highest amount that ordinarily would have been paid to a person without any income or resources under the family assistance program as it existed on the first day of November, nineteen hundred ninety-seven~~] federal poverty line for the applicable family size, which shall be calculated in accordance with guidance issued by the

Secretary of the United States department of health and human services; for purposes of this subparagraph, the term dependent child means a person who is under eighteen years of age, or is eighteen years of age and a full-time student, who is deprived of parental support or care by reason of the death, continued absence, or physical or mental incapacity of a parent, or by reason of the unemployment of the parent, as defined by the department of health.

§ 2. Paragraph (g) of subdivision 1 of section 366 of the social services law is amended by adding a new subparagraph 4 to read as follows:

(4) (a) Applicants and recipients who are age sixty-five or older, who are otherwise eligible for medical assistance under this section, but for their immigration status, are eligible for medical assistance according to the following:

(b) individuals eligible for medical assistance pursuant to subparagraph (a) of this paragraph shall participate in and receive covered benefits available through a managed care provider under section three hundred sixty-four-j of this article that is certified pursuant to section forty-four hundred three of the public health law; provided, however, to the extent that any covered benefits available through such managed care providers as of January first, two thousand twenty-three are transitioned to fee-for-service coverage, then such individuals shall continue to be entitled to these benefits in the fee-for-service program, rather than through a managed care provider.

§ 3. Paragraph (a) of subdivision 2 of section 366 of the social services law, as separately amended by chapter 32 and 588 of the laws of

1968, the opening paragraph as amended by chapter 41 of the laws of 1992, subparagraph 1 as amended by section 27 of part C of chapter 109 of the laws of 2006, subparagraphs 3 and 6 as amended by chapter 938 of the laws of 1990, subparagraph 4 as amended by section 43 and subparagraph 7 as amended by section 47 of part C of chapter 58 of the laws of 2008, subparagraph 5 as amended by chapter 576 of the laws of 2007, subparagraph 9 as amended by chapter 110 of the laws of 1971, subparagraph 10 as added by chapter 705 of the laws of 1988, clauses (i) and (ii) of subparagraph 10 as amended by chapter 672 of the laws of 2019, clause (iii) of subparagraph 10 as amended by chapter 170 of the laws of 1994, and subparagraph 11 as added by chapter 576 of the laws of 2015, is amended to read as follows:

(a) The following income and resources shall be exempt and shall not be taken into consideration in determining a person's eligibility for medical care, services and supplies available under this title:

(1) (i) for applications for medical assistance filed on or before December thirty-first, two thousand five, a homestead which is essential and appropriate to the needs of the household;

(ii) for applications for medical assistance filed on or after January first, two thousand six, a homestead which is essential and appropriate to the needs of the household; provided, however, that in determining eligibility of an individual for medical assistance for nursing facility services and other long term care services, the individual shall not be eligible for such assistance if the individual's equity interest in the homestead exceeds seven hundred fifty thousand dollars; provided further, that the dollar amount specified in this clause shall be increased, beginning with the year two thousand eleven, from year to year, in an amount to be determined by the secretary of the federal department of health and human services, based on the percentage increase in the consumer price index for all urban consumers, rounded to the nearest one thousand dollars. If such secretary does not determine such an amount, the department of health shall increase such dollar amount based on such increase in the consumer price index. Nothing in this clause shall be construed as preventing an individual from using a reverse mortgage or home equity loan to reduce the individual's total equity interest in the homestead. The home equity limitation established by this clause shall be waived in the case of a demonstrated hardship, as determined pursuant to criteria established by such secretary. The home equity limitation shall not apply if one or more of the following persons is lawfully residing in the individual's homestead: (A) the spouse of the individual; or (B) the individual's child who is under the age of twenty-one, or is blind or permanently and totally disabled, as defined in section 1614 of the federal social security act.

(2) essential personal property;

(3) a burial fund, to the extent allowed as an exempt resource under the cash assistance program to which the applicant is most closely related;

(4) savings in amounts equal to one hundred fifty percent of the income amount permitted under subparagraph seven of this paragraph, provided, however, that the amounts for one and two person households shall not be less than the amounts permitted to be retained by households of the same size in order to qualify for benefits under the federal supplemental security income program;

(5) (i) such income as is disregarded or exempt under the cash assistance program to which the applicant is most closely related for purposes of this subparagraph, cash assistance program means either the aid to

dependent children program as it existed on the sixteenth day of July, nineteen hundred ninety-six, or the supplemental security income program; and

(ii) such income of a disabled person (as such term is defined in section 1614(a)(3) of the federal social security act (42 U.S.C. section 1382c(a)(3)) or in accordance with any other rules or regulations established by the social security administration), that is deposited in trusts as defined in clause (iii) of subparagraph two of paragraph (b) of this subdivision in the same calendar month within which said income is received;

(6) health insurance premiums;

(7) income based on the number of family members in the medical assistance household, as defined in regulations by the commissioner consistent with federal regulations under title XIX of the federal social security act [~~and calculated as follows:~~

~~(i) The amounts for one and two person households and families shall be equal to twelve times the standard of monthly need for determining eligibility for and the amount of additional state payments for aged, blind and disabled persons pursuant to section two hundred nine of this article rounded up to the next highest one hundred dollars for eligible individuals and couples living alone, respectively.~~

~~(ii) The amounts for households of three or more shall be calculated by increasing the income standard for a household of two, established pursuant to clause (i) of this subparagraph, by fifteen percent for each additional household member above two, such that the income standard for a three-person household shall be one hundred fifteen percent of the income standard for a two-person household, the income standard for a four-person household shall be one hundred thirty percent of the income standard for a two-person household, and so on.~~

~~(iii)~~] that does not exceed one hundred thirty-eight percent of the federal poverty line for the applicable family size, which shall be calculated in accordance with guidance issued by the United States secretary for health and human services and with other applicable provisions of this section;

(8) No other income or resources, including federal old-age, survivors and disability insurance, state disability insurance or other payroll deductions, whether mandatory or optional, shall be exempt and all other income and resources shall be taken into consideration and required to be applied toward the payment or partial payment of the cost of medical care and services available under this title, to the extent permitted by federal law.

(9) Subject to subparagraph eight, the department, upon the application of a local social services district, after passage of a resolution by the local legislative body authorizing such application, may adjust the income exemption based upon the variations between cost of shelter in urban areas and rural areas in accordance with standards prescribed by the United States secretary of health, education and welfare.

(10) (i) A person who is receiving or is eligible to receive federal supplemental security income payments and/or additional state payments is entitled to a personal needs allowance as follows:

(A) for the personal expenses of a resident of a residential health care facility, as defined by section twenty-eight hundred one of the public health law, the amount of fifty-five dollars per month;

(B) for the personal expenses of a resident of an intermediate care facility operated or licensed by the office for people with developmental disabilities or a patient of a hospital operated by the office of

mental health, as defined by subdivision ten of section 1.03 of the mental hygiene law, the amount of thirty-five dollars per month.

(ii) A person who neither receives nor is eligible to receive federal supplemental security income payments and/or additional state payments is entitled to a personal needs allowance as follows:

(A) for the personal expenses of a resident of a residential health care facility, as defined by section twenty-eight hundred one of the public health law, the amount of fifty dollars per month;

(B) for the personal expenses of a resident of an intermediate care facility operated or licensed by the office for people with developmental disabilities or a patient of a hospital operated by the office of mental health, as defined by subdivision ten of section 1.03 of the mental hygiene law, the amount of thirty-five dollars per month.

(iii) Notwithstanding the provisions of clauses (i) and (ii) of this subparagraph, the personal needs allowance for a person who is a veteran having neither a spouse nor a child, or a surviving spouse of a veteran having no child, who receives a reduced pension from the federal veterans administration, and who is a resident of a nursing facility, as defined in section 1919 of the federal social security act, shall be equal to such reduced monthly pension but shall not exceed ninety dollars per month.

(11) subject to the availability of federal financial participation, any amount, including earnings thereon, in a qualified NY ABLE account as established pursuant to article eighty-four of the mental hygiene law, any contributions to such NY ABLE account, and any distribution for qualified disability expenses from such account; provided however, that such exemption shall be consistent with section 529A of the Internal Revenue Code of 1986, as amended.

§ 4. Subdivision 3 of section 367-a of the social services law, as amended by chapter 558 of the laws of 1989, paragraph (a) as amended by chapter 81 of the laws of 1995, subparagraph 1 of paragraph (b) as designated and subparagraph 2 as added by section 41 of part C of chapter 58 of the laws of 2008, paragraph (c) as added by chapter 651 of the laws of 1990, paragraph (d) as amended by section 27 of part B of chapter 109 of the laws of 2010, paragraph (e) as added by section 16 of part D of chapter 56 of the laws of 2013, subparagraph 2 of paragraph (e) as amended by section 52 of part C of chapter 60 of the laws of 2014, is amended to read as follows:

3. (a) **As used in this subdivision, the following terms shall have the following meanings:**

(1) "Qualified medicare beneficiary" means a person who is entitled to hospital insurance benefits under part A of title XVIII of the federal social security act, whose income does not exceed one hundred thirty-eight percent of the official federal poverty line applicable to the person's family size and whose resources do not exceed twice the maximum amount of resources a person may have in order to qualify for benefits under the federal supplemental security income program of title XVI of the federal social security act, as determined for purposes of such program. To the extent that federal financial participation is available, a person whose resources are in excess of the amount specified in this subparagraph but otherwise meets the requirements shall be considered a "qualified medicare beneficiary".

(2) "Qualified individual" means a person who is entitled to hospital insurance benefits under part A of title XVIII of the federal social security act and whose income is greater than one hundred thirty-eight percent, but less than or equal to one hundred eighty-six percent, of

the federal poverty line, for the applicable family size, and who is not otherwise eligible for medical assistance under this article; referred to as a qualified individual.

(3) "Qualified disabled and working individual" means an individual who is not otherwise eligible for medical assistance and:

(i) who is entitled to enroll for hospital insurance benefits under section 1818A of part A of title XVIII of the federal social security act;

(ii) whose income does not exceed two hundred percent of the official federal poverty line applicable to the person's family size; and

(iii) whose resources do not exceed twice the maximum amount of resources that an individual or a couple, in the case of a married individual, may have and obtain federal supplemental security income benefits under title XVI of the federal social security act, as determined for purposes of that program.

For purposes of this subparagraph, income and resources are determined by the same methodology as is used for determining eligibility under the federal supplemental security income benefits under title XVI of the federal social security act.

(b) Payment of premiums for enrolling qualified disabled and working individuals and qualified medicare beneficiaries under Part A of title XVIII of the federal social security act and for enrolling such beneficiaries and eligible recipients of public assistance under part B of title XVIII of the federal social security act, together with the costs of the applicable co-insurance and deductible amounts on behalf of such beneficiaries, and recipients, and premiums under section 1839 of the federal social security act [~~for persons who would be qualified medicare beneficiaries except that their incomes exceed one hundred percent of the federal income poverty line applicable to the person's family size but, in calendar years nineteen hundred ninety-three and nineteen hundred ninety-four, is less than one hundred ten percent of such poverty line and, in calendar year beginning in nineteen hundred ninety-five, is less than one hundred twenty percent of such poverty line~~] shall be made and the cost thereof borne by the state or by the state and social services districts, respectively, in accordance with the regulations of the department, provided, however, that the share of the cost to be borne by a social services district, if any, shall in no event exceed the proportionate share borne by such district with respect to other expenditures under this title. Moreover, if the director of the budget approves, payment of premiums for enrolling persons who have been determined to be eligible for medical assistance only may be made and the cost thereof borne or shared pursuant to this subdivision.

[~~(b) (1) For purposes of this subdivision, "qualified medicare beneficiaries" are those persons who are entitled to hospital insurance benefits under part A of title XVIII of the federal social security act, whose income does not exceed one hundred percent of the official federal poverty line applicable to the person's family size and whose resources do not exceed twice the maximum amount of resources a person may have in order to qualify for benefits under the federal supplemental security income program of title XVI of the federal social security act, as determined for purposes of such program.~~

~~(2) Notwithstanding any provision of subparagraph one of this paragraph to the contrary, to the extent that federal financial participation is available, a person whose resources are in excess of the amount specified but otherwise meets the requirements of subparagraph one of this paragraph shall be considered a "qualified medicare benefi-~~

~~ciary" for the purposes of this subdivision. The commissioner is authorized to submit amendments to the state plan for medical assistance and/or submit one or more applications for waivers of the federal social security act, to obtain the federal approvals necessary to implement this subparagraph.~~

~~(c) (1) For purposes of this subdivision, "qualified disabled and working individuals" are individuals who are not otherwise eligible for medical assistance and:~~

~~(i) who are entitled to enroll for hospital insurance benefits under section 1818A of part A of title XVIII of the federal social security act;~~

~~(ii) whose income does not exceed two hundred percent of the official federal poverty line applicable to the person's family size; and~~

~~(iii) whose resources do not exceed twice the maximum amount of resources that an individual or a couple, in the case of a married individual, may have and obtain federal supplemental security income benefits under title XVI of the federal social security act, as determined for purposes of that program.~~

~~(2) For purposes of this paragraph, income and resources are determined by the same methodology as is used for determining eligibility under the federal supplemental security income benefits under title XVI of the federal social security act.~~

~~(d)~~] (c) (1) Beginning April first, two thousand two and to the extent that federal financial participation is available at a one hundred percent federal Medical assistance percentage and subject to sections 1933 and 1902(a)(10)(E)(iv) of the federal social security act, medical assistance shall be available for full payment of medicare part B premiums for qualified individuals [~~(referred to as qualified individuals 1) who are entitled to hospital insurance benefits under part A of title XVIII of the federal social security act and whose income exceeds the income level established by the state and is at least one hundred twenty percent, but less than one hundred thirty-five percent, of the federal poverty level, for a family of the size involved and who are not otherwise eligible for medical assistance under the state plan;~~].

(2) Premium payments for the individuals described in subparagraph one of this paragraph will be one hundred percent federally funded up to the amount of the federal allotment. The department shall discontinue enrollment into the program when the part B premium payments made pursuant to subparagraph one of this paragraph meet the yearly federal allotment.

(3) The commissioner of health shall develop a simplified application form, consistent with federal law, for payments pursuant to this section. The commissioner of health, in cooperation with the office for the aging, shall publicize the availability of such payments to medicare beneficiaries.

[~~(e)~~] (d) (1) Payment of premiums for enrolling individuals in qualified health plans offered through a health insurance exchange established pursuant to the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), shall be available to individuals who:

(i) immediately prior to being enrolled in the qualified health plan, were or would have been eligible under the family health plus program as a parent or stepparent of a child under the age of twenty-one, and whose MAGI household income, as defined in subparagraph eight of paragraph (a) of subdivision one of section three hundred sixty-six of this title,

exceeds one hundred thirty-three percent of the federal poverty line for the applicable family size;

(ii) are not otherwise eligible for medical assistance under this title; and

(iii) are enrolled in a standard health plan in the silver level, as defined in 42 U.S.C. 18022.

(2) Payment pursuant to this paragraph shall be for premium obligations of the individual under the qualified health plan and shall continue only if and for so long as the individual's MAGI household income exceeds one hundred thirty-three percent, but does not exceed one hundred fifty percent, of the federal poverty line for the applicable family size, or, if earlier, until the individual is eligible for enrollment in a standard health plan pursuant to section three hundred sixty-nine-gg of this article.

(3) The commissioner of health shall submit amendments to the state plan for medical assistance and/or submit one or more applications for waivers of the federal social security act as may be necessary to receive federal financial participation in the costs of payments made pursuant to this paragraph; provided further, however, that nothing in this subparagraph shall be deemed to affect payments for premiums pursuant to this paragraph if federal financial participation in the costs of such payments is not available.

§ 5. This act shall take effect January 1, 2023, subject to federal financial participation for sections one, three, and four of this act; provided, however that the commissioner of health shall notify the legislative bill drafting commission upon the occurrence of federal financial participation in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART BBB

Section 1. Section 268-c of the public health law is amended by adding a new subdivision 25 to read as follows:

25. The commissioner is authorized to submit the appropriate waiver applications to the United States secretary of health and human services and/or the department of the treasury to waive any applicable provisions of the Patient Protection and Affordable Care Act, Pub. L. 111-148 as amended, or successor provisions, as provided for by 42 U.S.C. 18052, and any other waivers necessary to achieve the purposes of high quality, affordable coverage through NY State of Health, the official health plan marketplace. The commissioner shall implement the state plans of any such waiver in a manner consistent with applicable state and federal laws, as authorized by the secretary of health and human services and/or the secretary of the treasury pursuant to 42 U.S.C. 18052. Copies of such original waiver applications and amendments thereto shall be provided to the chair of the senate finance committee, the chair of the assembly ways and means committee and the chairs of the senate and assembly health committees simultaneously with their submission to the federal government.

§ 2. Paragraph (d) of subdivision 3 of section 369-gg of the social services law, as amended by section 2 of part H of chapter 57 of the laws of 2021, is amended to read as follows:

(d) (i) except as provided by subparagraph (ii) of this paragraph, has household income at or below two hundred percent of the federal poverty line defined and annually revised by the United States department of health and human services for a household of the same size; and [~~(ii)~~] has household income that exceeds one hundred thirty-three percent of the federal poverty line defined and annually revised by the United States department of health and human services for a household of the same size; however, MAGI eligible aliens lawfully present in the United States with household incomes at or below one hundred thirty-three percent of the federal poverty line shall be eligible to receive coverage for health care services pursuant to the provisions of this title if such alien would be ineligible for medical assistance under title eleven of this article due to [~~his or her~~] their immigration status[~~.~~];

(ii) subject to federal approval and the use of state funds, unless the commissioner may use funds under subdivision seven of this section, has household income at or below two hundred fifty percent of the federal poverty line defined and annually revised by the United States department of health and human services for a household of the same size; and has household income that exceeds one hundred thirty-three percent of the federal poverty line defined and annually revised by the United States department of health and human services for a household of the same size; however, MAGI eligible aliens lawfully present in the United States with household incomes at or below one hundred thirty-three percent of the federal poverty line shall be eligible to receive coverage for health care services pursuant to the provisions of this title if such alien would be ineligible for medical assistance under title eleven of this article due to their immigration status;

(iii) subject to federal approval if required and the use of state funds, unless the commissioner may use funds under subdivision seven of this section, a pregnant individual who is eligible for and receiving coverage for health care services pursuant to this title is eligible to continue to receive health care services pursuant to this title during the pregnancy and for a period of one year following the end of the pregnancy without regard to any change in the income of the household that includes the pregnant individual, even if such change would render the pregnant individual ineligible to receive health care services pursuant to this title;

(iv) subject to federal approval, a child born to an individual eligible for and receiving coverage for health care services pursuant to this title who would be eligible for coverage pursuant to subparagraphs (2) or (4) of paragraph (b) of subdivision 1 of section three hundred and sixty-six of the social services law shall be deemed to have applied for medical assistance and to have been found eligible for such assistance on the date of such birth and to remain eligible for such assistance for a period of one year.

An applicant who fails to make an applicable premium payment, if any, shall lose eligibility to receive coverage for health care services in accordance with time frames and procedures determined by the commissioner.

§ 3. Paragraph (d) of subdivision 3 of section 369-gg of the social services law, as added by section 51 of part C of chapter 60 of the laws of 2014, is amended to read as follows:

(d) (i) except as provided by subparagraph (ii) of this paragraph, has household income at or below two hundred percent of the federal poverty line defined and annually revised by the United States department of health and human services for a household of the same size; and [~~(ii)~~]

has household income that exceeds one hundred thirty-three percent of the federal poverty line defined and annually revised by the United States department of health and human services for a household of the same size; however, MAGI eligible aliens lawfully present in the United States with household incomes at or below one hundred thirty-three percent of the federal poverty line shall be eligible to receive coverage for health care services pursuant to the provisions of this title if such alien would be ineligible for medical assistance under title eleven of this article due to [~~his or her~~] their immigration status[~~.~~];

(ii) subject to federal approval and the use of state funds, unless the commissioner may use funds under subdivision seven of this section, has household income at or below two hundred fifty percent of the federal poverty line defined and annually revised by the United States department of health and human services for a household of the same size; and has household income that exceeds one hundred thirty-three percent of the federal poverty line defined and annually revised by the United States department of health and human services for a household of the same size; however, MAGI eligible aliens lawfully present in the United States with household incomes at or below one hundred thirty-three percent of the federal poverty line shall be eligible to receive coverage for health care services pursuant to the provisions of this title if such alien would be ineligible for medical assistance under title eleven of this article due to their immigration status;

(iii) subject to federal approval if required and the use of state funds, unless the commissioner may use funds under subdivision seven of this section, a pregnant individual who is eligible for and receiving coverage for health care services pursuant to this title is eligible to continue to receive health care services pursuant to this title during the pregnancy and for a period of one year following the end of the pregnancy without regard to any change in the income of the household that includes the pregnant individual, even if such change would render the pregnant individual ineligible to receive health care services pursuant to this title;

(iv) subject to federal approval, a child born to an individual eligible for and receiving coverage for health care services pursuant to this title who would be eligible for coverage pursuant to subparagraphs (2) or (4) of paragraph (b) of subdivision 1 of section three hundred and sixty-six of the social services law shall be deemed to have applied for medical assistance and to have been found eligible for such assistance on the date of such birth and to remain eligible for such assistance for a period of one year.

An applicant who fails to make an applicable premium payment shall lose eligibility to receive coverage for health care services in accordance with time frames and procedures determined by the commissioner.

§ 4. Paragraph (c) of subdivision 1 of section 369-gg of the social services law, as amended by section 2 of part H of chapter 57 of the laws of 2021, is amended to read as follows:

(c) "Health care services" means (i) the services and supplies as defined by the commissioner in consultation with the superintendent of financial services, and shall be consistent with and subject to the essential health benefits as defined by the commissioner in accordance with the provisions of the patient protection and affordable care act (P.L. 111-148) and consistent with the benefits provided by the reference plan selected by the commissioner for the purposes of defining such benefits, [~~and~~] (ii) dental and vision services as defined by the commissioner, and (iii) as defined by the commissioner and subject to

federal approval, certain services and supports provided to enrollees eligible pursuant to subparagraph one of paragraph (g) of subdivision one of section three hundred sixty-six of this article who have functional limitations and/or chronic illnesses that have the primary purpose of supporting the ability of the enrollee to live or work in the setting of their choice, which may include the individual's home, a worksite, or a provider-owned or controlled residential setting;

§ 5. Paragraph (c) of subdivision 1 of section 369-gg of the social services law, as added by section 51 of part C of chapter 60 of the laws of 2014, is amended to read as follows:

(c) "Health care services" means (i) the services and supplies as defined by the commissioner in consultation with the superintendent of financial services, and shall be consistent with and subject to the essential health benefits as defined by the commissioner in accordance with the provisions of the patient protection and affordable care act (P.L. 111-148) and consistent with the benefits provided by the reference plan selected by the commissioner for the purposes of defining such benefits, and (ii) as defined by the commissioner and subject to federal approval, certain services and supports provided to enrollees eligible pursuant to subparagraph one of paragraph (g) of subdivision one of section three hundred sixty-six of this article who have functional limitations and/or chronic illnesses that have the primary purpose of supporting the ability of the enrollee to live or work in the setting of their choice, which may include the individual's home, a worksite, or a provider-owned or controlled residential setting;

§ 6. Paragraph (c) of subdivision 1 of section 369-gg of the social services law, as amended by section 2 of part H of chapter 57 of the laws of 2021, is amended to read as follows:

(c) "Health care services" means (i) the services and supplies as defined by the commissioner in consultation with the superintendent of financial services, and shall be consistent with and subject to the essential health benefits as defined by the commissioner in accordance with the provisions of the patient protection and affordable care act (P.L. 111-148) and consistent with the benefits provided by the reference plan selected by the commissioner for the purposes of defining such benefits, [~~and~~] (ii) dental and vision services as defined by the commissioner, and (iii) as defined by the commissioner and subject to federal approval, certain services and supports provided to enrollees who have functional limitations and/or chronic illnesses that have the primary purpose of supporting the ability of the enrollee to live or work in the setting of their choice, which may include the individual's home, a worksite, or a provider-owned or controlled residential setting;

§ 7. Paragraph (c) of subdivision 1 of section 369-gg of the social services law, as added by section 51 of part C of chapter 60 of the laws of 2014, is amended to read as follows:

(c) "Health care services" means (i) the services and supplies as defined by the commissioner in consultation with the superintendent of financial services, and shall be consistent with and subject to the essential health benefits as defined by the commissioner in accordance with the provisions of the patient protection and affordable care act (P.L. 111-148) and consistent with the benefits provided by the reference plan selected by the commissioner for the purposes of defining such benefits, and (ii) as defined by the commissioner and subject to federal approval, certain services and supports provided to enrollees who have functional limitations and/or chronic illnesses that have the primary purpose of supporting the ability of the enrollee to live or work in the

setting of their choice, which may include the individual's home, a worksite, or a provider-owned or controlled residential setting;

§ 7-a. Paragraph (b) of subdivision 5 of section 369-gg of the social services law, as amended by section 2 of part H of chapter 57 of the laws of 2021, is amended to read as follows:

(b) The commissioner shall establish cost sharing obligations for enrollees, subject to federal approval. There shall be no cost-sharing obligations for enrollees for dental and vision services as defined in subparagraph (ii) of paragraph (c) of subdivision one of this section; services and supports as defined in subparagraph (iii) of paragraph (c) of subdivision one of this section; and health care services authorized under subparagraphs (iii) and (iv) of paragraph (d) of subdivision three of this section.

§ 7-b. Paragraph (b) of subdivision 5 of section 369-gg of the social services law, as added by section 51 of part C of chapter 60 of the laws of 2014, is amended to read as follows:

(b) The commissioner shall establish cost sharing obligations for enrollees, subject to federal approval. There shall be no cost-sharing obligations for services and supports as defined in subparagraph (iii) of paragraph (c) of subdivision one of this section; and health care services authorized under subparagraphs (iii) and (iv) of paragraph (d) of subdivision three of this section.

§ 8. 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:

(a) the amendments to paragraph (d) of subdivision 3 of section 369-gg of the social services law made by section two of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 3 of part H of chapter 57 of the laws of 2021 as amended, when upon such date the provisions of section three of this act shall take effect;

(b) section four of this act shall expire and be deemed repealed December 31, 2024; provided, however, the amendments to paragraph (c) of subdivision 1 of section 369-gg of the social services law made by such section of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 2 of part H of chapter 57 of the laws of 2021 when upon such date, the provisions of section five of this act shall take effect; provided, however, the amendments to such paragraph made by section five of this act shall expire and be deemed repealed December 31, 2024;

(c) section six of this act shall take effect January 1, 2025; provided, however, the amendments to paragraph (c) of subdivision 1 of section 369-gg of the social services law made by such section of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 2 of part H of chapter 57 of the laws of 2021 when upon such date, the provisions of section seven of this act shall take effect; and

(d) the amendments to paragraph (b) of subdivision 5 of section 369-gg of the social services law made by section seven-a of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 3 of part H of chapter 57 of the laws of 2021 as amended, when upon such date the provisions of section seven-b of this act shall take effect.

PART CCC

Section 1. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (jj) to read as follows:

(jj) pre-natal and post-partum care and services for the purpose of improving maternal health outcomes and reduction of maternal mortality when such services are recommended by a physician or other health care practitioner authorized under title eight of the education law, and provided by qualified practitioners. Such services shall include but not be limited to nutrition services provided by certified dietitians and certified nutritionists; care coordination, case management, and peer support; patient navigation services; services by licensed clinical social workers; dyadic services; Bluetooth-enabled devices for remote patient monitoring; and other services determined by the commissioner of health; provided, however, that the provisions of this paragraph shall not take effect unless there is federal financial participation. Nothing in this paragraph shall be construed to modify any licensure, certification or scope of practice provision under title eight of the education law.

§ 2. Subparagraph 3 of paragraph (d) of subdivision 1 of section 366 of the social services law, as added by section 1 of part D of chapter 56 of the laws of 2013, is amended to read as follows:

(3) cooperates with the appropriate social services official or the department in establishing paternity or in establishing, modifying, or enforcing a support order with respect to his or her child; provided, however, that nothing herein contained shall be construed to require a payment under this title for care or services, the cost of which may be met in whole or in part by a third party; notwithstanding the foregoing, a social services official shall not require such cooperation if the social services official or the department determines that such actions would be detrimental to the best interest of the child, applicant, or recipient, or with respect to pregnant women during pregnancy and during the [~~sixty-day~~] **one year** period beginning on the last day of pregnancy, in accordance with procedures and criteria established by regulations of the department consistent with federal law; and

§ 3. Subparagraph 1 of paragraph (b) of subdivision 4 of section 366 of the social services law, as added by section 2 of part D of chapter 56 of the laws of 2013, is amended to read as follows:

(1) A pregnant woman eligible for medical assistance under subparagraph two or four of paragraph (b) of subdivision one of this section on any day of her pregnancy will continue to be eligible for such care and services [~~through the end of the month in which the sixtieth day following the end of the pregnancy occurs,~~] **for a period of one year beginning on the last day of pregnancy,** without regard to any change in the income of the family that includes the pregnant woman, even if such change otherwise would have rendered her ineligible for medical assistance.

§ 4. Section 369-hh of the social services law is REPEALED.

§ 5. 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 sections two, three and four of this act shall take effect March 1, 2023.

PART DDD

Section 1. Subdivision 7 of section 2510 of the public health law, as amended by chapter 436 of the laws of 2021, is amended to read as follows:

7. "Covered health care services" means: the services of physicians, optometrists, nurses, nurse practitioners, midwives and other related professional personnel which are provided on an outpatient basis, including routine well-child visits; diagnosis and treatment of illness and injury; inpatient health care services; laboratory tests; diagnostic x-rays; prescription and non-prescription drugs, ostomy **and other medical** supplies and durable medical equipment; radiation therapy; chemotherapy; hemodialysis; outpatient blood clotting factor products and other treatments and services furnished in connection with the care of hemophilia and other blood clotting protein deficiencies; emergency room services; **ambulance services;** hospice services; emergency, preventive and routine dental care, including [~~medically necessary~~] orthodontia but excluding cosmetic surgery; emergency, preventive and routine vision care, including eyeglasses; speech and hearing services; [~~and,~~] inpatient and outpatient mental health, alcohol and substance abuse services**, including children and family treatment and support services, children's home and community based services, assertive community treatment services and residential rehabilitation for youth services which shall be reimbursed in accordance with the ambulatory patient group (APG) rate-setting methodology as utilized by the department of health, the office of addiction services and supports, or the office of mental health for rate-setting purposes or any such other fees established pursuant to article forty-three of the mental hygiene law; and health-related services provided by voluntary foster care agency health facilities licensed pursuant to article twenty-nine-I of this chapter;** as defined by the commissioner [~~in consultation with the superintendent~~]. "Covered health care services" shall not include drugs, procedures and supplies for the treatment of erectile dysfunction when provided to, or prescribed for use by, a person who is required to register as a sex offender pursuant to article six-C of the correction law, provided that any denial of coverage of such drugs, procedures or supplies shall provide the patient with the means of obtaining additional information concerning both the denial and the means of challenging such denial.

§ 2. Subdivision 9 of section 2510 of the public health law is amended by adding a new paragraph (e) to read as follows:

(e) for periods on or after October first, two thousand twenty-two, amounts as follows:

(i) no payments are required for eligible children whose family household income is less than two hundred twenty-three percent of the non-farm federal poverty level and for eligible children who are American Indians or Alaskan Natives, as defined by the United States department of health and human services, whose family household income is less than two hundred fifty-one percent of the non-farm federal poverty level; and

(ii) fifteen dollars per month for each eligible child whose family household income is between two hundred twenty-three percent and two hundred fifty percent of the non-farm federal poverty level, but no more than forty-five dollars per month per family; and

(iii) thirty dollars per month for each eligible child whose family household income is between two hundred fifty-one percent and three hundred percent of the non-farm federal poverty level, but no more than ninety dollars per month per family; and

(iv) forty-five dollars per month for each eligible child whose family household income is between three hundred one percent and three hundred fifty percent of the non-farm federal poverty level, but no more than one hundred thirty-five dollars per month per family; and

(v) sixty dollars per month for each eligible child whose family household income is between three hundred fifty-one percent and four hundred percent of the non-farm federal poverty level, but no more than one hundred eighty dollars per month per family.

§ 3. Subdivision 8 of section 2511 of the public health law is amended by adding a new paragraph (i) to read as follows:

(i) Notwithstanding any inconsistent provision of this title, articles thirty-two and forty-three of the insurance law and subsection (e) of section eleven hundred twenty of the insurance law:

(i) The commissioner shall, subject to approval of the director of the division of the budget, develop reimbursement methodologies for determining the amount of subsidy payments made to approved organizations for the cost of covered health care services coverage provided pursuant to this title for payments made on and after January first, two thousand twenty-four.

(ii) Effective January first, two thousand twenty-three, the commissioner shall coordinate with the superintendent of financial services for the transition of the subsidy payment rate setting function to the department and, in conjunction with its independent actuary, review reimbursement methodologies developed in accordance with subparagraph (i) of this paragraph. Notwithstanding section one hundred sixty-three of the state finance law, the commissioner may select and contract with the independent actuary selected pursuant to subdivision eighteen of section three hundred sixty-four-j of the social services law, without a competitive bid or request for proposal process. Such independent actuary shall review and make recommendations concerning appropriate actuarial assumptions relevant to the establishment of reimbursement methodologies, including but not limited to the adequacy of subsidy payment amounts in relation to the population to be served adjusted for case mix, the scope of services approved organizations must provide, the utilization of such services and the network of providers required to meet state standards.

§ 4. Paragraph (b) of subdivision 7 of section 2511 of the public health law, as amended by chapter 923 of the laws of 1990, is amended to read as follows:

(b) The commissioner, in consultation with the superintendent, shall make a determination whether to approve, disapprove or recommend modification of the proposal. In order for a proposal to be approved by the commissioner, the proposal must also be approved by the superintendent with respect to the provisions of subparagraphs [~~(viii) through~~] (ix) and (xii) of paragraph (a) of this subdivision.

§ 5. Section 2511 of the public health law is amended by adding a new subdivision 22 to read as follows:

22. Notwithstanding the provisions of this title and effective on and after January first, two thousand twenty-three, the consultative, review, and approval functions of the superintendent of financial services related to administration of the child health insurance plan are no longer applicable and references to those functions in this title shall be null and void. The child health insurance plan set forth in this title shall be administered solely by the commissioner. All child health insurance plan policies reviewed and approved by the superintendent of financial services in accordance with section eleven hundred twenty of the insurance law shall remain in effect until the commissioner establishes a process to review and approve member handbooks in accordance with the requirements of Title XXI of the federal social security act and implementing regulations, and such member handbooks are

issued by approved organizations to enrollees in place of child health insurance plan policies which were subject to review under section eleven hundred twenty of the insurance law.

§ 6. Subdivision 6 of section 2510 of the public health law is amended by adding a new paragraph (d) to read as follows:

(d) effective on or after March first, two thousand twenty-three through March thirty-first, two thousand twenty-seven, subject to extension under Title XXI of the federal social security act, the period of eligibility for pregnant individuals enrolled in the child health insurance plan shall include twelve months postpartum coverage commencing on the first day of the month following the last day of pregnancy and ending on the last day of the month in which the twelve-month postpartum period ends; provided, however, such postpartum coverage may end prior to the end of the twelve-month period only under the following circumstances: (i) the individual requests voluntary termination; (ii) the individual ceases to be a state resident; (iii) eligibility was determined incorrectly because of error, fraud, abuse, or perjury attributed to the individual; or (iv) the individual dies.

§ 7. 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 sections one, three and four of this act shall take effect January 1, 2023.

PART EEE

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~~] 2024, 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.

§ 1-a. Subdivision 5 of section 216 of the judiciary law, as added by section 4 of part HHH of chapter 56 of the laws of 2020, is renumbered subdivision 6 and is amended to read as follows:

6. The chief administrator of the courts, in conjunction with the division of criminal justice services, shall collect data and report annually regarding the impact of article two hundred forty-five of the criminal procedure law. Such data and report shall contain information regarding the implementation of article two hundred forty-five of the criminal procedure law, including procedures used to implement the article, resources needed for implementation, monies received pursuant to section ninety-nine-hh of the state finance law, including the amount of money utilized for the services and expenses eligible pursuant to subdivision three of such section, information regarding cases where discovery obligations are not met, and information regarding case outcomes. The report shall be released publicly and published on the websites of the office of court administration and the division of criminal justice services. The first report shall be published eighteen months after the

effective date of this section, and shall include data from the first twelve months following the enactment of this section. Reports for subsequent years shall be published annually thereafter.

§ 1-b. Subdivision 3 of section 99-hh of the state finance law, as added by section 1 of part E of chapter 55 of the laws of 2020, is amended to read as follows:

3. **(a)** Monies of the criminal justice discovery compensation fund, following appropriation by the legislature and allocation by the director of the budget, shall be made available for local assistance services and expenses related to discovery reform implementation, including but not limited to, digital evidence transmission technology, administrative support, computers, hardware and operating software, data connectivity, development of training materials, staff training, overtime costs, litigation readiness, and pretrial services. Eligible entities shall include, but not be limited to counties, cities with populations less than one million, and law enforcement and prosecutorial entities within towns and villages.

(b) The director of the budget shall provide the amount of the monies allocated pursuant to this section to the chief administrator of the courts and the division of criminal justice services for the purpose of completing the report required pursuant to subdivision six of section two hundred sixteen of the judiciary law.

§ 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 FFF

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. $140,800,000 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. $614,580,000 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. $47,000,000 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.

13. $14,400,000 from the general fund to the miscellaneous special revenue fund, criminal justice improvement account (21945).

Transportation:

1. $20,000,000 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which $12,000,000 constitutes the base need for operations.

2. $727,500,000 from the general fund to the dedicated highway and bridge trust fund (30050).

3. $244,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

4. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

5. $3,000,000 from the miscellaneous special revenue fund, traffic adjudication account (22055), to the general fund.

6. $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. $250,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

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

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

4. $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 $1,165,260,416 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 contribute $913,000 to the state treasury to the credit of the general fund on or before March 31, 2023.

§ 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~~] twenty-four.

§ 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~~] twenty-four.

§ 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 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 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 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 transferred 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.

§ 28-a. Subdivision 1 of section 4 of section 1 of part D3 of chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, is amended to read as follows:

1. The state representative, upon the execution of a sale agreement on behalf of the state may sell to the corporation, and the corporation may purchase, for cash or other consideration and in one or more installments, all or a portion of the state's share. Any such agreement shall provide, among other matters, that the purchase price payable by the corporation to the state for such state's share or portion thereof shall consist of the net proceeds of the bonds issued to finance such purchase price and the residual interests, if any. [~~The~~] Notwithstanding section 121 of the state finance law or any other law to the contrary, the residual interests shall be deposited into [~~the tobacco settlement fund pursuant to section 92-x of the state finance law, unless otherwise directed by statute~~] the Medicaid management information system (MMIS) statewide escrow fund within thirty days upon the availability of such residual interests to fund a portion of the cumulative non-federal share of expenses related to the state takeover of the local share of Medicaid growth pursuant to part F of chapter 56 of the laws of 2012. Such deposit shall be in an amount equal to (a) the amount of residual interests scheduled for deposit into the MMIS statewide escrow fund in the applicable year's enacted budget financial plan as updated or (b) the total amount of residual interests available if the total amount of such residual interests is less than the total amount of residual interests scheduled for deposit into the MMIS statewide escrow fund in the applicable year's enacted budget financial plan as updated. At the discretion of the state representative, any residual interests which exceed the amount scheduled for deposit into the MMIS statewide escrow fund in the applicable year's enacted budget financial plan as updated may either be deposited into the (i) MMIS statewide escrow fund to fund a portion, as determined by the state representative, of the cumulative non-Federal share of expenses related to the state takeover of the local share of Medicaid growth, pursuant to part F of chapter 56 of the laws of 2012,

or (ii) the state general fund; provided, however that any residual interest derived from other assets shall be applied as directed by statute. Notwithstanding any other law to the contrary, the amount used from such deposit to fund a portion of the cumulative non-Federal share of expenses related to the State takeover of the local share of Medicaid growth shall be paid without appropriation. Any such sale shall be pursuant to one or more sale agreements which may contain such terms and conditions deemed necessary by the state representative to carry out and effectuate the purposes of this section, including covenants binding the state in favor of the corporation and its assignees, including the owners of its bonds such as covenants with respect to the enforcement at the expense of the state of the payment provisions of the master settlement agreement, the diligent enforcement at the expense of the state of the qualifying statute, the application and use of the proceeds of the sale of the state's share to preserve the tax-exemption on the bonds, the interest on which is intended to be exempt from federal income tax, issued to finance the purchase thereof and otherwise as provided in this act. Notwithstanding the foregoing, neither the state representative nor the corporation shall be authorized to make any covenant, pledge, promise or agreement purporting to bind the state with respect to pledged tobacco revenues, except as otherwise specifically authorized by this act.

§ 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 one hundred seventy-one million one hundred ten thousand dollars $8,171,110,000**, 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 six hundred four million nine hundred eighty-six thousand dollars $1,604,986,000,** 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 six hundred eleven million five hundred sixty-four thousand dollars $16,611,564,000; 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 two hundred fifty-four million six hundred eighty-six thousand dollars $10,254,686,000**. 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 sixty-two million seven hundred fifteen thousand dollars $962,715,000**, 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 sixty-two million seven hundred fifteen thousand dollars $962,715,000, 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 forty-two million eight hundred thirty-three thousand dollars $10,942,833,000**, 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 forty-two million eight hundred thirty-three thousand dollars $10,942,833,000**, 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 thirty-three million dollars $333,000,000.

§ 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, athletic facilities for professional football in Orchard Park, New York 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~~] fourteen billion nine hundred sixty-eight million four hundred two thousand dollars $14,968,402,000, 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, **athletic facilities for professional football in Orchard Park, New York** 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~~] **thirteen billion eighty-two million eight hundred ninety-one thousand dollars $13,082,891,000**, 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 fifty-two million five hundred sixty-six thousand dollars $1,152,566,000** 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 forty-five million dollars $345,000,000**. 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 forty-five million dollars $345,000,000** 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 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. 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 or enterprise funds to the general fund, for the purposes of offsetting principal and interest costs, incurred by the state pursuant to section fifty-nine of this act, provided that the annual amount of the transfer shall be no more than the principal and interest that would have otherwise been due to the power authority of the state of New York, from any state agency, in a

given state fiscal year. Amounts pertaining to special revenue accounts assigned to the state university of New York shall be considered interchangeable between the designated special revenue accounts as to meet the requirements of this section and section fifty-nine of this act:

1. $7,000,000 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

2. $7,000,000 from the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

3. $4,000,000 from the enterprise fund, city university senior college operating fund (60851).

§ 59. 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 59 to read as follows:

§ 59. The dormitory authority of the state of New York, the New York state urban development corporation, and the New York state thruway authority are hereby authorized to issue bonds in one or more series under either article 5-C or article 5-F of the state finance law for the purpose of refunding obligations of the power authority of the state of New York to fund energy efficiency projects at state agencies including, but not limited to, the state university of New York, city university of New York, the New York state office of general services, New York state office of mental health, state education department, and New York state department of agriculture and markets. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed two hundred million dollars ($200,000,000), excluding bonds issued to pay costs of issuance of such bonds and to refund or otherwise repay such bonds. Such bonds issued by the dormitory authority of the state of New York, the New York state urban development corporation, and New York state thruway authority 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 under article 5-C or article 5-F of the state finance law, as applicable.

§ 60. 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; and provided, further, that section twenty-eight-a of this act shall expire March 31, 2027.

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