

STATE OF NEW YORK

S. 2505

A. 3005

SENATE - ASSEMBLY

January 20, 2021

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

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

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York

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

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city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 55 of the laws of 2018, amending the criminal procedure law relating to the pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); to amend the executive law, the criminal procedure law, the domestic relations law, the family court act, the general business law, the insurance law, the labor law, the public health law, the social services law, and the state finance law, in relation to establishing the New York state office to end domestic and gender-based violence (Part B); to amend the penal law, in relation to

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

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

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

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

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

12 PART A

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

17 § 2. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law and shall remain in effect until September 1,
19 [~~2021~~] 2023.

20 § 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-
21 tive law and the criminal procedure law relating to expanding the
22 geographic area of employment of certain police officers, as amended by
23 section 2 of part A of chapter 55 of the laws of 2020, is amended to
24 read as follows:

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

1 § 3. Section 3 of chapter 886 of the laws of 1972, amending the
2 correction law and the penal law relating to prisoner furloughs in
3 certain cases and the crime of absconding therefrom, as amended by
4 section 3 of part A of chapter 55 of the laws of 2020, is amended to
5 read as follows:

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

8 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters
9 50, 53 and 54 of the laws of 1987, the correction law, the penal law and
10 other chapters and laws relating to correctional facilities, as amended
11 by section 4 of part A of chapter 55 of the laws of 2020, is amended to
12 read as follows:

13 § 20. This act shall take effect immediately except that section thir-
14 teen of this act shall expire and be of no further force or effect on
15 and after September 1, ~~2021~~ 2023 and shall not apply to persons
16 committed to the custody of the department after such date, and provided
17 further that the commissioner of corrections and community supervision
18 shall report each January first and July first during such time as the
19 earned eligibility program is in effect, to the chairmen of the senate
20 crime victims, crime and correction committee, the senate codes commit-
21 tee, the assembly correction committee, and the assembly codes commit-
22 tee, the standards in effect for earned eligibility during the prior
23 six-month period, the number of inmates subject to the provisions of
24 earned eligibility, the number who actually received certificates of
25 earned eligibility during that period of time, the number of inmates
26 with certificates who are granted parole upon their first consideration
27 for parole, the number with certificates who are denied parole upon
28 their first consideration, and the number of individuals granted and
29 denied parole who did not have earned eligibility certificates.

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

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

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

41 § 10. This act shall take effect 30 days after it shall have become a
42 law and shall remain in effect until September 1, ~~2021~~ 2023, and
43 provided further that the commissioner of correctional services shall
44 report each January first, and July first, to the chairman of the senate
45 crime victims, crime and correction committee, the senate codes commit-
46 tee, the assembly correction committee, and the assembly codes commit-
47 tee, the number of eligible inmates in each facility under the custody
48 and control of the commissioner who have applied for participation in
49 any program offered under the provisions of work release, furlough, or
50 leave, and the number of such inmates who have been approved for partic-
51 ipation.

52 § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994,
53 relating to certain provisions which impact upon expenditure of certain
54 appropriations made by chapter 50 of the laws of 1994, enacting the
55 state operations budget, as amended by section 7 of part A of chapter 55
56 of the laws of 2020, is amended to read as follows:

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

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

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

§ 9. Subdivision (c) of section 49 of subpart A of part C of chapter 62 of the laws of 2011, amending the correction law and the executive law relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, as amended by section 9 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

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

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

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

§ 11. Section 12 of chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, as amended by section 11 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

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

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

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

1 this act shall not apply to any offense committed prior to such effec-
2 tive date; provided, further, that section three hundred forty-one of
3 this act shall take effect immediately and shall expire November 1, 1993
4 at which time it shall be deemed repealed; sections three hundred
5 forty-five and three hundred forty-six of this act shall take effect
6 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
7 six, three hundred fifty-seven and three hundred fifty-nine of this act
8 shall take effect immediately and shall expire June 30, 1995 and shall
9 revert to and be read as if this act had not been enacted; section three
10 hundred fifty-eight of this act shall take effect immediately and shall
11 expire June 30, 1998 and shall revert to and be read as if this act had
12 not been enacted; section three hundred sixty-four through three hundred
13 sixty-seven of this act shall apply to claims filed on or after such
14 effective date; sections three hundred sixty-nine, three hundred seven-
15 ty-two, three hundred seventy-three, three hundred seventy-four, three
16 hundred seventy-five and three hundred seventy-six of this act shall
17 remain in effect until September 1, [~~2021~~] 2023, at which time they
18 shall be deemed repealed; provided, however, that the mandatory
19 surcharge provided in section three hundred seventy-four of this act
20 shall apply to parking violations occurring on or after said effective
21 date; and provided further that the amendments made to section 235 of
22 the vehicle and traffic law by section three hundred seventy-two of this
23 act, the amendments made to section 1809 of the vehicle and traffic law
24 by sections three hundred thirty-seven and three hundred thirty-eight of
25 this act and the amendments made to section 215-a of the labor law by
26 section three hundred seventy-five of this act shall expire on September
27 1, [~~2021~~] 2023 and upon such date the provisions of such subdivisions
28 and sections shall revert to and be read as if the provisions of this
29 act had not been enacted; the amendments to subdivisions 2 and 3 of
30 section 400.05 of the penal law made by sections three hundred seventy-
31 seven and three hundred seventy-eight of this act shall expire on July
32 1, 1992 and upon such date the provisions of such subdivisions shall
33 revert and shall be read as if the provisions of this act had not been
34 enacted; the state board of law examiners shall take such action as is
35 necessary to assure that all applicants for examination for admission to
36 practice as an attorney and counsellor at law shall pay the increased
37 examination fee provided for by the amendment made to section 465 of the
38 judiciary law by section three hundred eighty of this act for any exam-
39 ination given on or after the effective date of this act notwithstanding
40 that an applicant for such examination may have prepaid a lesser fee for
41 such examination as required by the provisions of such section 465 as of
42 the date prior to the effective date of this act; the provisions of
43 section 306-a of the civil practice law and rules as added by section
44 three hundred eighty-one of this act shall apply to all actions pending
45 on or commenced on or after September 1, 1991, provided, however, that
46 for the purposes of this section service of such summons made prior to
47 such date shall be deemed to have been completed on September 1, 1991;
48 the provisions of section three hundred eighty-three of this act shall
49 apply to all money deposited in connection with a cash bail or a
50 partially secured bail bond on or after such effective date; and the
51 provisions of sections three hundred eighty-four and three hundred
52 eighty-five of this act shall apply only to jury service commenced
53 during a judicial term beginning on or after the effective date of this
54 act; provided, however, that nothing contained herein shall be deemed to
55 affect the application, qualification, expiration or repeal of any
56 provision of law amended by any section of this act and such provisions

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

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

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

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

14 § 6. This act shall take effect on the first day of April next
15 succeeding the date on which it shall have become a law; provided,
16 however, that effective immediately, the addition, amendment or repeal
17 of any rule or regulation necessary for the implementation of the fore-
18 going sections of this act on their effective date is authorized and
19 directed to be made and completed on or before such effective date and
20 shall remain in full force and effect until the first day of September,
21 [~~2021~~] 2023 when upon such date the provisions of this act shall be
22 deemed repealed.

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

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

29 § 16. Section 4 of part D of chapter 412 of the laws of 1999, amending
30 the civil practice law and rules and the court of claims act relating to
31 prisoner litigation reform, as amended by section 16 of part A of chap-
32 ter 55 of the laws of 2020, is amended to read as follows:

33 § 4. This act shall take effect 120 days after it shall have become a
34 law and shall remain in full force and effect until September 1, [~~2021~~]
35 2023, when upon such date it shall expire.

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

40 2. Subdivision 4 of section 140.10 of the criminal procedure law as
41 added by section thirty-two of this act shall take effect January 1,
42 1996 and shall expire and be deemed repealed on September 1, [~~2021~~]
43 2023.

44 § 18. Section 5 of chapter 505 of the laws of 1985, amending the crim-
45 inal procedure law relating to the use of closed-circuit television and
46 other protective measures for certain child witnesses, as amended by
47 section 18 of part A of chapter 55 of the laws of 2020, is amended to
48 read as follows:

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

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

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

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

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

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

20 § 3. This act shall take effect immediately, except that section one
21 of this act shall take effect on the first of January next succeeding
22 the date on which it shall have become a law, and shall remain in effect
23 until the first of September, [~~2021~~] 2023, upon which date this act
24 shall be deemed repealed and have no further force and effect; provided
25 that section one of this act shall only take effect with respect to any
26 compacting state which has enacted an interstate compact entitled
27 "Interstate compact for adult offender supervision" and having an iden-
28 tical effect to that added by section one of this act and provided
29 further that with respect to any such compacting state, upon the effec-
30 tive date of section one of this act, section 259-m of the executive law
31 is hereby deemed REPEALED and section 259-mm of the executive law, as
32 added by section one of this act, shall take effect; and provided
33 further that with respect to any state which has not enacted an inter-
34 state compact entitled "Interstate compact for adult offender super-
35 vision" and having an identical effect to that added by section one of
36 this act, section 259-m of the executive law shall take effect and the
37 provisions of section one of this act, with respect to any such state,
38 shall have no force or effect until such time as such state shall adopt
39 an interstate compact entitled "Interstate compact for adult offender
40 supervision" and having an identical effect to that added by section one
41 of this act in which case, with respect to such state, effective imme-
42 diately, section 259-m of the executive law is deemed repealed and
43 section 259-mm of the executive law, as added by section one of this
44 act, shall take effect.

45 § 22. Section 8 of part H of chapter 56 of the laws of 2009, amending
46 the correction law relating to limiting the closing of certain correc-
47 tional facilities, providing for the custody by the department of
48 correctional services of inmates serving definite sentences, providing
49 for custody of federal prisoners and requiring the closing of certain
50 correctional facilities, as amended by section 22 of part A of chapter
51 55 of the laws of 2020, is amended to read as follows:

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

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

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

3 § 3. This act shall take effect immediately; provided however that the
4 amendments made to subdivision 1 of section 221 of the military law by
5 section two of this act shall expire and be deemed repealed September 1,
6 ~~2021~~ 2023.

7 § 24. Section 5 of chapter 554 of the laws of 1986, amending the
8 correction law and the penal law relating to providing for community
9 treatment facilities and establishing the crime of absconding from the
10 community treatment facility, as amended by section 24 of part A of
11 chapter 55 of the laws of 2020, is amended to read as follows:

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

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

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

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

33 PART B

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

36 ARTICLE 21

37 NEW YORK STATE OFFICE [~~FOR~~
38 ~~THE PREVENTION OF~~] TO END

39 DOMESTIC AND GENDER-BASED VIOLENCE

40 § 2. Section 575 of the executive law, as added by chapter 463 of the
41 laws of 1992, paragraph (e) of subdivision 3 as amended and subdivision
42 9 as added by chapter 368 of the laws of 1997, paragraph (l) of subdivi-
43 sion 3 as added by chapter 339 of the laws of 2011, paragraph (m) of
44 subdivision 3 as added, paragraph (n) of subdivision 3 as relettered,
45 and paragraph (b) of subdivision 4 as amended by chapter 204 of the laws
46 of 2020, subdivision 4 as amended by section 1 and subdivision 10 as
47 added by section 3 of part A of chapter 491 of the laws of 2012, subdivi-
48 sions 7 and 8 as added by chapter 396 of the laws of 1994, and para-
49 graph (d) of subdivision 10 as amended by chapter 248 of the laws of
50 2017, is amended to read as follows:

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

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

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

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

13 (a) "Domestic violence" means a pattern of behavior used by an indi-
14 vidual to establish and maintain power and control over their intimate
15 partner. Such behavior includes abusive and coercive tactics, threats
16 and actions that may or may not rise to the level of criminal behavior,
17 including, but not limited to, physical, emotional, financial, and sexu-
18 al abuse.

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

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

- 34 (a) Serving as a clearinghouse for information and materials;
35 (b) Developing and coordinating community outreach and public educa-
36 tion throughout the state;
37 (c) Developing and delivering training to professionals, including but
38 not limited to professionals in the fields of:
39 (i) domestic and gender-based violence;
40 (ii) health and mental health;
41 (iii) social and human services;
42 (iv) public education;
43 (v) law enforcement and criminal justice;
44 (vi) alcohol and substance abuse~~[-]~~;
45 (d) Developing and promoting school-based prevention programs;
46 (e) Providing technical assistance to state and local government
47 bodies and other agencies and to private businesses and not-for-profit
48 corporations, on effective survivor-centered policies and responses to
49 domestic and gender-based violence, including development of [a] model
50 ~~[domestic violence] policies[, pursuant to subdivisions seven, eight and~~
51 ~~nine of this section];~~
52 (f) Promoting and facilitating interagency cooperation among state
53 agencies and intergovernmental cooperation between different levels of
54 government in the state in the delivery and/or funding of survivor-cen-
55 tered services;

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

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

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

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

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

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

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

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

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

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

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

1 commissioner of the office of mental health; the commissioner of the
2 office of [~~alcoholism and substance abuse~~] addiction services and
3 supports; the commissioner of the division of criminal justice services;
4 the superintendent of the division of state police; the director of the
5 office of probation and correctional alternatives; the commissioner of
6 the office of children and family services; the director of the office
7 of victim services; the chief administrative judge of the office of
8 court administration; the commissioner of the department of labor; the
9 director of the state office for the aging; the commissioner of the
10 department of corrections and community supervision; the commissioner of
11 homes and community renewal; the chief executive officer of the New York
12 state coalition against domestic violence; and the executive director of
13 the New York state coalition against sexual assault.

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

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

25 [~~5-~~] 6. Executive director. (a) The governor shall appoint an execu-
26 tive director of the office who shall serve at the pleasure of the
27 governor.

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

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

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

39 [~~6-~~] 7. Assistance of other agencies. The office may request and shall
40 receive in a timely manner from any department, division, board, bureau,
41 commission or agency of the state, such information and assistance as
42 shall enable it to properly carry out its powers and duties pursuant to
43 this article.

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

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

~~(i) response, investigation and arrest policies by police agencies;~~
~~(ii) response by other criminal justice agencies, including disposition of domestic violence complaints, the provision of information and orders of protection;~~
~~(iii) response by human services and health agencies, including identification, assessment, intervention and referral policies and responses to victims and the perpetrators of domestic violence;~~
~~(iv) training and appropriate and relevant measures for periodic evaluation of community efforts; and~~
~~(v) other issues as shall be appropriate and relevant for the task force to develop such policy.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (iii) court records;

4 (iv) probation and parole records;

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

7 (vi) records from any relevant service provider, program or organiza-
8 tion; and

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

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

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

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

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

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

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

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

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

1 "Are you the victim of domestic violence? If you need help now, you
2 can call 911 for the police to come to you. You can also call a domestic
3 violence hotline. You can have a confidential talk with an advocate at
4 the hotline about help you can get in your community including: where
5 you can get treatment for injuries, where you can get shelter, where you
6 can get support, and what you can do to be safe. The New York State
7 24-hour Domestic & Sexual Violence Hotline number is (insert the state-
8 wide multilingual 800 number). They can give you information in many
9 languages. If you are deaf or hard of hearing, call 711.

10 This is what the police can do:

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

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

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

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

17 They can help you get your personal belongings.

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

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

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

26 File a criminal complaint against the person who harmed you.

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

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

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

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

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

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

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

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

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

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

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

51 That you have temporary custody of your children.

52 That the other person pay temporary child support.

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

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

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

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

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

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

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

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

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

30 § 4. Subparagraph (i) of paragraph (b) of subdivision 3 of section 15
31 of the domestic relations law, as amended by chapter 35 of the laws of
32 2017, is amended to read as follows:

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

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

42 § 214-b. Family offense intervention. The superintendent shall, for
43 all members of the state police including new and veteran officers,
44 develop, maintain and disseminate, in consultation with the state office
45 [~~for the prevention of~~] to end domestic and gender-based violence, writ-
46 ten policies and procedures consistent with article eight of the family
47 court act and applicable provisions of the criminal procedure and domes-
48 tic relations laws, regarding the investigation of and intervention in
49 incidents of family offenses. Such policies and procedures shall make
50 provision for education and training in the interpretation and enforce-
51 ment of New York's family offense laws, including but not limited to:

52 (a) intake and recording of victim statements, and the prompt trans-
53 lation of such statements if made in a language other than English, in
54 accordance with subdivision (c) of this section, on a standardized
55 "domestic violence incident report form" promulgated by the state divi-
56 sion of criminal justice services in consultation with the superinten-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 2. provide for the development of training programs with the input of
25 and in consultation with the state office [~~for the prevention of~~] to end
26 domestic and gender-based violence. Such training programs must include
27 the dynamics of domestic violence and its effect on victims and on chil-
28 dren, and the relationship between such dynamics and the issues consid-
29 ered by the court, including, but not limited to, custody, visitation
30 and child support. Such training programs along with the providers of
31 such training must be approved by the office of court administration
32 following consultation with and input from the state office for the
33 prevention of domestic violence; and

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

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

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

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

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

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

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

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

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

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

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

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

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

23 § 10-a. Domestic violence policy. The commissioner shall study the
24 issue of employees separated from employment due to acts of domestic
25 violence as referred to in and qualified by section four hundred fifty-
26 nine-a of the social services law. The commissioner shall consult with
27 the New York state office [~~for the prevention of~~] to end domestic and
28 gender-based violence and its advisory council, the department of social
29 services, the division of women and members of the public in preparing
30 such study. Such study shall include a review of case histories in
31 which unemployment compensation was sought and an analysis of the poli-
32 cies in other states. A copy of such study shall be transmitted to the
33 temporary president of the senate and the speaker of the assembly on or
34 before January fifteenth, nineteen hundred ninety-six and shall contain
35 policy recommendations.

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

38 § 10-b. Domestic violence employee awareness and assistance. The
39 commissioner shall assist the office [~~for the prevention of~~] to end
40 domestic and gender-based violence in the creation, approval and dissem-
41 ination of the model domestic violence employee awareness and assistance
42 policy as further defined in subdivision nine of section five hundred
43 seventy-five of the executive law. Upon completion and approval of the
44 model plan as outlined in subdivision nine of section five hundred
45 seventy-five of the executive law, the commissioner shall assist in the
46 promotion of the model policy to businesses in New York state.

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

49 § 2137. Domestic violence recognition. The department shall, in
50 consultation with the office [~~for the prevention of~~] to end domestic and
51 gender-based violence and statewide organizations and community based
52 organizations, develop a protocol for the identification and screening
53 of victims of domestic violence who may either be a protected individual
54 or a contact as used in this title.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (a) There is established an interagency task force on trafficking in
11 persons, which shall consist of the following members or their desig-
12 nees: (1) the commissioner of the division of criminal justice services;
13 (2) the commissioner of the office of temporary and disability assist-
14 ance; (3) the commissioner of health; (4) the commissioner of the office
15 of mental health; (5) the commissioner of labor; (6) the commissioner of
16 the office of children and family services; (7) the commissioner of the
17 office of alcoholism and substance abuse services; (8) the director of
18 the office of victim services; (9) the executive director of the office
19 [~~for the prevention of~~] to end domestic and gender-based violence; and
20 (10) the superintendent of the division of state police; and the follow-
21 ing additional members, who shall be promptly appointed by the governor,
22 each for a term of two years, provided that such person's membership
23 shall continue after such two year term until a successor is appointed
24 and provided, further, that a member may be reappointed if again recom-
25 mended in the manner specified in this subdivision: (11) two members,
26 who shall be appointed on the recommendation of the temporary president
27 of the senate; (12) two members, who shall be appointed on the recommen-
28 dation of the speaker of the assembly; (13) two members, who shall be
29 appointed on the recommendation of the not-for-profit organization in
30 New York state that receives the largest share of funds, appropriated by
31 and through the state budget, for providing services to victims of human
32 trafficking, as shall be identified annually in writing by the director
33 of the budget; and (14) one member, who shall be appointed on the recom-
34 mendation of the president of the New York state bar association; and
35 others as may be necessary to carry out the duties and responsibilities
36 under this section. The task force will be co-chaired by the commission-
37 ers of the division of criminal justice services and the office of
38 temporary and disability assistance, or their designees. It shall meet
39 as often as is necessary, but no less than three times per year, and
40 under circumstances as are appropriate to fulfilling its duties under
41 this section. All members shall be provided with written notice reason-
42 ably in advance of each meeting with date, time and location of such
43 meeting.

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

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

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

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

PART C

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

§ 120.65 Domestic violence.

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

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

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

Domestic violence is a class A misdemeanor.

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

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

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

PART D

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

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

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

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

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

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

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

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

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

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

22 (m) to make rent or mortgage payments on the premises owned or occu-
23 piated by the protected party;

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

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

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

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

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

41 (m) to make rent or mortgage payments on the premises owned or occu-
42 piated by the protected party;

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

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

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

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

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

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

5 (m) to make rent or mortgage payments on the premises owned or occu-
6 piated by the protected party;

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

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

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

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

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

24 (10) to make rent or mortgage payments on the premises owned or occu-
25 piated by the protected party; and

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

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

35 (e) to permit a designated party to enter the residence during a spec-
36 ified period of time in order to remove personal belongings not in issue
37 in this proceeding or in any other proceeding or action under this chap-
38 ter, the family court act or the domestic relations law; ~~[ex]~~

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

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

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

48 (h) to make rent or mortgage payments on the premises owned or occu-
49 piated by the protected party; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) to pay the reasonable costs of repairing damages caused by the respondent to a premises owned or occupied by the protected party; and
(k) to make rent or mortgage payments on the premises owned or occupied by the protected party;

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

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

§ 11. This act shall take effect immediately.

PART E

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

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

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

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

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

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

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

PART F

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

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

§ 2. This act shall take effect immediately.

PART G

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

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

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

§ 230.01 Prostitution; affirmative defense.

In any prosecution under section 230.00, section 230.03, section 230.19, section 230.20, subdivision 2 of section 230.25, subdivision 2 of section 230.30[~~7~~] or section 230.34-a [~~or subdivision two of section 240.37~~] of this [~~part~~] article, it is an affirmative defense that the defendant's participation in the offense was a result of having been a victim of compelling prostitution under section 230.33 of this article, a victim of sex trafficking under section 230.34 of this article, a

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

4 § 4. Section 60.47 of the criminal procedure law, as added by section
5 2 of part I of chapter 57 of the laws of 2015, is amended to read as
6 follows:

7 § 60.47 Possession of condoms; receipt into evidence.

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

13 § 5. Paragraphs (c) and (d) of subdivision 1 of section 160.10 of the
14 criminal procedure law, paragraph (c) as amended by chapter 762 of the
15 laws of 1971 and paragraph (d) as amended by chapter 232 of the laws of
16 2010, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 13. This act shall take effect immediately.

PART H

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 9. This act shall take effect immediately.

PART I

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

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

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

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

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

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

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

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

PART J

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

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

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

18 PART K

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

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

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

33 1-a. receive and investigate complaints from any source, or upon his
34 or her own initiative, concerning allegations of corruption, fraud, use
35 of excessive force, criminal activity, conflicts of interest or abuse by
36 any police officer in a covered agency and promptly inform the division
37 of criminal justice services, in the form and manner as prescribed by
38 the division, of such allegations and the progress of investigations
39 related thereto. Nothing in this subdivision shall require the division
40 of criminal justice services to take action or prevent the division of
41 criminal justice from taking action authorized pursuant to subdivision
42 four of section eight hundred forty-five of this chapter in the time and
43 manner determined by the commissioner of the division of criminal
44 justice services.

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

47 (b-1) promptly inform the division of criminal justice services, in
48 the form and manner prescribed by the division, of such allegations and
49 the progress of investigations related thereto. Nothing in this para-
50 graph shall require the division of criminal justice services to take
51 action or prevent the division of criminal justice from taking action
52 authorized pursuant to subdivision four of section eight hundred forty-
53 five of this chapter in the time and manner determined by the commis-
54 sioner of the division of criminal justice services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (i) one shall be appointed by the governor who shall be a represen-
2 tative from a community with high numbers of police and community inter-
3 actions; and

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

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

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

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

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

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

28 2-b. The council shall promulgate, and may from time to time amend,
29 such rules and regulations prescribing background investigations for
30 eligibility of persons for provisional or permanent appointment in the
31 competitive class of the civil service as police officers of any county,
32 city, town, village or police district as it deems necessary and proper
33 for the efficient performance of police duties, which requirements shall
34 be incorporated by the law enforcement accreditation council as part of
35 the mandatory accreditation pursuant to this chapter.

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

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

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

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

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

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

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

- (i) ~~Three~~ Two incumbent sheriffs of the state;
- (ii) ~~Three~~ Two incumbent chiefs of police;
- (iii) One incumbent deputy sheriff;
- (iv) One incumbent police officer;
- (v) The superintendent of state police;
- (vi) The commissioner of police of the city of New York;
- (vii) One incumbent chief executive officer of a county of the state;
- (viii) One incumbent mayor of a city or village of the state;
- (ix) One incumbent chief executive officer of a town of the state;
- (x) One member of a statewide labor organization representing police officers as that term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law;
- (xi) One full-time faculty member of a college or university who teaches in the area of criminal justice or police science; ~~[and]~~
- (xii) Two members appointed pursuant to subparagraph (ix) of paragraph (c) of this subdivision.
- (xiii) One incumbent chief of police or commissioner of police from a municipality in the state with a police department consisting of more than one hundred officers;

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

3 (xv) One representative of victims of crime; and

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

6 (b) With the exception of the superintendent of state police and the
7 commissioner of police of the city of New York, each member of the coun-
8 cil shall be appointed by the governor to serve a [~~two-year~~] two-year
9 term. Any member appointed by the governor may be reappointed for addi-
10 tional terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 [A] Unless otherwise determined by the commissioner of the division of
23 criminal justice services, a certificate attesting to satisfactory
24 completion of an approved municipal police basic training program
25 awarded by the executive director of the municipal police training coun-
26 cil pursuant to this subdivision shall remain valid:

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

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

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

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

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

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

15 (c) he or she satisfies the height, weight [~~and~~], physical and psycho-
16 logical fitness requirements prescribed by the municipal police training
17 council pursuant to the provisions of section eight hundred forty of the
18 executive law; and

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

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

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

37 PART L

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

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

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

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

15 § 2. This act shall take effect immediately.

16 PART M

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

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

27 PART N

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

30 § 265.17 Criminal purchase or disposal of a weapon.

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

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

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

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

1 Criminal purchase or disposal of a weapon is a class D felony.
2 § 2. This act shall take effect July 1, 2021.

3 PART O

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

7 4. The superintendent of the division of state police shall establish
8 and maintain within the division a criminal gun clearinghouse as a
9 central repository of information regarding all guns seized, forfeited,
10 found or otherwise coming into the possession of any state or local law
11 enforcement agency which are believed to have been used in the commis-
12 sion of a crime. The superintendent of the division of state police
13 shall adopt and promulgate regulations prescribing reporting procedures
14 for such state or local law enforcement agencies, including the form for
15 reporting such information. In addition to any other information which
16 the superintendent of the division of state police may require, the form
17 shall require (a) the serial number or other identifying information on
18 the gun, if available and (b) a brief description of the circumstances
19 under which the gun came into the possession of the law enforcement
20 agency, including the crime which was or may have been committed with
21 the gun. Whenever a state or local law enforcement agency seizes or
22 recovers a gun that was unlawfully possessed, recovered from a crime
23 scene, or is reasonably believed to have been used in or associated with
24 the commission of a crime, or is otherwise recovered by such agency as
25 an abandoned or discarded gun, such agency shall report such seized or
26 recovered gun to the criminal gun clearinghouse as soon as practicable,
27 but in no case more than twenty-four hours after such agency has taken
28 possession of such gun. Every report made to the criminal gun clearing-
29 house shall result in the submission of a request to the national trac-
30 ing center of the bureau of alcohol, tobacco, firearms and explosives to
31 initiate a trace of such gun and the bureau of alcohol, tobacco,
32 firearms and explosives shall be directed to provide the gun trace
33 results to the superintendent of the division of state police and to the
34 law enforcement agency that submitted the clearinghouse report.

35 ~~5. [In any case where a state or local law enforcement agency investi-~~
36 ~~gates the commission of a crime in this state and a specific gun is~~
37 ~~known to have been used in such crime, such agency shall submit a~~
38 ~~request to the national tracing center of the United States Department~~
39 ~~of Treasury, bureau of alcohol, tobacco and firearms to trace the move-~~
40 ~~ment of such gun and such federal agency shall be requested to provide~~
41 ~~the superintendent of the division of state police and the local law~~
42 ~~enforcement agency with the results of such a trace. This subdivision~~
43 ~~shall not apply where the source of a gun is already known to a local~~
44 ~~law enforcement agency.]~~ All state and local law enforcement agencies
45 shall participate in the bureau of alcohol, tobacco, firearms and
46 explosives collective data sharing program for the purpose of sharing
47 gun trace data among all law enforcement agencies in the state on a
48 reciprocal basis.

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

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

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

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

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

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

PART P

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

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

§ 2. This act shall take effect immediately.

PART Q

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

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

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

10 § 2. This act shall take effect immediately.

11 PART R

12 Section 1. Section 8-406 of the election law, as amended by chapter
13 296 of the laws of 1988, is amended to read as follows:

14 § 8-406. Absentee ballots, delivery of. If the board shall find that
15 the applicant is a qualified voter of the election district containing
16 ~~[his]~~ the applicant's residence as stated in ~~[his]~~ the applicant's
17 statement and that ~~[his]~~ the applicant's statement is sufficient, it
18 shall, as soon as practicable after it shall have determined ~~[his]~~ the
19 applicant's right thereto, and within four business days of receiving
20 the application, or, where the application was received between the
21 tenth day and not later than the seventh day before the election, within
22 twenty-four hours, mail to ~~[him]~~ the applicant at an address designated
23 by ~~[him]~~ the applicant, or deliver to ~~[him]~~ the applicant, or to any
24 person designated for such purpose in writing by ~~[him]~~ the applicant, at
25 the office of the board, such an absentee voter's ballot or set of
26 ballots and an envelope therefor. If the ballot or ballots are to be
27 sent outside of the United States to a country other than Canada or
28 Mexico, such ballot or ballots shall be sent by air mail. However, if an
29 applicant who is eligible for an absentee ballot is a resident of a
30 facility operated or licensed by, or under the jurisdiction of, the
31 department of mental hygiene, or a resident of a facility defined as a
32 nursing home or residential health care facility pursuant to subdivi-
33 sions two and three of section two thousand eight hundred one of the
34 public health law, or a resident of a hospital or other facility oper-
35 ated by the Veteran's Administration of the United States, such absentee
36 ballot need not be so mailed or delivered to any such applicant but, may
37 be delivered to the voter in the manner prescribed by section 8-407 of
38 this ~~chapter~~ title if such facility is located in the county or city
39 in which such voter is eligible to vote.

40 § 2. This act shall take effect immediately.

41 PART S

42 Section 1. Paragraphs (a), (b) and (c) of subdivision 4 of section
43 8-600 of the election law, as added by chapter 6 of the laws of 2019,
44 are amended to read as follows:

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

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

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

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

8 § 2. This act shall take effect immediately.

9 PART T

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

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

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

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

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

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

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

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

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

13 ~~[(c)]~~ (h) Each such candidate, political party, and independent body
14 shall be entitled to appoint such number of watchers to attend upon each
15 central board of inspectors as such candidate, political party, or inde-
16 pendent body was entitled to appoint at such election in any one
17 election district for which such central board of inspectors is desig-
18 nated to act.

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

21 4. If the board of elections manually canvasses ballots, it shall
22 review the ballot to determine its validity consistent with section
23 9-112 of this article. In cases where the express intent of the voter
24 is unambiguous, any stray marks or writing shall not be a basis for
25 voiding an absentee ballot. If the absentee ballots are tabulated by an
26 optical scan voting system, then a review of the absentee ballot shall
27 not occur.

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

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

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

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

52 § 4. Paragraph c of subdivision 3 of section 5-506 of the election
53 law, as amended by section 6 of part XX of chapter 55 of the laws of
54 2019, is amended to read as follows:

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

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

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

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

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

46 2-b. If on election day or during early voting a voter's name appears
47 in the ledger or computer generated registration list with a notation
48 indicating that the voter was provided an absentee ballot, such voter
49 shall be permitted to cast his or her vote on the voting machine if the
50 voter surrenders his or her absentee ballot and affirmation oath envel-
51 ope to the inspector and such absentee ballot is marked "VOTED IN
52 PERSON" and placed by the inspector in an envelope designated for this
53 purpose.

54 3-d. If on election day or during early voting a voter's name appears
55 in the ledger or computer generated registration list with a notation
56 indicating that the voter was provided an absentee ballot and such voter

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

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

6 4-a. In order to obtain any order for temporary or preliminary injunc-
7 tive relief or an impound order halting or altering the canvassing of
8 absentee or affidavit ballots as provided for in section 9-209 of this
9 chapter, in addition to the criteria in article sixty-three of the civil
10 practice law and rules, the petitioner must show, by clear and convinc-
11 ing evidence, that, because of procedural irregularities or other facts
12 arising during the election, the petitioner will be irreparably harmed
13 absent such relief. For purposes of this section, allegations that
14 opinion polls or testimonial evidence that an election will be within
15 the margin of the recount as specified in paragraph (a) of subdivision
16 four of section 9-208 of this chapter are insufficient to show irrepara-
17 ble harm to a petitioner by clear and convincing evidence.

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

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

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

26 PART U

27 Section 1. Paragraphs (a), (b) and (c) of subdivision 4 of section
28 9-208 of the election law, as added by section 1 of part JJ of chapter
29 55 of the laws of 2020, are amended to read as follows:

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

34 i. Where the margin of victory is twenty votes or less; or
35 ii. Where the margin of victory is 0.5% or less; or
36 iii. In a contest where one million or more ballots have been cast and
37 the margin of victory is less than 5,000 votes.

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

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

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

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

52 § 3. This act shall take effect immediately.

53 PART V

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

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

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

§ 2. This act shall take effect immediately.

PART W

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

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

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

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

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

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

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

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

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

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

§ 4. This act shall take effect immediately.

PART X

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

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

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

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

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

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

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

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

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

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

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

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

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

PART Y

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

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

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

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

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

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

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

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

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

10 § 97-c. Temporary manufacturing permit. 1. Any person may apply to the
11 liquor authority for a temporary permit to operate any alcoholic bever-
12 age manufacturing facility as may be licensed under this chapter. Such
13 application shall be in writing and verified and shall contain informa-
14 tion as the liquor authority shall require. Such application shall be
15 accompanied by a check or draft in the amount of one hundred twenty-five
16 dollars for such permit.

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

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

22 (b) the applicant has obtained and provided evidence of all permits,
23 licenses and other documents necessary for the operation of such a busi-
24 ness; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART Z

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

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

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

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

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

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

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

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

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

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

10 8. Every special on-premises licensee shall regularly keep food avail-
11 able for sale to its customers for consumption on the premises. The
12 availability of sandwiches, soups or other foods, whether fresh, proc-
13 essed, pre-cooked or frozen, shall be deemed compliance with this
14 requirement. For motion picture theatres licensed under paragraph (b) of
15 subdivision six of this section, food that is typically found in a
16 motion picture theatre, including but not limited to: popcorn, candy,
17 and light snacks, shall be deemed to be in compliance with this require-
18 ment. The licensed premises shall comply at all times with all the regu-
19 lations of the local department of health. Nothing contained in this
20 subdivision, however, shall be construed to require that any food be
21 sold or purchased with any liquor, nor shall any rule, regulation or
22 standard be promulgated or enforced requiring that the sale of food be
23 substantial or that the receipts of the business other than from the
24 sale of liquor equal any set percentage of total receipts from sales
25 made therein.

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

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

35 § 5. This act shall take effect immediately.

36 PART AA

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

40 § 5004. Rate of interest. [~~Interest shall be at the rate of nine per~~
41 ~~centum per annum, except where otherwise provided by statute.~~] Notwith-
42 standing any other provision of law or regulation to the contrary,
43 including any law or regulation that limits the annual rate of interest
44 to be paid on a judgment or accrued claim, the annual rate of interest
45 to be paid on a judgment or accrued claim shall be calculated at the
46 one-year United States treasury bill rate. For the purposes of this
47 section, the "one-year United States treasury bill rate" means the week-
48 ly average one-year constant maturity treasury yield, as published by
49 the board of governors of the federal reserve system, for the calendar
50 week preceding the date of the entry of the judgment awarding damages.
51 Provided however, that this section shall not apply to any provision of
52 the tax law which provides for the annual rate of interest to be paid on
53 a judgment or accrued claim.

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

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

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

PART BB

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

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

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

2. For purposes of this section:

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

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

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

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

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

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

1 services and the division of the budget, shall be authorized to estab-
2 lish rules and regulations for the effective administration of this
3 section.

4 § 3. The public authorities law is amended by adding a new section
5 2878-c to read as follows:

6 § 2878-c. Certain contracts involving personal protective equipment
7 and medical supplies. 1. Notwithstanding any other provisions of law,
8 all contracts over fifty thousand dollars in value made and awarded by
9 any state authority for the purchase of personal protective equipment or
10 medical supplies shall require that the personal protective equipment or
11 medical supply items be produced or made in whole or substantial part in
12 the United States.

13 2. For purposes of this section:

14 (a) "personal protective equipment" means all equipment worn to mini-
15 imize exposure to medical hazards, including gloves, masks, face shields,
16 eye protection, respirators, medical hair and shoe coverings, and
17 disposable gowns and aprons.

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

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

23 3. The provisions of this section shall not apply if the head of the
24 state authority purchasing the personal protective equipment or medical
25 supplies, in his or her sole discretion, determines that such provisions
26 would not be in the public interest; that obtaining such personal
27 protective equipment or medical supplies in the United States would
28 increase the cost of the contract by an unreasonable amount; that such
29 personal protective equipment or medical supplies cannot be produced or
30 made in the United States in sufficient and reasonably available quanti-
31 ties and of satisfactory quality or design to meet the state authority's
32 requirements; or that purchasing personal protective equipment or
33 medical supplies manufactured outside of the United States is necessary
34 to avoid a delay in the delivery of critical services that could compro-
35 mise the public welfare.

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

40 5. Subject to the provisions of this section, the department of
41 economic development, in consultation with the office of general
42 services and the division of the budget, shall be authorized to estab-
43 lish rules and regulations for the effective administration of this
44 section.

45 § 4. This act shall take effect April 1, 2021 and shall apply to any
46 state contracting opportunities advertised on or after such date and
47 shall exclude contracts for which an invitation for bid, request for
48 proposal, or similar solicitation has been issued prior to April 1,
49 2021.

50 PART CC

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

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

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

PART DD

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

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

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

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

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

25 (c) For state employees who retire from a position at or equated to
26 grade ten or higher with at least ten but less than twenty years of
27 service, the state shall pay thirty-five percent of the cost of premium
28 or subscription charges for the coverage of dependents of such retired
29 state employees; such contribution shall increase by two percent of the
30 cost of premium or subscription charges for each year of service in
31 excess of ten years, to a maximum of fifty-three percent of the cost of
32 premium or subscription charges for such dependents. For state employees
33 who retire from a position at or equated to grade ten or higher with
34 twenty or more years of service, the state shall pay fifty-nine percent
35 of the cost of premium or subscription charges for the coverage of
36 dependents of such retired state employees; such contribution shall
37 increase by one percent of the cost of premium or subscription charges
38 for each year of service in excess of twenty years, to a maximum of
39 sixty-nine percent of the cost of premium or subscription charges for
40 such dependents.

41 (d) For state employees who retire from a position at or equated to
42 grade nine or lower with at least ten but less than twenty years of
43 service, the state shall pay thirty-nine percent of the cost of premium
44 or subscription charges for the coverage of dependents of such retired
45 state employees; such contribution shall increase by two percent of the
46 cost of premium or subscription charges for each year of service in
47 excess of ten years, to a maximum of fifty-seven percent of the cost of
48 premium or subscription charges for such dependents. For state employees
49 who retire from a position at or equated to grade nine or lower with
50 twenty or more years of service, the state shall pay sixty-three percent
51 of the cost of premium or subscription charges for the coverage of
52 dependents of such retired state employees; such contribution shall
53 increase by one percent of the cost of premium or subscription charges
54 for each year of service in excess of twenty years, to a maximum of
55 seventy-three percent of the cost of premium or subscription charges for
56 such dependents.

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

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

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

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

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

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

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

PART EE

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

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

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

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

PART FF

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

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

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

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

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

§ 2. Subdivisions 3 and 4 of section 163-a of the state finance law, subdivision 3 as added by chapter 430 of the laws of 1997 and subdivision 4 as amended by section 10 of part 0 of chapter 55 of the laws of 2012, are amended and a new subdivision 5 is added to read as follows:

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

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

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

§ 3. This act shall take effect immediately.

PART GG

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

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

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.

PART HH

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

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

§ 2. This act shall take effect immediately.

PART II

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

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

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

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

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

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

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

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

(d) "De-identified data" means:

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

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

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

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

(ii) investor in the business; or

(iii) donor to the business.

1 (f) "Identified or identifiable natural person" shall mean a person
2 who can be identified, directly or indirectly, in particular by refer-
3 ence to specific information including, but not limited to, a name, an
4 identification number, specific geolocation data, or an online identifi-
5 er.

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

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

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

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

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

23 (D) biometric information, including a retina or iris scan, finger-
24 print, voiceprint, or scan of hand or face geometry;

25 (E) internet or other electronic network activity information, includ-
26 ing browsing history, search history, content, including text, photo-
27 graphs, audio or video recordings, or other user-generated content,
28 non-public communications, and information regarding an individual's
29 interaction with an internet website, mobile application, or advertise-
30 ment;

31 (F) historical or real-time geolocation data;

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

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

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

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

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

41 (L) an inference drawn from any of the information described in this
42 paragraph to create a profile about an individual reflecting the indi-
43 vidual's preferences, characteristics, psychological trends, prefer-
44 ences, predispositions, behavior, attitudes, intelligence, abilities, or
45 aptitudes.

46 (ii) Personal information shall not include:

47 (A) De-identified data;

48 (B) Personal information that is collected by a business about a
49 natural person in the course of the natural person acting as a job
50 applicant to, an employee of, owner of, director of, officer of, medical
51 staff member of, or contractor of that business to the extent that the
52 natural person's personal information is collected and used by the busi-
53 ness solely within the context of the natural person's role or former
54 role as a job applicant to, an employee of, owner of, director of, offi-
55 cer of, medical staff member of, or a contractor of that business;

1 (C) Personal information that is collected by a business that is emer-
2 gency contact information of the natural person acting as a job appli-
3 cant to, an employee of, owner of, director of, officer of, medical
4 staff member of, or contractor of that business to the extent that the
5 personal information is collected and used solely within the context of
6 having an emergency contact on file; or

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

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

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

29 2. Exceptions. This section shall not apply to:

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

32 (b) Personal Information that is:

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

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

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

42 (iv) Publicly available information; or

43 (v) De-identified data.

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

45 (a) Limit the collection of personal information to personal informa-
46 tion obtained by lawful means and in accordance with subdivision five of
47 this section.

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

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

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

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

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

7 (ii) as otherwise required by law.

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

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

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

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

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

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

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

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

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

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

35 (C) the personal information has been unlawfully collected or proc-
36 essed; or

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (e) The right to secure and responsible handling of personal informa-
24 tion.

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

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

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

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

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

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

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

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

5 (A) Denying goods or services to the consumer;

6 (B) Charging different prices or rates for goods or services, includ-
7 ing through the use of discounts or other benefits or imposing penal-
8 ties; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 7. Consumer data privacy advisory board. (a) The consumer data privacy
31 advisory board shall consist of the following members, or their desig-
32 nees:

33 (i) The attorney general;

34 (ii) The secretary of state;

35 (iii) The superintendent of financial services;

36 (iv) The chief information security officer;

37 (v) The chief data officer; and

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

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

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

48 (d) The board shall meet at least once per year and shall provide
49 guidance and recommendations related to this section, any regulations
50 promulgated hereunder, and other matters related to consumer data priva-
51 cy.

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

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

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

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

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

PART JJ

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

ARTICLE 32-A

VOICE RECOGNITION FEATURES IN PRODUCTS

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (D) biometric information, including a retina or iris scan, finger-
13 print, voiceprint, or scan of hand or face geometry;

14 (E) internet or other electronic network activity information, includ-
15 ing browsing history, search history, content, including text, photo-
16 graphs, audio or video recordings, or other user-generated content, non-
17 public communications, and information regarding an individual's inter-
18 action with an internet website, mobile application, or advertisement;

19 (F) historical or real-time geolocation data;

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

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

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

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

27 (K) characteristics of protected classes under the human rights law,
28 including race, color, national origin, religion, sex, age, or disabili-
29 ty; or

30 (L) an inference drawn from any of the information described in this
31 paragraph to create a profile about an individual reflecting the indi-
32 vidual's preferences, characteristics, psychological trends, prefer-
33 ences, predispositions, behavior, attitudes, intelligence, abilities, or
34 aptitudes.

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

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

39 (f) "Toy" shall mean any product designed or intended by the manufac-
40 turer to be used by children or adults for amusement or play.

41 (g) "User" shall mean a person who originally purchases, leases, or
42 takes ownership of a connected device or another person designated by
43 the user to perform the initial setup or installation of the connected
44 device, but such term shall not include a person who is incidentally
45 recorded when a voice recognition feature is activated by a user.

46 (h) "Voice recognition feature" shall mean the function of a connected
47 device with a voice recognition feature that allows the collection,
48 recording, storage, analysis, transmission, interpretation, or other use
49 of spoken words or other sounds, except that this term shall not include
50 spoken words or other sounds that are not recorded, retained, or trans-
51 mitted beyond the connected device.

52 (i) "Voice recorded data" shall mean audio recordings or tran-
53 scriptions of those recordings collected through the operation of a
54 voice recognition feature by the manufacturer of a connected device.

55 2. Disclosures on use of voice recognition. (a) A person or entity
56 shall not sell or otherwise provide a connected device or toy containing

1 a voice recognition feature within this state without prominently
2 informing purchasers both prior to the sale on its packaging and during
3 the initial setup or installation that, at a minimum, the device may be
4 recording the user. During the initial setup or installation such device
5 must disclose: the categories of personal information collected, the
6 purposes for which this personal information is collected, and that if
7 the person or entity is retaining such voice recorded data, for how
8 long, and whether a natural person may listen to such audio.

9 (b) Nothing in this section shall be construed to authorize the
10 disclosure of any recordings retained by the manufacturer, any affil-
11 iates of the same, or any third parties with a contractual relationship
12 with the manufacturer, to any individual or entity, including a law
13 enforcement agency, or any officer, employee, or agent of such agency,
14 unless otherwise authorized by law or pursuant to a judicial order.

15 (c) A manufacturer shall not be liable for functionality provided by
16 applications that the user chooses to use in a cloud computing storage
17 service or are downloaded and installed by a user, unless the manufac-
18 turer collects, controls, or has access to any personal information
19 collected or elicited by the applications.

20 (d) This section shall not apply to a product or service used only to
21 record information by a covered entity, a health care provider, a busi-
22 ness associate, a health care service plan, a contractor, an employee or
23 another person that is subject to the Health Insurance Portability and
24 Accountability Act of 1996 or regulations promulgated under such act,
25 with respect to any action that such act regulates.

26 (e) This section shall not apply to any connected device regulated by
27 the United States Food and Drug Administration under 21 C.F.R. parts 800
28 to 1299 or other requirements, regulations, and guidance the United
29 States Food and Drug Administration promulgates with respect to medical
30 devices, including software as a medical device.

31 3. Enforcement. The secretary of state shall have the power to enforce
32 the provisions of this section, and upon complaint of any person, or on
33 his or her own initiative, to investigate any violation thereof, if in
34 the opinion of the secretary of state such investigation is warranted.
35 Upon a finding of a violation of any provision of this section, the
36 secretary of state may assess a civil penalty of up to two thousand five
37 hundred dollars for each such violation.

38 § 2. This act shall take effect one year after it shall have become a
39 law.

40 PART KK

41 Section 1. Section 54-1 of the state finance law, as added by section
42 1 of part J of chapter 57 of 2011, paragraph b of subdivision 2 as
43 amended by section 1 of part X of chapter 55 of the laws of 2014 and
44 subdivision 5 as added by section 5 of part S of chapter 39 of the laws
45 of 2019, is amended to read as follows:

46 § 54-1. State assistance to eligible cities [~~and eligible munici-~~
47 ~~palities~~] in which a video lottery gaming facility is located. 1. Defi-
48 nitions. When used in this section, unless otherwise expressly stated:

49 [~~a-~~] "Eligible city" shall mean a city with a population equal to or
50 greater than one hundred twenty-five thousand and less than one million
51 in which a video lottery gaming facility is located and operating as of
52 January first, two thousand nine pursuant to section sixteen hundred
53 seventeen-a of the tax law.

~~[b. "Eligible municipality" shall mean a county, city, town or village in which a video lottery gaming facility is located pursuant to section sixteen hundred seventeen-a of the tax law that is not located in a city with a population equal to or greater than one hundred twenty-five thousand.]~~

2. ~~[a.]~~ Within the amount appropriated therefor, an eligible city shall receive an amount equal to ninety-five percent of the state aid payment received in the state fiscal year commencing April first, two thousand ~~[eight]~~ twenty from an appropriation for aid to municipalities with video lottery gaming facilities.

~~[b. Within the amounts appropriated therefor, eligible municipalities shall receive an amount equal to seventy percent of the state aid payment received in the state fiscal year commencing April first, two thousand eight from an appropriation for aid to municipalities with video lottery gaming facilities.]~~

3. ~~[a.]~~ State aid payments made to an eligible city pursuant to ~~[paragraph a of]~~ subdivision two of this section shall be used to increase support for public schools in such city.

~~[b. State aid payments made to an eligible municipality pursuant to paragraph b of subdivision two of this section shall be used by such eligible municipality to: (i) defray local costs associated with a video lottery gaming facility, or (ii) minimize or reduce real property taxes.]~~

4. Payments of state aid pursuant to this section shall be made on or before June thirtieth of each state fiscal year to the chief fiscal officer of each eligible city ~~[and each eligible municipality]~~ on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund in the general fund of the state treasury.

~~[5. The town and county in which the facility defined in paragraph five of subdivision a of section sixteen hundred seventeen-a of the tax law is located shall receive assistance payments made pursuant to this section at the same dollar level realized by the village of Monticello, Sullivan county, the town of Thompson, Sullivan county, and Sullivan county. Each village in which the facility defined in paragraph five of subdivision a of section sixteen hundred seventeen-a of the tax law is located shall receive assistance payments made pursuant to this section at the rate of fifty percent of the dollar level realized by the village of Monticello. Any payments made pursuant to this subdivision shall not commence until the facility defined in paragraph five of subdivision a of section sixteen hundred seventeen-a of the tax law has realized revenue for a period of twelve consecutive months.]~~

§ 2. This act shall take effect immediately.

PART LL

Section 1. Subparagraph (i) of paragraph a of subdivision 10 of section 54 of the state finance law, as added by section 1 of part F of chapter 56 of the laws of 2007, is amended to read as follows:

(i) "Municipality" means a city with a population less than one million~~[, town or village]~~.

§ 2. Subparagraph (v) of paragraph b of subdivision 10 of section 54 of the state finance law, as added by section 1 of part PPP of chapter 59 of the laws of 2019, is amended and a new subparagraph (vi) is added to read as follows:

(v) Notwithstanding subparagraph (i) of this paragraph, within amounts appropriated in the state fiscal year commencing April first, two thousand nineteen, ~~[and annually thereafter,]~~ there shall be apportioned and paid to each municipality ~~[which is a city]~~ a base level grant in an amount equal to the prior year aid received by such city, and there shall be apportioned and paid to each ~~[municipality which is a]~~ town or village a base level grant in accordance with clause two of this subparagraph.

(1) When used in this subparagraph, unless otherwise expressly stated:

(A) "two thousand eighteen--two thousand nineteen AIM funding" shall mean the sum of the base level grant paid in the state fiscal year that began April first, two thousand eighteen pursuant to this paragraph.

(B) "two thousand seventeen total expenditures" shall mean all funds and total expenditures for a town or a village as reported to the state comptroller for local fiscal years ended in two thousand seventeen.

(C) "AIM Reliance" shall mean two thousand eighteen--two thousand nineteen AIM funding calculated as a percentage of two thousand seventeen total expenditures, provided that, for a village which dissolved during the state fiscal year that began April first, two thousand eighteen, the village's two thousand eighteen--two thousand nineteen AIM funding shall be added to the existing two thousand eighteen--two thousand nineteen AIM funding of the town into which the village dissolved for purposes of this calculation.

(2) A base level grant equal to a town or village's prior year aid only if such town or village's AIM reliance equals two percent or greater as reported to and published by the state comptroller as of January tenth, two thousand nineteen.

(vi) Notwithstanding subparagraph (i) of this paragraph, within amounts appropriated in the state fiscal year commencing April first, two thousand twenty-one, and annually thereafter, there shall be apportioned and paid to each municipality a base level grant in accordance with clause two of this subparagraph:

(1) When used in this subparagraph, unless otherwise expressly stated:

(A) "two thousand nineteen--two thousand twenty AIM funding" shall mean the sum of the base level grant paid in the state fiscal year that began April first, two thousand nineteen pursuant to this paragraph.

(B) "two thousand nineteen expenditures" shall mean general fund expenditures for a municipality as reported to and published by the state comptroller for local fiscal years ended in two thousand nineteen.

(C) "AIM Reliance" shall mean two thousand nineteen--two thousand twenty AIM funding calculated as a percentage of two thousand nineteen expenditures.

(2) A base level grant equal to:

(A) eighty percent of a municipality's two thousand nineteen--two thousand twenty AIM funding if such municipality's AIM Reliance was equal to or less than 8.1500 percent; or

(B) eighty-five percent of a municipality's two thousand nineteen--two thousand twenty AIM funding if such municipality's AIM Reliance was higher than 8.1500 percent but less than or equal to 11.3436 percent; or

(C) ninety percent of a municipality's two thousand nineteen--two thousand twenty AIM funding if such municipality's AIM Reliance was higher than 11.3436 percent but less than or equal to 14.1522 percent; or

(D) ninety-seven and one-half percent of a municipality's two thousand nineteen--two thousand twenty AIM funding if such municipality's AIM Reliance was higher than 14.1522 percent; or

(E) eighty percent of a municipality's two thousand nineteen-two thousand twenty AIM funding if such municipality has not, by May fifteenth, two thousand twenty-one, reported the information to the state comptroller necessary to establish its two thousand nineteen expenditures.

§ 3. Paragraph 5-a of subdivision (c) of section 1261 of the tax law, as amended by section 2 of part NN of chapter 55 of the laws of 2020, is amended to read as follows:

(5-a) However, after the comptroller has made the payments to the Nassau county interim finance authority, the Buffalo fiscal stability authority, and the Erie county fiscal stability authority required by paragraph three of this subdivision, for each municipality that received a base level grant in state fiscal year two thousand eighteen-two thousand nineteen [~~but not in state fiscal year two thousand nineteen-two thousand twenty~~] under the aid and incentives for municipalities program pursuant to subdivision ten of section fifty-four of the state finance law, the comptroller shall annually withhold from each county except Nassau and Erie from the remaining taxes, penalties and interest imposed by the county in which a majority of the population of such municipality resides, and on behalf of Nassau and Erie counties the comptroller shall annually receive from the Nassau county interim finance authority, the Buffalo fiscal stability authority, and the Erie county fiscal stability authority, an amount equal to eighty percent of the base level grant received by such municipality in state fiscal year two thousand eighteen-two thousand nineteen and shall annually distribute, by December fifteenth, two thousand [~~nineteen~~] twenty-one and by such date annually thereafter, such amount directly to such municipality, unless such municipality has a fiscal year ending May thirty-first, then such annual distribution shall be made by May fifteenth, two thousand [~~twenty~~] twenty-two and by such date annually thereafter. No county shall have any right, title or interest in or to the taxes, penalties and interest required to be withheld or distributed pursuant to this paragraph.

§ 4. This act shall take effect immediately, provided, however, that the amendments made to paragraph 5-a of subdivision (c) of section 1261 of the tax law made by section three of the act shall not take effect until July 1, 2021.

PART MM

Section 1. The opening paragraph of subparagraph 2 of paragraph a and subparagraph 2 of paragraph b of subdivision 3 of section 11 of the general municipal law, the opening paragraph of subparagraph 2 of paragraph a as amended by section 1 of part W of chapter 406 of the laws of 1999 and subparagraph 2 of paragraph b as amended by chapter 130 of the laws of 1998, are amended to read as follows:

notwithstanding any other provision of general, special or local law, any city having a population of one million or more and any county may also make investments in the following:

(2) Such obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company or, with respect to the city of New York and counties, a reputable dealer in such obligations as shall be designated by the state comptroller, in this state. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company or dealer in obligations only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing

1 to the local government by the bank or trust company. All obligations
2 held in the custody of a bank or trust company pursuant to this para-
3 graph shall be held by such bank or trust company pursuant to a written
4 custodial agreement as set forth in paragraph a of subdivision three of
5 section ten of this article.

6 § 2. Paragraph b of subdivision 3 of section 11 of the general munici-
7 pal law, as amended by chapter 548 of the laws of 1997, is amended to
8 read as follows:

9 b. Such obligations, unless registered or inscribed in the name of the
10 local government, shall be purchased through, delivered to and held in
11 the custody of a bank or trust company or, with respect to the city of
12 New York and counties, a reputable dealer in such obligations as shall
13 be designated by the state comptroller, in this state. Such obligations
14 shall be purchased, sold or presented for redemption or payment by such
15 bank or trust company or dealer in obligations only in accordance with
16 prior written authorization from the officer authorized to make the
17 investment. All such transactions shall be confirmed in writing to the
18 local government by the bank or trust company. All obligations held in
19 the custody of a bank or trust company pursuant to this paragraph shall
20 be held by such bank or trust company pursuant to a written custodial
21 agreement as set forth in paragraph a of subdivision three of section
22 ten of this article.

23 § 3. This act shall take effect immediately, provided however the
24 amendments to subdivision 3 of section 11 of the general municipal law
25 made by section one of this act shall be subject to the expiration and
26 reversion of such subdivision pursuant to section 2 of chapter 130 of
27 the laws of 1998, as amended, when upon such date the provisions of
28 section two of this act shall take effect.

29 PART NN

30 Section 1. Subdivision 8 of section 239-bb of the general municipal
31 law, as added by section 1 of part EE of chapter 55 of the laws of 2018,
32 is amended to read as follows:

33 8. For each county, new shared services actions [~~not included~~] in [~~a~~
34 ~~previously~~] an approved and submitted plan pursuant to this section or
35 part BBB of chapter fifty-nine of the laws of two thousand seventeen,
36 may be eligible for funding to match savings from such action, subject
37 to available appropriation. Savings that are actually and demonstrably
38 realized by the participating local governments are eligible for match-
39 ing funding. For actions that are part of an approved plan transmitted
40 to the secretary of state in accordance with paragraph b of subdivision
41 seven of this section, savings achieved [~~from~~] during either: (i) Janu-
42 ary first through December thirty-first from new actions implemented on
43 or after January first through December thirty-first of the year imme-
44 diately following an approved [~~and-transmitted~~] plan, or (ii) July first
45 of the year immediately following an approved plan through June thirti-
46 eth of the subsequent year from new actions implemented July first of
47 the year immediately following an approved plan through June thirtieth
48 of the subsequent year may be eligible for matching funding. Only net
49 savings between local governments for each action would be eligible for
50 matching funding. Savings from internal efficiencies or any other action
51 taken by a local government without the participation of another local
52 government are not eligible for matching funding. Each county and all of
53 the local governments within the county that are part of any action to
54 be implemented as part of an approved plan must collectively apply for

1 the matching funding and agree on the distribution and use of any match-
2 ing funding in order to qualify for matching funding. Each county shall
3 be authorized to submit one consolidated application for matching funds
4 for each approved and transmitted plan. All actions from a plan for
5 which matching funds will be requested shall adhere to the same twelve-
6 month period beginning either January first or July first. The secretary
7 of state shall develop the application with any necessary requirements
8 for receipt of state matching funds.

9 § 2. Subdivision 11 of section 239-bb of the general municipal law is
10 REPEALED.

11 § 3. This act shall take effect immediately.

12 PART OO

13 Section 1. Section 2 of chapter 308 of the laws of 2012 amending the
14 general municipal law relating to providing local governments greater
15 contract flexibility and cost savings by permitting certain shared
16 purchasing among political subdivisions, as amended by chapter 211 of
17 the laws of 2018, is amended to read as follows:

18 § 2. This act shall take effect immediately, and shall expire and be
19 deemed repealed July 31, ~~2021~~ 2023.

20 § 2. This act shall take effect immediately.

21 PART PP

22 Section 1. Section 217 of the county law is amended to read as
23 follows:

24 § 217. County jail. Each county shall continue to maintain a county
25 jail as prescribed by law; provided, however, this section shall not
26 prohibit contiguous counties from jointly maintaining a jail pursuant to
27 a shared services agreement that has been reviewed and approved by the
28 New York state commission of correction. The commission's review and
29 approval of a shared services agreement shall be limited to the portions
30 of the agreement that directly affect the care, custody, correction,
31 treatment, supervision, discipline, and other correctional programs for
32 all persons confined in the jail.

33 § 2. Subdivision 1 of section 500-a of the correction law is amended
34 by adding a new paragraph (h) to read as follows:

35 (h) Notwithstanding any other law to the contrary, nothing in this
36 subdivision shall prohibit contiguous counties from jointly maintaining
37 a jail pursuant to section two hundred seventeen of the county law.

38 § 3. Subdivision 1 of section 500-c of the correction law, as added by
39 chapter 907 of the laws of 1984, is amended to read as follows:

40 1. Except as provided in subdivision two of this section, the sheriff
41 of each county shall have custody of the county jail of such county;
42 provided however, that for contiguous counties jointly maintaining a
43 jail pursuant to section two hundred seventeen of the county law, the
44 sheriff of the county in which such jail is located shall regularly
45 consult with the sheriff of any county jointly maintaining the jail.

46 § 4. Paragraph (b) of subdivision 3 of section 259-i of the executive
47 law, as amended by section 11 of part E of chapter 62 of the laws of
48 2003, is amended to read as follows:

49 (b) A person who shall have been taken into custody pursuant to this
50 subdivision for violation of one or more conditions of presumptive
51 release, parole, conditional release or post-release supervision shall,
52 insofar as practicable, be incarcerated in the county or city in which

1 the arrest occurred. Notwithstanding any other law to the contrary,
2 nothing in this subdivision shall prohibit contiguous counties from
3 jointly maintaining a jail pursuant to section two hundred seventeen of
4 the county law.

5 § 5. Paragraph (a) of subdivision 16 of section 2 of the correction
6 law, as amended by chapter 681 of the laws of 1990, is amended to read
7 as follows:

8 (a) "Local correctional facility." Any place [~~operated~~] maintained by
9 [~~a county~~] one or more contiguous counties, or the city of New York as a
10 place for the confinement of persons duly committed to secure their
11 attendance as witnesses in any criminal case, charged with crime and
12 committed for trial or examination, awaiting the availability of a
13 court, duly committed for any contempt or upon civil process, convicted
14 of any offense and sentenced to imprisonment therein or awaiting trans-
15 portation under sentence to imprisonment in a correctional facility, or
16 pursuant to any other applicable provisions of law.

17 § 6. Subdivision 1 of section 751 of the judiciary law, as amended by
18 chapter 399 of the laws of 1988, is amended to read as follows:

19 1. Except as provided in subdivisions (2), (3) and (4), punishment for
20 a contempt, specified in section seven hundred fifty, may be by fine,
21 not exceeding one thousand dollars, or by imprisonment, not exceeding
22 thirty days, in the jail of the county where the court is sitting, or
23 both, in the discretion of the court. If the county jail in which the
24 court is sitting has entered into a shared services agreement pursuant
25 to section two hundred seventeen of the county law, the person may be
26 imprisoned in a jail in the contiguous county that is party to such
27 agreement. Where the punishment for contempt is based on a violation of
28 an order of protection issued under section 530.12 or 530.13 of the
29 criminal procedure law, imprisonment may be for a term not exceeding
30 three months. Where a person is committed to jail, for the nonpayment of
31 a fine, imposed under this section, he must be discharged at the expira-
32 tion of thirty days; but where he is also committed for a definite time,
33 the thirty days must be computed from the expiration of the definite
34 time.

35 Such a contempt, committed in the immediate view and presence of the
36 court, may be punished summarily; when not so committed, the party
37 charged must be notified of the accusation, and have a reasonable time
38 to make a defense.

39 § 7. Subdivision 4 of section 40 of the correction law, as amended by
40 chapter 247 of the laws of 2018, is amended to read as follows:

41 4. "Municipal official" means (a) the sheriff or, where a local
42 correctional facility is under the jurisdiction of a county department,
43 the head of such department, and clerk of the board of supervisors, in
44 the case of a county jail; (b) [~~the~~] any sheriff or other officer having
45 custody or administrative jurisdiction and the clerk of [~~the~~] any board
46 of supervisors, in the case of a [~~county penitentiary~~] jail maintained
47 by two or more contiguous counties pursuant to section two hundred
48 seventeen of the county law; (c) the clerk of the board of supervisors
49 in the case of a county lockup; (d) the mayor and the city clerk, in the
50 case of a city jail or lockup; (e) the supervisor and town clerk, in the
51 case of a town lockup; (f) the mayor and village clerk, in the case of a
52 village lockup; (g) the clerk of the board of supervisors of the county
53 wherein located and the officer having custody or control, in the case
54 of a court detention pen or a hospital prison ward.

§ 8. Paragraph (b) of subdivision 3 of section 430.20 of the criminal procedure law, as amended by chapter 788 of the laws of 1971, is amended to read as follows:

(b) In any other case, commitment must be to the county jail~~[, work-house or penitentiary, or to a penitentiary outside the county]~~ or, in a county jointly maintaining a jail pursuant to section two hundred seventeen of the county law, to such jail, and the order of commitment must specify the institution to which the defendant is to be delivered.

§ 9. Subdivision 35 of section 1.20 of the criminal procedure law is amended to read as follows:

35. "Commitment to the custody of the sheriff," when referring to an order of a court located in a county or city which has established a department of correction, means commitment to the commissioner of correction of such county or city. When referring to an order of a court located in a county jointly maintaining a jail pursuant to section two hundred seventeen of the county law, "commitment to the custody of the sheriff" shall mean commitment to the sheriff of the county in which such jail is located.

§ 10. Paragraph a of subdivision 7 of section 3202 of the education law, as amended by chapter 564 of the laws of 2001, is amended to read as follows:

a. A person under twenty-one years of age who has not received a high school diploma and who is incarcerated in a correctional facility maintained by ~~[a county]~~ one or more contiguous counties or by the city of New York or in a youth shelter is eligible for educational services pursuant to this subdivision and in accordance with the regulations of the commissioner. Such services shall be provided by the school district in which the facility or youth shelter is located, within the limits of the funds allocated by the commissioner for such purposes pursuant to section thirty-six hundred two of this chapter and pursuant to a plan approved by the commissioner. School districts shall submit such plan by July fifteenth of each school year. Boards of education are authorized to contract for the provision of such educational services by a board of cooperative educational services or by another public school district.

§ 11. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 500-c of the correction law made by section three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART QQ

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

1. DOL-Child performer protection account (20401).
2. Local government records management account (20501).
3. Child health plus program account (20810).
4. EPIC premium account (20818).
5. Education - New (20901).
6. VLT - Sound basic education fund (20904).
7. Sewage treatment program management and administration fund (21000).
8. Hazardous bulk storage account (21061).
9. Utility environmental regulatory account (21064).

- 1 10. Federal grants indirect cost recovery account (21065).
- 2 11. Low level radioactive waste account (21066).
- 3 12. Recreation account (21067).
- 4 13. Public safety recovery account (21077).
- 5 14. Environmental regulatory account (21081).
- 6 15. Natural resource account (21082).
- 7 16. Mined land reclamation program account (21084).
- 8 17. Great lakes restoration initiative account (21087).
- 9 18. Environmental protection and oil spill compensation fund (21200).
- 10 19. Public transportation systems account (21401).
- 11 20. Metropolitan mass transportation (21402).
- 12 21. Operating permit program account (21451).
- 13 22. Mobile source account (21452).
- 14 23. Statewide planning and research cooperative system account
- 15 (21902).
- 16 24. New York state thruway authority account (21905).
- 17 25. Mental hygiene program fund account (21907).
- 18 26. Mental hygiene patient income account (21909).
- 19 27. Financial control board account (21911).
- 20 28. Regulation of racing account (21912).
- 21 29. State university dormitory income reimbursable account (21937).
- 22 30. Criminal justice improvement account (21945).
- 23 31. Environmental laboratory reference fee account (21959).
- 24 32. Training, management and evaluation account (21961).
- 25 33. Clinical laboratory reference system assessment account (21962).
- 26 34. Indirect cost recovery account (21978).
- 27 35. Multi-agency training account (21989).
- 28 36. Bell jar collection account (22003).
- 29 37. Industry and utility service account (22004).
- 30 38. Real property disposition account (22006).
- 31 39. Parking account (22007).
- 32 40. Courts special grants (22008).
- 33 41. Asbestos safety training program account (22009).
- 34 42. Camp Smith billeting account (22017).
- 35 43. Batavia school for the blind account (22032).
- 36 44. Investment services account (22034).
- 37 45. Surplus property account (22036).
- 38 46. Financial oversight account (22039).
- 39 47. Regulation of Indian gaming account (22046).
- 40 48. Rome school for the deaf account (22053).
- 41 49. Seized assets account (22054).
- 42 50. Administrative adjudication account (22055).
- 43 51. Federal salary sharing account (22056).
- 44 52. New York City assessment account (22062).
- 45 53. Cultural education account (22063).
- 46 54. Local services account (22078).
- 47 55. DHCR mortgage servicing account (22085).
- 48 56. Housing indirect cost recovery account (22090).
- 49 57. DHCR-HCA application fee account (22100).
- 50 58. Low income housing monitoring account (22130).
- 51 59. Corporation administration account (22135).
- 52 60. New York State Home for Veterans in the Lower-Hudson Valley
- 53 account (22144).
- 54 61. Deferred compensation administration account (22151).
- 55 62. Rent revenue other New York City account (22156).
- 56 63. Rent revenue account (22158).

1 64. Tax revenue arrearage account (22168).
2 65. New York state medical indemnity fund account (22240).
3 66. Behavioral health parity compliance fund (22246).
4 67. State university general income offset account (22654).
5 68. Lake George park trust fund account (22751).
6 69. State police motor vehicle law enforcement account (22802).
7 70. Highway safety program account (23001).
8 71. DOH drinking water program account (23102).
9 72. NYCCC operating offset account (23151).
10 73. Commercial gaming regulation account (23702).
11 74. Highway use tax administration account (23801).
12 75. New York state secure choice administrative account (23806).
13 76. Fantasy sports administration account (24951).
14 77. Highway and bridge capital account (30051).
15 78. Aviation purpose account (30053).
16 79. State university residence hall rehabilitation fund (30100).
17 80. State parks infrastructure account (30351).
18 81. Clean water/clean air implementation fund (30500).
19 82. Hazardous waste remedial cleanup account (31506).
20 83. Youth facilities improvement account (31701).
21 84. Housing assistance fund (31800).
22 85. Housing program fund (31850).
23 86. Highway facility purpose account (31951).
24 87. Information technology capital financing account (32215).
25 88. New York racing account (32213).
26 89. Capital miscellaneous gifts account (32214).
27 90. New York environmental protection and spill remediation account
28 (32219).
29 91. Mental hygiene facilities capital improvement fund (32300).
30 92. Correctional facilities capital improvement fund (32350).
31 93. New York State Storm Recovery Capital Fund (33000).
32 94. OGS convention center account (50318).
33 95. Empire Plaza Gift Shop (50327).
34 96. Centralized services fund (55000).
35 97. Archives records management account (55052).
36 98. Federal single audit account (55053).
37 99. Civil service EHS occupational health program account (55056).
38 100. Banking services account (55057).
39 101. Cultural resources survey account (55058).
40 102. Neighborhood work project account (55059).
41 103. Automation & printing chargeback account (55060).
42 104. OFT NYT account (55061).
43 105. Data center account (55062).
44 106. Intrusion detection account (55066).
45 107. Domestic violence grant account (55067).
46 108. Centralized technology services account (55069).
47 109. Labor contact center account (55071).
48 110. Human services contact center account (55072).
49 111. Tax contact center account (55073).
50 112. Department of law civil recoveries account (55074).
51 113. Executive direction internal audit account (55251).
52 114. CIO Information technology centralized services account (55252).
53 115. Health insurance internal service account (55300).
54 116. Civil service employee benefits division administrative account
55 (55301).
56 117. Correctional industries revolving fund (55350).

1 118. Employees health insurance account (60201).

2 119. Medicaid management information system escrow fund (60900).

3 120. New York state cannabis revenue fund.

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

10 1. Federal USDA-food and nutrition services fund (25000).

11 2. Federal health and human services fund (25100).

12 3. Federal education fund (25200).

13 4. Federal block grant fund (25250).

14 5. Federal miscellaneous operating grants fund (25300).

15 6. Federal unemployment insurance administration fund (25900).

16 7. Federal unemployment insurance occupational training fund (25950).

17 8. Federal emergency employment act fund (26000).

18 9. Federal capital projects fund (31350).

19 § 2. Notwithstanding any law to the contrary, and in accordance with
20 section 4 of the state finance law, the comptroller is hereby authorized
21 and directed to transfer, upon request of the director of the budget, on
22 or before March 31, 2022, up to the unencumbered balance or the follow-
23 ing amounts:

24 Economic Development and Public Authorities:

25 1. \$1,175,000 from the miscellaneous special revenue fund, underground
26 facilities safety training account (22172), to the general fund.

27 2. An amount up to the unencumbered balance from the miscellaneous
28 special revenue fund, business and licensing services account (21977),
29 to the general fund.

30 3. \$14,810,000 from the miscellaneous special revenue fund, code
31 enforcement account (21904), to the general fund.

32 4. \$3,000,000 from the general fund to the miscellaneous special
33 revenue fund, tax revenue arrearage account (22168).

34 Education:

35 1. \$2,520,000,000 from the general fund to the state lottery fund,
36 education account (20901), as reimbursement for disbursements made from
37 such fund for supplemental aid to education pursuant to section 92-c of
38 the state finance law that are in excess of the amounts deposited in
39 such fund for such purposes pursuant to section 1612 of the tax law.

40 2. \$746,000,000 from the general fund to the state lottery fund, VLT
41 education account (20904), as reimbursement for disbursements made from
42 such fund for supplemental aid to education pursuant to section 92-c of
43 the state finance law that are in excess of the amounts deposited in
44 such fund for such purposes pursuant to section 1612 of the tax law.

45 3. \$125,600,000 from the general fund to the New York state commercial
46 gaming fund, commercial gaming revenue account (23701), as reimbursement
47 for disbursements made from such fund for supplemental aid to education
48 pursuant to section 97-nnnn of the state finance law that are in excess
49 of the amounts deposited in such fund for purposes pursuant to section
50 1352 of the racing, pari-mutuel wagering and breeding law.

51 4. \$6,000,000 from the interactive fantasy sports fund, fantasy sports
52 education account (24950), to the state lottery fund, education account
53 (20901), as reimbursement for disbursements made from such fund for
54 supplemental aid to education pursuant to section 92-c of the state
55 finance law.

1 5. An amount up to the unencumbered balance from the charitable gifts
2 trust fund, elementary and secondary education account (24901), to the
3 general fund, for payment of general support for public schools pursuant
4 to section 3609-a of the education law.

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

9 7. \$300,000 from the New York state local government records manage-
10 ment improvement fund, local government records management account
11 (20501), to the New York state archives partnership trust fund, archives
12 partnership trust maintenance account (20351).

13 8. \$900,000 from the general fund to the miscellaneous special revenue
14 fund, Batavia school for the blind account (22032).

15 9. \$900,000 from the general fund to the miscellaneous special revenue
16 fund, Rome school for the deaf account (22053).

17 10. \$343,400,000 from the state university dormitory income fund
18 (40350) to the miscellaneous special revenue fund, state university
19 dormitory income reimbursable account (21937).

20 11. \$8,318,000 from the general fund to the state university income
21 fund, state university income offset account (22654), for the state's
22 share of repayment of the STIP loan.

23 12. \$68,000,000 from the state university income fund, state universi-
24 ty hospitals income reimbursable account (22656) to the general fund for
25 hospital debt service for the period April 1, 2021 through March 31,
26 2022.

27 13. \$7,850,000 from the miscellaneous special revenue fund, office of
28 the professions account (22051), to the miscellaneous capital projects
29 fund, office of the professions electronic licensing account (32222).

30 14. \$24,000,000 from any of the state education department's special
31 revenue and internal service funds to the miscellaneous special revenue
32 fund, indirect cost recovery account (21978).

33 15. \$4,200,000 from any of the state education department's special
34 revenue or internal service funds to the capital projects fund (30000).

35 16. \$1,500,000 from the miscellaneous special revenue fund, office of
36 the professions account (22051), to the general fund from fees charged
37 to each non-licensee owner of a firm that is incorporating as a profes-
38 sional service corporation formed to lawfully engage in the practice of
39 public accountancy.

40 17. \$12,500,000 from the School Capital Facilities Financing Reserve
41 Fund to the Capital Projects Fund account (30000), for excess debt
42 service reserve fund balances related to bonds that have been fully
43 retired. Such excess funds shall be used to support the development of
44 a modernized State aid data system for the education department.

45 Environmental Affairs:

46 1. \$16,000,000 from any of the department of environmental conserva-
47 tion's special revenue federal funds, and/or federal capital funds, to
48 the environmental conservation special revenue fund, federal indirect
49 recovery account (21065).

50 2. \$5,000,000 from any of the department of environmental conserva-
51 tion's special revenue federal funds, and/or federal capital funds, to
52 the conservation fund (21150) or Marine Resources Account (21151) as
53 necessary to avoid diversion of conservation funds.

54 3. \$3,000,000 from any of the office of parks, recreation and historic
55 preservation capital projects federal funds and special revenue federal

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

3 4. \$1,000,000 from any of the office of parks, recreation and historic
4 preservation special revenue federal funds to the miscellaneous capital
5 projects fund, I love NY water account (32212).

6 5. \$28,000,000 from the general fund to the environmental protection
7 fund, environmental protection fund transfer account (30451).

8 6. \$1,800,000 from the general fund to the hazardous waste remedial
9 fund, hazardous waste oversight and assistance account (31505).

10 7. An amount up to or equal to the cash balance within the special
11 revenue-other waste management & cleanup account (21053) to the capital
12 projects fund (30000) for services and capital expenses related to the
13 management and cleanup program as put forth in section 27-1915 of the
14 environmental conservation law.

15 8. \$1,800,000 from the miscellaneous special revenue fund, public
16 service account (22011) to the miscellaneous special revenue fund, util-
17 ity environmental regulatory account (21064).

18 9. \$7,000,000 from the general fund to the enterprise fund, state fair
19 account (50051).

20 10. \$4,000,000 from the waste management & cleanup account (21053) to
21 the general fund.

22 11. \$3,000,000 from the waste management & cleanup account (21053) to
23 the environmental protection fund transfer account (30451).

24 Family Assistance:

25 1. \$7,000,000 from any of the office of children and family services,
26 office of temporary and disability assistance, or department of health
27 special revenue federal funds and the general fund, in accordance with
28 agreements with social services districts, to the miscellaneous special
29 revenue fund, office of human resources development state match account
30 (21967).

31 2. \$4,000,000 from any of the office of children and family services
32 or office of temporary and disability assistance special revenue federal
33 funds to the miscellaneous special revenue fund, family preservation and
34 support services and family violence services account (22082).

35 3. \$18,670,000 from any of the office of children and family services,
36 office of temporary and disability assistance, or department of health
37 special revenue federal funds and any other miscellaneous revenues
38 generated from the operation of office of children and family services
39 programs to the general fund.

40 4. \$175,000,000 from any of the office of temporary and disability
41 assistance or department of health special revenue funds to the general
42 fund.

43 5. \$2,500,000 from any of the office of temporary and disability
44 assistance special revenue funds to the miscellaneous special revenue
45 fund, office of temporary and disability assistance program account
46 (21980).

47 6. \$35,000,000 from any of the office of children and family services,
48 office of temporary and disability assistance, department of labor, and
49 department of health special revenue federal funds to the office of
50 children and family services miscellaneous special revenue fund, multi-
51 agency training contract account (21989).

52 7. \$205,000,000 from the miscellaneous special revenue fund, youth
53 facility per diem account (22186), to the general fund.

54 8. \$621,850 from the general fund to the combined gifts, grants, and
55 bequests fund, WB Hoyt Memorial account (20128).

1 9. \$5,000,000 from the miscellaneous special revenue fund, state
2 central registry (22028), to the general fund.

3 General Government:

4 1. \$1,566,000 from the miscellaneous special revenue fund, examination
5 and miscellaneous revenue account (22065) to the general fund.

6 2. \$12,000,000 from the general fund to the health insurance revolving
7 fund (55300).

8 3. \$292,400,000 from the health insurance reserve receipts fund
9 (60550) to the general fund.

10 4. \$150,000 from the general fund to the not-for-profit revolving loan
11 fund (20650).

12 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
13 general fund.

14 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
15 property account (22036), to the general fund.

16 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
17 arrearage account (22024), to the general fund.

18 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
19 arrearage account (22024), to the miscellaneous special revenue fund,
20 authority budget office account (22138).

21 9. \$1,000,000 from the agencies enterprise fund, parking services
22 account (22007), to the general fund, for the purpose of reimbursing the
23 costs of debt service related to state parking facilities.

24 10. \$3,435,000 from the general fund to the centralized services fund,
25 COPS account (55013).

26 11. \$11,460,000 from the general fund to the agencies internal service
27 fund, central technology services account (55069), for the purpose of
28 enterprise technology projects.

29 12. \$10,000,000 from the general fund to the agencies internal service
30 fund, state data center account (55062).

31 13. \$12,000,000 from the agencies enterprise fund, parking services
32 account (22007), to the centralized services, building support services
33 account (55018).

34 14. \$30,000,000 from the general fund to the internal service fund,
35 business services center account (55022).

36 15. \$8,000,000 from the general fund to the internal service fund,
37 building support services account (55018).

38 16. \$1,500,000 from the agencies enterprise fund, special events
39 account (20120), to the general fund.

40 Health:

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

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

49 3. A transfer from the general fund to the combined gifts, grants and
50 bequests fund, Alzheimer's disease research and assistance account
51 (20143), up to an amount equal to the moneys collected and deposited
52 into that account in the previous fiscal year.

53 4. \$20,294,000 from the HCRA resources fund (20800) to the miscella-
54 neous special revenue fund, empire state stem cell trust fund account
55 (22161).

1 5. \$2,000,000 from the miscellaneous special revenue fund, certificate
2 of need account (21920), to the miscellaneous capital projects fund,
3 healthcare IT capital subfund (32216).

4 6. \$2,000,000 from the miscellaneous special revenue fund, vital
5 health records account (22103), to the miscellaneous capital projects
6 fund, healthcare IT capital subfund (32216).

7 7. \$6,000,000 from the miscellaneous special revenue fund, profes-
8 sional medical conduct account (22088), to the miscellaneous capital
9 projects fund, healthcare IT capital subfund (32216).

10 8. \$91,304,000 from the HCRA resources fund (20800) to the capital
11 projects fund (30000).

12 9. \$6,550,000 from the general fund to the medical marihuana trust
13 fund, health operation and oversight account (23755).

14 10. An amount up to the unencumbered balance from the charitable gifts
15 trust fund, health charitable account (24900), to the general fund, for
16 payment of general support for primary, preventive, and inpatient health
17 care, dental and vision care, hunger prevention and nutritional assist-
18 ance, and other services for New York state residents with the overall
19 goal of ensuring that New York state residents have access to quality
20 health care and other related services.

21 11. \$500,000 from the miscellaneous special revenue fund, New York
22 State cannabis revenue fund, to the miscellaneous special revenue fund,
23 environmental laboratory fee account (21959).

24 12. An amount up to the unencumbered balance from the public health
25 emergency charitable gifts trust fund to the general fund, for payment
26 of goods and services necessary to respond to a public health disaster
27 emergency or to assist or aid in responding to such a disaster.

28 13. \$2,585,000 from the miscellaneous special revenue fund, patient
29 safety center account (22140), to the general fund.

30 14. \$1,000,000 from the miscellaneous special revenue fund, nursing
31 home receivership account (21925), to the general fund.

32 15. \$133,000 from the miscellaneous special revenue fund, quality of
33 care account (21915), to the general fund.

34 16. \$2,200,000 from the miscellaneous special revenue fund, adult home
35 quality enhancement account (22091), to the general fund.

36 Labor:

37 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and
38 penalty account (21923), to the child performer's protection fund, child
39 performer protection account (20401).

40 2. \$11,700,000 from the unemployment insurance interest and penalty
41 fund, unemployment insurance special interest and penalty account
42 (23601), to the general fund.

43 3. \$50,000,000 from the DOL fee and penalty account (21923), unemploy-
44 ment insurance special interest and penalty account (23601), and public
45 work enforcement account (21998), to the general fund.

46 Mental Hygiene:

47 1. \$10,000,000 from the general fund, to the miscellaneous special
48 revenue fund, federal salary sharing account (22056).

49 2. \$3,800,000 from the general fund, to the agencies internal service
50 fund, civil service EHS occupational health program account (55056).

51 3. \$3,000,000 from the chemical dependence service fund, substance
52 abuse services fund account (22700), to the mental hygiene capital
53 improvement fund (32305).

54 Public Protection:

55 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
56 management account (21944), to the general fund.

2. \$2,587,000 from the general fund to the miscellaneous special revenue fund, recruitment incentive account (22171).

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

4. \$2,000,000,000 from any of the division of homeland security and emergency services special revenue federal funds to the general fund.

5. \$11,149,000 from the miscellaneous special revenue fund, criminal justice improvement account (21945), to the general fund.

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

7. \$131,500,000 from the general fund to the correctional facilities capital improvement fund (32350).

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

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

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

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

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

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

14. \$30,500,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the general fund.

Transportation:

1. \$20,000,000 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which \$12,000,000 constitutes the base need for operations.

2. \$727,500,000 from the general fund to the dedicated highway and bridge trust fund (30050).

3. \$244,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

4. \$5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

5. \$3,000,000 from the miscellaneous special revenue fund, traffic adjudication account (22055), to the general fund.

6. \$8,557,000 from the mass transportation operating assistance fund, metropolitan mass transportation operating assistance account (21402), to the capital projects fund (30000).

7. \$5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the general fund, for disbursements made from such fund for motor carrier safety that are in excess of the

1 amounts deposited in the general fund for such purpose pursuant to
2 section 94 of the transportation law.

3 8. \$4,721,000 from the mass transportation operating assistance fund,
4 public transportation systems operating assistance account (21401), to
5 the general fund.

6 9. \$107,474,000 from the mass transportation operating assistance
7 fund, metropolitan mass transportation operating assistance account
8 (21402), to the general fund.

9 10. \$22,557,000 from the dedicated mass transportation trust fund,
10 transit account (20851), to the general fund.

11 11. \$3,985,000 from the dedicated mass transportation trust fund,
12 commuter rail account (20852), to the general fund.

13 12. \$2,372,000 from the dedicated mass transportation trust fund,
14 non-MTA account (20853), to the general fund.

15 13. \$12,552,000 from the metropolitan transportation authority finan-
16 cial assistance fund, mobility tax trust account (23651), to the general
17 fund.

18 14. \$6,552,000 from the New York central business district trust fund
19 (23653) to the general fund.

20 Miscellaneous:

21 1. \$250,000,000 from the general fund to any funds or accounts for the
22 purpose of reimbursing certain outstanding accounts receivable balances
23 or fund spending expected to be incurred to maintain essential govern-
24 mental operations which are in excess of available cash resulting from a
25 reduction of dedicated revenue sources that were waived or otherwise
26 impacted by reduced utilization directly or indirectly associated with
27 executive order and/or societal response to the novel coronavirus,
28 COVID-19.

29 2. \$500,000,000 from the general fund to the debt reduction reserve
30 fund (40000).

31 3. \$450,000,000 from the New York state storm recovery capital fund
32 (33000) to the revenue bond tax fund (40152).

33 4. \$15,500,000 from the general fund, community projects account GG
34 (10256), to the general fund, state purposes account (10050).

35 5. \$100,000,000 from any special revenue federal fund to the general
36 fund, state purposes account (10050).

37 § 3. Notwithstanding any law to the contrary, and in accordance with
38 section 4 of the state finance law, the comptroller is hereby authorized
39 and directed to transfer, on or before March 31, 2022:

40 1. Upon request of the commissioner of environmental conservation, up
41 to \$12,745,400 from revenues credited to any of the department of envi-
42 ronmental conservation special revenue funds, including \$4,000,000 from
43 the environmental protection and oil spill compensation fund (21200),
44 and \$1,834,600 from the conservation fund (21150), to the environmental
45 conservation special revenue fund, indirect charges account (21060).

46 2. Upon request of the commissioner of agriculture and markets, up to
47 \$3,000,000 from any special revenue fund or enterprise fund within the
48 department of agriculture and markets to the general fund, to pay appro-
49 priate administrative expenses.

50 3. Upon request of the commissioner of agriculture and markets, up to
51 \$2,000,000 from the state exposition special fund, state fair receipts
52 account (50051) to the miscellaneous capital projects fund, state fair
53 capital improvement account (32208).

54 4. Upon request of the commissioner of the division of housing and
55 community renewal, up to \$6,221,000 from revenues credited to any divi-
56 sion of housing and community renewal federal or miscellaneous special

1 revenue fund to the miscellaneous special revenue fund, housing indirect
2 cost recovery account (22090).

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

7 6. Upon request of the commissioner of health up to \$13,225,000 from
8 revenues credited to any of the department of health's special revenue
9 funds, to the miscellaneous special revenue fund, administration account
10 (21982).

11 § 4. On or before March 31, 2022, the comptroller is hereby authorized
12 and directed to deposit earnings that would otherwise accrue to the
13 general fund that are attributable to the operation of section 98-a of
14 the state finance law, to the agencies internal service fund, banking
15 services account (55057), for the purpose of meeting direct payments
16 from such account.

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

24 § 6. Notwithstanding any law to the contrary, and in accordance with
25 section 4 of the state finance law, the comptroller is hereby authorized
26 and directed to transfer, upon request of the director of the budget and
27 upon consultation with the state university chancellor or his or her
28 designee, on or before March 31, 2022, up to \$16,000,000 from the state
29 university income fund general revenue account (22653) to the state
30 general fund for debt service costs related to campus supported capital
31 project costs for the NY-SUNY 2020 challenge grant program at the
32 University at Buffalo.

33 § 7. Notwithstanding any law to the contrary, and in accordance with
34 section 4 of the state finance law, the comptroller is hereby authorized
35 and directed to transfer, upon request of the director of the budget and
36 upon consultation with the state university chancellor or his or her
37 designee, on or before March 31, 2022, up to \$6,500,000 from the state
38 university income fund general revenue account (22653) to the state
39 general fund for debt service costs related to campus supported capital
40 project costs for the NY-SUNY 2020 challenge grant program at the
41 University at Albany.

42 § 8. Notwithstanding any law to the contrary, the state university
43 chancellor or his or her designee is authorized and directed to transfer
44 estimated tuition revenue balances from the state university collection
45 fund (61000) to the state university income fund, state university
46 general revenue offset account (22655) on or before March 31, 2022.

47 § 9. Notwithstanding any law to the contrary, and in accordance with
48 section 4 of the state finance law, the comptroller is hereby authorized
49 and directed to transfer, upon request of the director of the budget, up
50 to \$978,934,300 from the general fund to the state university income
51 fund, state university general revenue offset account (22655) during the
52 period of July 1, 2021 through June 30, 2022 to support operations at
53 the state university.

54 § 10. Notwithstanding any law to the contrary, and in accordance with
55 section 4 of the state finance law, the comptroller is hereby authorized
56 and directed to transfer, upon request of the director of the budget, up

1 to \$20,000,000 from the general fund to the state university income
2 fund, state university general revenue offset account (22655) during the
3 period of July 1, 2021 to June 30, 2022 to support operations at the
4 state university in accordance with the maintenance of effort pursuant
5 to subparagraph (4) of paragraph h of subdivision 2 of section 355 of
6 the education law.

7 § 11. Notwithstanding any law to the contrary, and in accordance with
8 section 4 of the state finance law, the comptroller is hereby authorized
9 and directed to transfer, upon request of the state university chancel-
10 lor or his or her designee, up to \$55,000,000 from the state university
11 income fund, state university hospitals income reimbursable account
12 (22656), for services and expenses of hospital operations and capital
13 expenditures at the state university hospitals; and the state university
14 income fund, Long Island veterans' home account (22652) to the state
15 university capital projects fund (32400) on or before June 30, 2022.

16 § 12. Notwithstanding any law to the contrary, and in accordance with
17 section 4 of the state finance law, the comptroller, after consultation
18 with the state university chancellor or his or her designee, is hereby
19 authorized and directed to transfer moneys, in the first instance, from
20 the state university collection fund, Stony Brook hospital collection
21 account (61006), Brooklyn hospital collection account (61007), and Syra-
22 cuse hospital collection account (61008) to the state university income
23 fund, state university hospitals income reimbursable account (22656) in
24 the event insufficient funds are available in the state university
25 income fund, state university hospitals income reimbursable account
26 (22656) to permit the full transfer of moneys authorized for transfer,
27 to the general fund for payment of debt service related to the SUNY
28 hospitals. Notwithstanding any law to the contrary, the comptroller is
29 also hereby authorized and directed, after consultation with the state
30 university chancellor or his or her designee, to transfer moneys from
31 the state university income fund to the state university income fund,
32 state university hospitals income reimbursable account (22656) in the
33 event insufficient funds are available in the state university income
34 fund, state university hospitals income reimbursable account (22656) to
35 pay hospital operating costs or to permit the full transfer of moneys
36 authorized for transfer, to the general fund for payment of debt service
37 related to the SUNY hospitals on or before March 31, 2022.

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

47 § 14. Notwithstanding any law to the contrary, and in accordance with
48 section 4 of the state finance law, the comptroller is hereby authorized
49 and directed to transfer, at the request of the director of the budget,
50 up to \$1 billion from the unencumbered balance of any special revenue
51 fund or account, agency fund or account, internal service fund or
52 account, enterprise fund or account, or any combination of such funds
53 and accounts, to the general fund. The amounts transferred pursuant to
54 this authorization shall be in addition to any other transfers expressly
55 authorized in the 2021-22 budget. Transfers from federal funds, debt
56 service funds, capital projects funds, the community projects fund, or

1 funds that would result in the loss of eligibility for federal benefits
2 or federal funds pursuant to federal law, rule, or regulation as assent-
3 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
4 1951 are not permitted pursuant to this authorization.

5 § 15. Notwithstanding any law to the contrary, and in accordance with
6 section 4 of the state finance law, the comptroller is hereby authorized
7 and directed to transfer, at the request of the director of the budget,
8 up to \$100 million from any non-general fund or account, or combination
9 of funds and accounts, to the miscellaneous special revenue fund, tech-
10 nology financing account (22207), the miscellaneous capital projects
11 fund, the federal capital projects account (31350), information technol-
12 ogy capital financing account (32215), or the centralized technology
13 services account (55069), for the purpose of consolidating technology
14 procurement and services. The amounts transferred to the miscellaneous
15 special revenue fund, technology financing account (22207) pursuant to
16 this authorization shall be equal to or less than the amount of such
17 monies intended to support information technology costs which are
18 attributable, according to a plan, to such account made in pursuance to
19 an appropriation by law. Transfers to the technology financing account
20 shall be completed from amounts collected by non-general funds or
21 accounts pursuant to a fund deposit schedule or permanent statute, and
22 shall be transferred to the technology financing account pursuant to a
23 schedule agreed upon by the affected agency commissioner. Transfers from
24 funds that would result in the loss of eligibility for federal benefits
25 or federal funds pursuant to federal law, rule, or regulation as assent-
26 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
27 1951 are not permitted pursuant to this authorization.

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

44 § 17. Notwithstanding any provision of law to the contrary, as deemed
45 feasible and advisable by its trustees, the power authority of the state
46 of New York is authorized and directed to transfer to the state treasury
47 to the credit of the general fund up to \$20,000,000 for the state fiscal
48 year commencing April 1, 2021, the proceeds of which will be utilized to
49 support energy-related state activities.

50 § 18. Notwithstanding any provision of law, rule or regulation to the
51 contrary, the New York state energy research and development authority
52 is authorized and directed to make the following contributions to the
53 state treasury to the credit of the general fund on or before March 31,
54 2022: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the
55 authority from the auction or sale of carbon dioxide emission allowances
56 allocated by the department of environmental conservation.

§ 19. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to transfer five million dollars to the credit of the Environmental Protection Fund on or before March 31, 2022 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 20. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 20 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand ~~twenty~~ twenty-one, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to ~~[\$2,073,116,000]~~ \$586,503,000, as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand ~~twenty~~ twenty-one.

§ 21. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2022, the following amounts from the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

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

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

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

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

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

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

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

8. \$7,502,241 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

9. \$135,656,957 from the miscellaneous special revenue fund, state university revenue offset account (22655).

10. \$49,329,802 from the state university dormitory income fund, state university dormitory income fund (40350).

11. \$1,000,000 from the miscellaneous special revenue fund, litigation settlement and civil recovery account (22117).

§ 22. Subdivision 5 of section 4 of the state finance law, as amended by section 16 of part PP of chapter 56 of the laws of 2009, is amended to read as follows:

5. No money or other financial resources shall be transferred or temporarily loaned from one fund to another without specific statutory

1 authorization for such transfer or temporary loan, except that money or
2 other financial resources of a fund may be temporarily loaned to the
3 general fund during the state fiscal year provided that such loan shall
4 be repaid in full no later than ~~[(a) four months after it was made or~~
5 ~~(b) by]~~ the end of the same fiscal year in which it was made, ~~[whichever~~
6 ~~period is shorter,~~] so that an accurate accounting and reporting of the
7 balance of financial resources in each fund may be made. The comptroller
8 is hereby authorized to temporarily loan money from the general fund or
9 any other fund to the fund/accounts that are authorized to receive a
10 loan. Such loans shall be limited to the amounts immediately required to
11 meet disbursements, made in pursuance of an appropriation by law and
12 authorized by a certificate of approval issued by the director of the
13 budget with copies thereof filed with the comptroller and the chair of
14 the senate finance committee and the chair of the assembly ways and
15 means committee. The director of the budget shall not issue such a
16 certificate unless he or she shall have determined that the amounts to
17 be so loaned are receivable on account. When making loans, the comp-
18 troller shall establish appropriate accounts and if the loan is not
19 repaid by the end of the month, provide on or before the fifteenth day
20 of the following month to the director of the budget, the chair of the
21 senate finance committee and the chair of the assembly ways and means
22 committee, an accurate accounting and report of the financial resources
23 of each such fund at the end of such month. Within ten days of the
24 receipt of such accounting and reporting, the director of the budget
25 shall provide the comptroller and the chair of the senate finance
26 committee and the chair of the assembly ways and means committee an
27 expected schedule of repayment by fund and by source for each outstand-
28 ing loan. Repayment shall be made by the comptroller from the first cash
29 receipt of this fund.

30 § 23. The opening paragraph of subdivision 3 of section 93-b of the
31 state finance law, as amended by section 1 of part M of chapter 57 of
32 the laws of 2016, is amended to read as follows:

33 Notwithstanding any other provisions of law to the contrary, ~~[commenc-~~
34 ~~ing on April first, two thousand fifteen, and continuing through March~~
35 ~~thirty-first, two thousand twenty-one,~~] the comptroller is hereby
36 authorized to transfer monies from the dedicated infrastructure invest-
37 ment fund to the general fund, and from the general fund to the dedi-
38 cated infrastructure investment fund, in an amount determined by the
39 director of the budget to the extent moneys are available in the fund;
40 provided, however, that the comptroller is only authorized to transfer
41 monies from the dedicated infrastructure investment fund to the general
42 fund in the event of an economic downturn as described in paragraph (a)
43 of this subdivision; and/or to fulfill disallowances and/or settlements
44 related to over-payments of federal medicare and medicaid revenues in
45 excess of one hundred million dollars from anticipated levels, as deter-
46 mined by the director of the budget and described in paragraph (b) of
47 this subdivision.

48 § 24. Notwithstanding any other law, rule, or regulation to the
49 contrary, the state comptroller is hereby authorized and directed to use
50 any balance remaining in the mental health services fund debt service
51 appropriation, after payment by the state comptroller of all obligations
52 required pursuant to any lease, sublease, or other financing arrangement
53 between the dormitory authority of the state of New York as successor to
54 the New York state medical care facilities finance agency, and the
55 facilities development corporation pursuant to chapter 83 of the laws of
56 1995 and the department of mental hygiene for the purpose of making

1 payments to the dormitory authority of the state of New York for the
2 amount of the earnings for the investment of monies deposited in the
3 mental health services fund that such agency determines will or may have
4 to be rebated to the federal government pursuant to the provisions of
5 the internal revenue code of 1986, as amended, in order to enable such
6 agency to maintain the exemption from federal income taxation on the
7 interest paid to the holders of such agency's mental services facilities
8 improvement revenue bonds. Annually on or before each June 30th, such
9 agency shall certify to the state comptroller its determination of the
10 amounts received in the mental health services fund as a result of the
11 investment of monies deposited therein that will or may have to be
12 rebated to the federal government pursuant to the provisions of the
13 internal revenue code of 1986, as amended.

14 § 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws
15 of 1997, relating to the financing of the correctional facilities
16 improvement fund and the youth facility improvement fund, as amended by
17 section 28 of part JJ of chapter 56 of the laws of 2020, is amended to
18 read as follows:

19 1. Subject to the provisions of chapter 59 of the laws of 2000, but
20 notwithstanding the provisions of section 18 of section 1 of chapter 174
21 of the laws of 1968, the New York state urban development corporation is
22 hereby authorized to issue bonds, notes and other obligations in an
23 aggregate principal amount not to exceed [~~eight billion eight hundred~~
24 ~~seventeen million two hundred ninety-nine thousand dollars~~
25 ~~\$8,817,299,000~~] nine billion one hundred thirty-nine million six hundred
26 nineteen thousand dollars \$9,139,619,000, and shall include all bonds,
27 notes and other obligations issued pursuant to chapter 56 of the laws of
28 1983, as amended or supplemented. The proceeds of such bonds, notes or
29 other obligations shall be paid to the state, for deposit in the correc-
30 tional facilities capital improvement fund to pay for all or any portion
31 of the amount or amounts paid by the state from appropriations or reap-
32 propriations made to the department of corrections and community super-
33 vision from the correctional facilities capital improvement fund for
34 capital projects. The aggregate amount of bonds, notes or other obli-
35 gations authorized to be issued pursuant to this section shall exclude
36 bonds, notes or other obligations issued to refund or otherwise repay
37 bonds, notes or other obligations theretofore issued, the proceeds of
38 which were paid to the state for all or a portion of the amounts
39 expended by the state from appropriations or reappropriations made to
40 the department of corrections and community supervision; provided,
41 however, that upon any such refunding or repayment the total aggregate
42 principal amount of outstanding bonds, notes or other obligations may be
43 greater than [~~eight billion eight hundred seventeen million two hundred~~
44 ~~ninety-nine thousand dollars \$8,817,299,000~~] nine billion one hundred
45 thirty-nine million six hundred nineteen thousand dollars
46 \$9,139,619,000, only if the present value of the aggregate debt service
47 of the refunding or repayment bonds, notes or other obligations to be
48 issued shall not exceed the present value of the aggregate debt service
49 of the bonds, notes or other obligations so to be refunded or repaid.
50 For the purposes hereof, the present value of the aggregate debt service
51 of the refunding or repayment bonds, notes or other obligations and of
52 the aggregate debt service of the bonds, notes or other obligations so
53 refunded or repaid, shall be calculated by utilizing the effective
54 interest rate of the refunding or repayment bonds, notes or other obli-
55 gations, which shall be that rate arrived at by doubling the semi-annual
56 interest rate (compounded semi-annually) necessary to discount the debt

1 service payments on the refunding or repayment bonds, notes or other
2 obligations from the payment dates thereof to the date of issue of the
3 refunding or repayment bonds, notes or other obligations and to the
4 price bid including estimated accrued interest or proceeds received by
5 the corporation including estimated accrued interest from the sale ther-
6 eof.

7 § 26. Subdivision (a) of section 27 of part Y of chapter 61 of the
8 laws of 2005, relating to providing for the administration of certain
9 funds and accounts related to the 2005-2006 budget, as amended by
10 section 29 of part JJ of chapter 56 of the laws of 2020, is amended to
11 read as follows:

12 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
13 notwithstanding any provisions of law to the contrary, the urban devel-
14 opment corporation is hereby authorized to issue bonds or notes in one
15 or more series in an aggregate principal amount not to exceed [~~three~~
16 ~~hundred twenty-three million one hundred thousand dollars \$323,100,000~~]
17 three hundred seventy-four million six hundred thousand dollars
18 \$374,600,000, excluding bonds issued to finance one or more debt service
19 reserve funds, to pay costs of issuance of such bonds, and bonds or
20 notes issued to refund or otherwise repay such bonds or notes previously
21 issued, for the purpose of financing capital projects including IT
22 initiatives for the division of state police, debt service and leases;
23 and to reimburse the state general fund for disbursements made therefor.
24 Such bonds and notes of such authorized issuer shall not be a debt of
25 the state, and the state shall not be liable thereon, nor shall they be
26 payable out of any funds other than those appropriated by the state to
27 such authorized issuer for debt service and related expenses pursuant to
28 any service contract executed pursuant to subdivision (b) of this
29 section and such bonds and notes shall contain on the face thereof a
30 statement to such effect. Except for purposes of complying with the
31 internal revenue code, any interest income earned on bond proceeds shall
32 only be used to pay debt service on such bonds.

33 § 27. Subdivision 3 of section 1285-p of the public authorities law,
34 as amended by section 30 of part JJ of chapter 56 of the laws of 2020,
35 is amended to read as follows:

36 3. The maximum amount of bonds that may be issued for the purpose of
37 financing environmental infrastructure projects authorized by this
38 section shall be [~~six billion three hundred seventy-four million ten~~
39 ~~thousand dollars \$6,374,010,000~~] seven billion one hundred thirty
40 million ten thousand dollars \$7,130,010,000, exclusive of bonds issued
41 to fund any debt service reserve funds, pay costs of issuance of such
42 bonds, and bonds or notes issued to refund or otherwise repay bonds or
43 notes previously issued. Such bonds and notes of the corporation shall
44 not be a debt of the state, and the state shall not be liable thereon,
45 nor shall they be payable out of any funds other than those appropriated
46 by the state to the corporation for debt service and related expenses
47 pursuant to any service contracts executed pursuant to subdivision one
48 of this section, and such bonds and notes shall contain on the face
49 thereof a statement to such effect.

50 § 28. Subdivision (a) of section 48 of part K of chapter 81 of the
51 laws of 2002, relating to providing for the administration of certain
52 funds and accounts related to the 2002-2003 budget, as amended by
53 section 31 of part JJ of chapter 56 of the laws of 2020, is amended to
54 read as follows:

55 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
56 notwithstanding the provisions of section 18 of the urban development

1 corporation act, the corporation is hereby authorized to issue bonds or
2 notes in one or more series in an aggregate principal amount not to
3 exceed [~~three hundred fourteen million dollars \$314,000,000~~] three
4 hundred forty-seven million five hundred thousand dollars \$347,500,000,
5 excluding bonds issued to fund one or more debt service reserve funds,
6 to pay costs of issuance of such bonds, and bonds or notes issued to
7 refund or otherwise repay such bonds or notes previously issued, for the
8 purpose of financing capital costs related to homeland security and
9 training facilities for the division of state police, the division of
10 military and naval affairs, and any other state agency, including the
11 reimbursement of any disbursements made from the state capital projects
12 fund, and is hereby authorized to issue bonds or notes in one or more
13 series in an aggregate principal amount not to exceed [~~\$1,115,800,000~~
14 ~~one billion one hundred fifteen million eight hundred thousand dollars~~]
15 one billion two hundred seventy-eight million eight hundred thousand
16 dollars \$1,278,800,000, excluding bonds issued to fund one or more debt
17 service reserve funds, to pay costs of issuance of such bonds, and bonds
18 or notes issued to refund or otherwise repay such bonds or notes previ-
19 ously issued, for the purpose of financing improvements to State office
20 buildings and other facilities located statewide, including the
21 reimbursement of any disbursements made from the state capital projects
22 fund. Such bonds and notes of the corporation shall not be a debt of the
23 state, and the state shall not be liable thereon, nor shall they be
24 payable out of any funds other than those appropriated by the state to
25 the corporation for debt service and related expenses pursuant to any
26 service contracts executed pursuant to subdivision (b) of this section,
27 and such bonds and notes shall contain on the face thereof a statement
28 to such effect.

29 § 29. Paragraph (c) of subdivision 19 of section 1680 of the public
30 authorities law, as amended by section 32 of part JJ of chapter 56 of
31 the laws of 2020, is amended to read as follows:

32 (c) Subject to the provisions of chapter fifty-nine of the laws of two
33 thousand, the dormitory authority shall not issue any bonds for state
34 university educational facilities purposes if the principal amount of
35 bonds to be issued when added to the aggregate principal amount of bonds
36 issued by the dormitory authority on and after July first, nineteen
37 hundred eighty-eight for state university educational facilities will
38 exceed [~~fourteen billion seven hundred forty-one million eight hundred~~
39 ~~sixty-four thousand dollars \$14,741,864,000~~] fifteen billion four
40 hundred fifty-five million eight hundred sixty-four thousand dollars
41 \$15,455,864,000; provided, however, that bonds issued or to be issued
42 shall be excluded from such limitation if: (1) such bonds are issued to
43 refund state university construction bonds and state university
44 construction notes previously issued by the housing finance agency; or
45 (2) such bonds are issued to refund bonds of the authority or other
46 obligations issued for state university educational facilities purposes
47 and the present value of the aggregate debt service on the refunding
48 bonds does not exceed the present value of the aggregate debt service on
49 the bonds refunded thereby; provided, further that upon certification by
50 the director of the budget that the issuance of refunding bonds or other
51 obligations issued between April first, nineteen hundred ninety-two and
52 March thirty-first, nineteen hundred ninety-three will generate long
53 term economic benefits to the state, as assessed on a present value
54 basis, such issuance will be deemed to have met the present value test
55 noted above. For purposes of this subdivision, the present value of the
56 aggregate debt service of the refunding bonds and the aggregate debt

1 service of the bonds refunded, shall be calculated by utilizing the true
2 interest cost of the refunding bonds, which shall be that rate arrived
3 at by doubling the semi-annual interest rate (compounded semi-annually)
4 necessary to discount the debt service payments on the refunding bonds
5 from the payment dates thereof to the date of issue of the refunding
6 bonds to the purchase price of the refunding bonds, including interest
7 accrued thereon prior to the issuance thereof. The maturity of such
8 bonds, other than bonds issued to refund outstanding bonds, shall not
9 exceed the weighted average economic life, as certified by the state
10 university construction fund, of the facilities in connection with which
11 the bonds are issued, and in any case not later than the earlier of
12 thirty years or the expiration of the term of any lease, sublease or
13 other agreement relating thereto; provided that no note, including
14 renewals thereof, shall mature later than five years after the date of
15 issuance of such note. The legislature reserves the right to amend or
16 repeal such limit, and the state of New York, the dormitory authority,
17 the state university of New York, and the state university construction
18 fund are prohibited from covenanting or making any other agreements with
19 or for the benefit of bondholders which might in any way affect such
20 right.

21 § 30. Paragraph (c) of subdivision 14 of section 1680 of the public
22 authorities law, as amended by section 33 of part JJ of chapter 56 of
23 the laws of 2020, is amended to read as follows:

24 (c) Subject to the provisions of chapter fifty-nine of the laws of two
25 thousand, (i) the dormitory authority shall not deliver a series of
26 bonds for city university community college facilities, except to refund
27 or to be substituted for or in lieu of other bonds in relation to city
28 university community college facilities pursuant to a resolution of the
29 dormitory authority adopted before July first, nineteen hundred eighty-
30 five or any resolution supplemental thereto, if the principal amount of
31 bonds so to be issued when added to all principal amounts of bonds
32 previously issued by the dormitory authority for city university commu-
33 nity college facilities, except to refund or to be substituted in lieu
34 of other bonds in relation to city university community college facili-
35 ties will exceed the sum of four hundred twenty-five million dollars and
36 (ii) the dormitory authority shall not deliver a series of bonds issued
37 for city university facilities, including community college facilities,
38 pursuant to a resolution of the dormitory authority adopted on or after
39 July first, nineteen hundred eighty-five, except to refund or to be
40 substituted for or in lieu of other bonds in relation to city university
41 facilities and except for bonds issued pursuant to a resolution supple-
42 mental to a resolution of the dormitory authority adopted prior to July
43 first, nineteen hundred eighty-five, if the principal amount of bonds so
44 to be issued when added to the principal amount of bonds previously
45 issued pursuant to any such resolution, except bonds issued to refund or
46 to be substituted for or in lieu of other bonds in relation to city
47 university facilities, will exceed [~~nine billion two hundred twenty-two~~
48 ~~million seven hundred thirty-two thousand dollars \$9,222,732,000~~] nine
49 billion five hundred forty-eight million eight hundred thirty thousand
50 dollars \$9,548,830,000. The legislature reserves the right to amend or
51 repeal such limit, and the state of New York, the dormitory authority,
52 the city university, and the fund are prohibited from covenanting or
53 making any other agreements with or for the benefit of bondholders which
54 might in any way affect such right.

§ 31. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 34 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [~~one billion fifty-one million six hundred forty thousand dollars \$1,051,640,000~~] one billion sixty-six million two hundred fifty-seven thousand dollars \$1,066,257,000. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

§ 32. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 35 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~eight hundred forty million three hundred fifteen thousand dollars \$840,315,000~~] eight hundred seventy-six million fifteen thousand dollars \$876,015,000, which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~eight hundred forty million three hundred fifteen thousand dollars \$840,315,000~~] eight hundred seventy-six million fifteen thousand dollars \$876,015,000, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate

(compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 33. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by section 36 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding [~~nine billion nine hundred twenty-seven million two hundred seventy-six thousand dollars \$9,927,276,000~~] ten billion four hundred seventy-six million seven hundred seventy-three thousand dollars \$10,476,773,000, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than [~~nine billion nine hundred twenty-seven million two hundred seventy-six thousand dollars \$9,927,276,000~~] ten billion four hundred seventy-six million seven hundred seventy-three thousand dollars \$10,476,773,000, only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or

1 repaid. For purposes hereof, the present values of the aggregate debt
2 service of the refunding or repayment bonds, notes or other obligations
3 and of the aggregate debt service of the bonds, notes or other obli-
4 gations so refunded or repaid, shall be calculated by utilizing the
5 effective interest rate of the refunding or repayment bonds, notes or
6 other obligations, which shall be that rate arrived at by doubling the
7 semi-annual interest rate (compounded semi-annually) necessary to
8 discount the debt service payments on the refunding or repayment bonds,
9 notes or other obligations from the payment dates thereof to the date of
10 issue of the refunding or repayment bonds, notes or other obligations
11 and to the price bid including estimated accrued interest or proceeds
12 received by the authority including estimated accrued interest from the
13 sale thereof. Such bonds, other than bonds issued to refund outstanding
14 bonds, shall be scheduled to mature over a term not to exceed the aver-
15 age useful life, as certified by the facilities development corporation,
16 of the projects for which the bonds are issued, and in any case shall
17 not exceed thirty years and the maximum maturity of notes or any
18 renewals thereof shall not exceed five years from the date of the
19 original issue of such notes. Notwithstanding the provisions of this
20 section, the agency shall have the power and is hereby authorized to
21 issue mental health services facilities improvement bonds and/or mental
22 health services facilities improvement notes to refund outstanding
23 mental hygiene improvement bonds authorized to be issued pursuant to the
24 provisions of section 47-b of the private housing finance law and the
25 amount of bonds issued or outstanding for such purposes shall not be
26 included for purposes of determining the amount of bonds issued pursuant
27 to this section. The director of the budget shall allocate the aggregate
28 principal authorized to be issued by the agency among the office of
29 mental health, office for people with developmental disabilities, and
30 the office of addiction services and supports, in consultation with
31 their respective commissioners to finance bondable appropriations previ-
32 ously approved by the legislature.

33 § 34. Subdivision (a) of section 28 of part Y of chapter 61 of the
34 laws of 2005, relating to providing for the administration of certain
35 funds and accounts related to the 2005-2006 budget, as amended by
36 section 37 of part JJ of chapter 56 of the laws of 2020, is amended to
37 read as follows:

38 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
39 notwithstanding any provisions of law to the contrary, one or more
40 authorized issuers as defined by section 68-a of the state finance law
41 are hereby authorized to issue bonds or notes in one or more series in
42 an aggregate principal amount not to exceed [~~one hundred fifty-seven~~
43 ~~million dollars \$157,000,000~~] one hundred seventy-two million dollars
44 \$172,000,000, excluding bonds issued to finance one or more debt service
45 reserve funds, to pay costs of issuance of such bonds, and bonds or
46 notes issued to refund or otherwise repay such bonds or notes previously
47 issued, for the purpose of financing capital projects for public
48 protection facilities in the Division of Military and Naval Affairs,
49 debt service and leases; and to reimburse the state general fund for
50 disbursements made therefor. Such bonds and notes of such authorized
51 issuer shall not be a debt of the state, and the state shall not be
52 liable thereon, nor shall they be payable out of any funds other than
53 those appropriated by the state to such authorized issuer for debt
54 service and related expenses pursuant to any service contract executed
55 pursuant to subdivision (b) of this section and such bonds and notes
56 shall contain on the face thereof a statement to such effect. Except for

1 purposes of complying with the internal revenue code, any interest
2 income earned on bond proceeds shall only be used to pay debt service on
3 such bonds.

4 § 35. Section 53 of section 1 of chapter 174 of the laws of 1968,
5 constituting the New York state urban development corporation act, as
6 amended by section 38 of part JJ of chapter 56 of the laws of 2020, is
7 amended to read as follows:

8 § 53. 1. Notwithstanding the provisions of any other law to the
9 contrary, the dormitory authority and the urban development corporation
10 are hereby authorized to issue bonds or notes in one or more series for
11 the purpose of funding project costs for the acquisition of equipment,
12 including but not limited to the creation or modernization of informa-
13 tion technology systems and related research and development equipment,
14 health and safety equipment, heavy equipment and machinery, the creation
15 or improvement of security systems, and laboratory equipment and other
16 state costs associated with such capital projects. The aggregate princi-
17 pal amount of bonds authorized to be issued pursuant to this section
18 shall not exceed [~~one hundred~~ two hundred ninety-three million dollars
19 [~~\$193,000,000~~ \$293,000,000, excluding bonds issued to fund one or more
20 debt service reserve funds, to pay costs of issuance of such bonds, and
21 bonds or notes issued to refund or otherwise repay such bonds or notes
22 previously issued. Such bonds and notes of the dormitory authority and
23 the urban development corporation shall not be a debt of the state, and
24 the state shall not be liable thereon, nor shall they be payable out of
25 any funds other than those appropriated by the state to the dormitory
26 authority and the urban development corporation for principal, interest,
27 and related expenses pursuant to a service contract and such bonds and
28 notes shall contain on the face thereof a statement to such effect.
29 Except for purposes of complying with the internal revenue code, any
30 interest income earned on bond proceeds shall only be used to pay debt
31 service on such bonds.

32 2. Notwithstanding any other provision of law to the contrary, in
33 order to assist the dormitory authority and the urban development corpo-
34 ration in undertaking the financing for project costs for the acquisi-
35 tion of equipment, including but not limited to the creation or modern-
36 ization of information technology systems and related research and
37 development equipment, health and safety equipment, heavy equipment and
38 machinery, the creation or improvement of security systems, and labora-
39 tory equipment and other state costs associated with such capital
40 projects, the director of the budget is hereby authorized to enter into
41 one or more service contracts with the dormitory authority and the urban
42 development corporation, none of which shall exceed thirty years in
43 duration, upon such terms and conditions as the director of the budget
44 and the dormitory authority and the urban development corporation agree,
45 so as to annually provide to the dormitory authority and the urban
46 development corporation, in the aggregate, a sum not to exceed the prin-
47 cipal, interest, and related expenses required for such bonds and notes.
48 Any service contract entered into pursuant to this section shall provide
49 that the obligation of the state to pay the amount therein provided
50 shall not constitute a debt of the state within the meaning of any
51 constitutional or statutory provision and shall be deemed executory only
52 to the extent of monies available and that no liability shall be
53 incurred by the state beyond the monies available for such purpose,
54 subject to annual appropriation by the legislature. Any such contract or
55 any payments made or to be made thereunder may be assigned and pledged

1 by the dormitory authority and the urban development corporation as
2 security for its bonds and notes, as authorized by this section.

3 § 36. Subdivision (b) of section 11 of chapter 329 of the laws of
4 1991, amending the state finance law and other laws relating to the
5 establishment of the dedicated highway and bridge trust fund, as amended
6 by section 39 of part JJ of chapter 56 of the laws of 2020, is amended
7 to read as follows:

8 (b) Any service contract or contracts for projects authorized pursuant
9 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
10 14-k of the transportation law, and entered into pursuant to subdivision
11 (a) of this section, shall provide for state commitments to provide
12 annually to the thruway authority a sum or sums, upon such terms and
13 conditions as shall be deemed appropriate by the director of the budget,
14 to fund, or fund the debt service requirements of any bonds or any obli-
15 gations of the thruway authority issued to fund or to reimburse the
16 state for funding such projects having a cost not in excess of [~~eleven~~
17 ~~billion three hundred forty nine million eight hundred seventy five~~
18 ~~thousand dollars \$11,349,875,000~~] eleven billion eight hundred thirty-
19 seven million two hundred twenty-seven thousand dollars \$11,837,227,000
20 cumulatively by the end of fiscal year [~~2020-21~~] 2021-22.

21 § 37. Subdivision 1 of section 1689-i of the public authorities law,
22 as amended by section 40 of part JJ of chapter 56 of the laws of 2020,
23 is amended to read as follows:

24 1. The dormitory authority is authorized to issue bonds, at the
25 request of the commissioner of education, to finance eligible library
26 construction projects pursuant to section two hundred seventy-three-a of
27 the education law, in amounts certified by such commissioner not to
28 exceed a total principal amount of [~~two hundred sixty five million~~
29 ~~dollars \$265,000,000~~] two hundred seventy-nine million dollars
30 \$279,000,000.

31 § 38. Section 44 of section 1 of chapter 174 of the laws of 1968,
32 constituting the New York state urban development corporation act, as
33 amended by section 41 of part JJ of chapter 56 of the laws of 2020, is
34 amended to read as follows:

35 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
36 provisions of any other law to the contrary, the dormitory authority and
37 the corporation are hereby authorized to issue bonds or notes in one or
38 more series for the purpose of funding project costs for the regional
39 economic development council initiative, the economic transformation
40 program, state university of New York college for nanoscale and science
41 engineering, projects within the city of Buffalo or surrounding envi-
42 rons, the New York works economic development fund, projects for the
43 retention of professional football in western New York, the empire state
44 economic development fund, the clarkson-trudeau partnership, the New
45 York genome center, the cornell university college of veterinary medi-
46 cine, the olympic regional development authority, projects at nano
47 Utica, onondaga county revitalization projects, Binghamton university
48 school of pharmacy, New York power electronics manufacturing consortium,
49 regional infrastructure projects, high tech innovation and economic
50 development infrastructure program, high technology manufacturing
51 projects in Chautauqua and Erie county, an industrial scale research and
52 development facility in Clinton county, upstate revitalization initi-
53 ative projects, downstate revitalization initiative, market New York
54 projects, fairground buildings, equipment or facilities used to house
55 and promote agriculture, the state fair, the empire state trail, the
56 moynihan station development project, the Kingsbridge armory project,

1 strategic economic development projects, the cultural, arts and public
2 spaces fund, water infrastructure in the city of Auburn and town of
3 Owasco, a life sciences laboratory public health initiative, not-for-
4 profit pounds, shelters and humane societies, arts and cultural facili-
5 ties improvement program, restore New York's communities initiative,
6 heavy equipment, economic development and infrastructure projects,
7 Roosevelt Island operating corporation capital projects, Lake Ontario
8 regional projects, Pennsylvania station and other transit projects and
9 other state costs associated with such projects. The aggregate principal
10 amount of bonds authorized to be issued pursuant to this section shall
11 not exceed [~~ten billion three hundred thirty-four million eight hundred~~
12 ~~fifty-one thousand dollars \$10,334,851,000~~] eleven billion two hundred
13 fifty-four million two hundred two thousand dollars \$11,254,202,000,
14 excluding bonds issued to fund one or more debt service reserve funds,
15 to pay costs of issuance of such bonds, and bonds or notes issued to
16 refund or otherwise repay such bonds or notes previously issued. Such
17 bonds and notes of the dormitory authority and the corporation shall not
18 be a debt of the state, and the state shall not be liable thereon, nor
19 shall they be payable out of any funds other than those appropriated by
20 the state to the dormitory authority and the corporation for principal,
21 interest, and related expenses pursuant to a service contract and such
22 bonds and notes shall contain on the face thereof a statement to such
23 effect. Except for purposes of complying with the internal revenue code,
24 any interest income earned on bond proceeds shall only be used to pay
25 debt service on such bonds.

26 2. Notwithstanding any other provision of law to the contrary, in
27 order to assist the dormitory authority and the corporation in undertak-
28 ing the financing for project costs for the regional economic develop-
29 ment council initiative, the economic transformation program, state
30 university of New York college for nanoscale and science engineering,
31 projects within the city of Buffalo or surrounding environs, the New
32 York works economic development fund, projects for the retention of
33 professional football in western New York, the empire state economic
34 development fund, the clarkson-trudeau partnership, the New York genome
35 center, the cornell university college of veterinary medicine, the olym-
36 pic regional development authority, projects at nano Utica, onondaga
37 county revitalization projects, Binghamton university school of pharma-
38 cy, New York power electronics manufacturing consortium, regional
39 infrastructure projects, New York State Capital Assistance Program for
40 Transportation, infrastructure, and economic development, high tech
41 innovation and economic development infrastructure program, high tech-
42 nology manufacturing projects in Chautauqua and Erie county, an indus-
43 trial scale research and development facility in Clinton county, upstate
44 revitalization initiative projects, downstate revitalization initiative,
45 market New York projects, fairground buildings, equipment or facilities
46 used to house and promote agriculture, the state fair, the empire state
47 trail, the moynihan station development project, the Kingsbridge armory
48 project, strategic economic development projects, the cultural, arts and
49 public spaces fund, water infrastructure in the city of Auburn and town
50 of Owasco, a life sciences laboratory public health initiative, not-for-
51 profit pounds, shelters and humane societies, arts and cultural facili-
52 ties improvement program, restore New York's communities initiative,
53 heavy equipment, economic development and infrastructure projects,
54 Roosevelt Island operating corporation capital projects, Lake Ontario
55 regional projects, Pennsylvania station and other transit projects and
56 other state costs associated with such projects the director of the

1 budget is hereby authorized to enter into one or more service contracts
2 with the dormitory authority and the corporation, none of which shall
3 exceed thirty years in duration, upon such terms and conditions as the
4 director of the budget and the dormitory authority and the corporation
5 agree, so as to annually provide to the dormitory authority and the
6 corporation, in the aggregate, a sum not to exceed the principal, interest,
7 and related expenses required for such bonds and notes. Any service
8 contract entered into pursuant to this section shall provide that the
9 obligation of the state to pay the amount therein provided shall not
10 constitute a debt of the state within the meaning of any constitutional
11 or statutory provision and shall be deemed executory only to the extent
12 of monies available and that no liability shall be incurred by the state
13 beyond the monies available for such purpose, subject to annual appropriation
14 by the legislature. Any such contract or any payments made or
15 to be made thereunder may be assigned and pledged by the dormitory
16 authority and the corporation as security for its bonds and notes, as
17 authorized by this section.

18 § 39. Subdivision 1 of section 386-b of the public authorities law, as
19 amended by section 42 of part JJ of chapter 56 of the laws of 2020, is
20 amended to read as follows:

21 1. Notwithstanding any other provision of law to the contrary, the
22 authority, the dormitory authority and the urban development corporation
23 are hereby authorized to issue bonds or notes in one or more series for
24 the purpose of financing peace bridge projects and capital costs of
25 state and local highways, parkways, bridges, the New York state thruway,
26 Indian reservation roads, and facilities, and transportation infrastructure
27 projects including aviation projects, non-MTA mass transit
28 projects, and rail service preservation projects, including work appurtenant
29 and ancillary thereto. The aggregate principal amount of bonds
30 authorized to be issued pursuant to this section shall not exceed ~~[six~~
31 ~~billion nine hundred forty-two million four hundred sixty-three thousand~~
32 ~~dollars—\$6,942,463,000]~~ eight billion eight hundred thirty-nine million
33 nine hundred sixty-three thousand dollars \$8,839,963,000, excluding
34 bonds issued to fund one or more debt service reserve funds, to pay
35 costs of issuance of such bonds, and to refund or otherwise repay such
36 bonds or notes previously issued. Such bonds and notes of the authority,
37 the dormitory authority and the urban development corporation shall
38 not be a debt of the state, and the state shall not be liable thereon,
39 nor shall they be payable out of any funds other than those appropriated
40 by the state to the authority, the dormitory authority and the urban
41 development corporation for principal, interest, and related expenses
42 pursuant to a service contract and such bonds and notes shall contain on
43 the face thereof a statement to such effect. Except for purposes of
44 complying with the internal revenue code, any interest income earned on
45 bond proceeds shall only be used to pay debt service on such bonds.

46 § 40. Paragraph (a) of subdivision 2 of section 47-e of the private
47 housing finance law, as amended by section 43 of part JJ of chapter 56
48 of the laws of 2020, is amended to read as follows:

49 (a) Subject to the provisions of chapter fifty-nine of the laws of two
50 thousand, in order to enhance and encourage the promotion of housing
51 programs and thereby achieve the stated purposes and objectives of such
52 housing programs, the agency shall have the power and is hereby authorized
53 from time to time to issue negotiable housing program bonds and
54 notes in such principal amount as shall be necessary to provide sufficient
55 funds for the repayment of amounts disbursed (and not previously
56 reimbursed) pursuant to law or any prior year making capital appropri-

1 ations or reappropriations for the purposes of the housing program;
2 provided, however, that the agency may issue such bonds and notes in an
3 aggregate principal amount not exceeding [~~six billion five hundred thir-~~
4 ~~ty-one million five hundred twenty-three thousand dollars~~
5 ~~\$6,531,523,000~~] seven billion eighty-six million six hundred seven thou-
6 sand dollars \$7,086,607,000, plus a principal amount of bonds issued to
7 fund the debt service reserve fund in accordance with the debt service
8 reserve fund requirement established by the agency and to fund any other
9 reserves that the agency reasonably deems necessary for the security or
10 marketability of such bonds and to provide for the payment of fees and
11 other charges and expenses, including underwriters' discount, trustee
12 and rating agency fees, bond insurance, credit enhancement and liquidity
13 enhancement related to the issuance of such bonds and notes. No reserve
14 fund securing the housing program bonds shall be entitled or eligible to
15 receive state funds apportioned or appropriated to maintain or restore
16 such reserve fund at or to a particular level, except to the extent of
17 any deficiency resulting directly or indirectly from a failure of the
18 state to appropriate or pay the agreed amount under any of the contracts
19 provided for in subdivision four of this section.

20 § 41. Subdivision 1 of section 50 of section 1 of chapter 174 of the
21 laws of 1968, constituting the New York state urban development corpo-
22 ration act, as amended by section 44 of part JJ of chapter 56 of the
23 laws of 2020, is amended to read as follows:

24 1. Notwithstanding the provisions of any other law to the contrary,
25 the dormitory authority and the urban development corporation are hereby
26 authorized to issue bonds or notes in one or more series for the purpose
27 of funding project costs undertaken by or on behalf of the state educa-
28 tion department, special act school districts, state-supported schools
29 for the blind and deaf, approved private special education schools,
30 non-public schools, community centers, day care facilities, residential
31 camps, day camps, and other state costs associated with such capital
32 projects. The aggregate principal amount of bonds authorized to be
33 issued pursuant to this section shall not exceed [~~one hundred fifty-five~~
34 ~~million dollars \$155,000,000~~] one hundred ninety-six million dollars
35 \$196,000,000, excluding bonds issued to fund one or more debt service
36 reserve funds, to pay costs of issuance of such bonds, and bonds or
37 notes issued to refund or otherwise repay such bonds or notes previously
38 issued. Such bonds and notes of the dormitory authority and the urban
39 development corporation shall not be a debt of the state, and the state
40 shall not be liable thereon, nor shall they be payable out of any funds
41 other than those appropriated by the state to the dormitory authority
42 and the urban development corporation for principal, interest, and
43 related expenses pursuant to a service contract and such bonds and notes
44 shall contain on the face thereof a statement to such effect. Except for
45 purposes of complying with the internal revenue code, any interest
46 income earned on bond proceeds shall only be used to pay debt service on
47 such bonds.

48 § 42. Subdivision 1 of section 47 of section 1 of chapter 174 of the
49 laws of 1968, constituting the New York state urban development corpo-
50 ration act, as amended by section 45 of part JJ of chapter 56 of the
51 laws of 2020, is amended to read as follows:

52 1. Notwithstanding the provisions of any other law to the contrary,
53 the dormitory authority and the corporation are hereby authorized to
54 issue bonds or notes in one or more series for the purpose of funding
55 project costs for the office of information technology services, depart-
56 ment of law, and other state costs associated with such capital

1 projects. The aggregate principal amount of bonds authorized to be
2 issued pursuant to this section shall not exceed [~~eight hundred thirty~~
3 ~~million fifty-four thousand dollars, \$830,054,000~~] nine hundred forty-
4 nine million two hundred fifty-four thousand dollars \$949,254,000
5 excluding bonds issued to fund one or more debt service reserve funds,
6 to pay costs of issuance of such bonds, and bonds or notes issued to
7 refund or otherwise repay such bonds or notes previously issued. Such
8 bonds and notes of the dormitory authority and the corporation shall not
9 be a debt of the state, and the state shall not be liable thereon, nor
10 shall they be payable out of any funds other than those appropriated by
11 the state to the dormitory authority and the corporation for principal,
12 interest, and related expenses pursuant to a service contract and such
13 bonds and notes shall contain on the face thereof a statement to such
14 effect. Except for purposes of complying with the internal revenue code,
15 any interest income earned on bond proceeds shall only be used to pay
16 debt service on such bonds.

17 § 43. Paragraph (b) of subdivision 1 of section 385 of the public
18 authorities law, as amended by section 1 of part G of chapter 60 of the
19 laws of 2005, is amended to read as follows:

20 (b) The authority is hereby authorized, as additional corporate
21 purposes thereof solely upon the request of the director of the budget:
22 (i) to issue special emergency highway and bridge trust fund bonds and
23 notes for a term not to exceed thirty years and to incur obligations
24 secured by the moneys appropriated from the dedicated highway and bridge
25 trust fund established in section eighty-nine-b of the state finance
26 law; (ii) to make available the proceeds in accordance with instructions
27 provided by the director of the budget from the sale of such special
28 emergency highway and bridge trust fund bonds, notes or other obli-
29 gations, net of all costs to the authority in connection therewith, for
30 the purposes of financing all or a portion of the costs of activities
31 for which moneys in the dedicated highway and bridge trust fund estab-
32 lished in section eighty-nine-b of the state finance law are authorized
33 to be utilized or for the financing of disbursements made by the state
34 for the activities authorized pursuant to section eighty-nine-b of the
35 state finance law; and (iii) to enter into agreements with the commis-
36 sioner of transportation pursuant to section ten-e of the highway law
37 with respect to financing for any activities authorized pursuant to
38 section eighty-nine-b of the state finance law, or agreements with the
39 commissioner of transportation pursuant to sections ten-f and ten-g of
40 the highway law in connection with activities on state highways pursuant
41 to these sections, and (iv) to enter into service contracts, contracts,
42 agreements, deeds and leases with the director of the budget or the
43 commissioner of transportation and project sponsors and others to
44 provide for the financing by the authority of activities authorized
45 pursuant to section eighty-nine-b of the state finance law, and each of
46 the director of the budget and the commissioner of transportation are
47 hereby authorized to enter into service contracts, contracts, agree-
48 ments, deeds and leases with the authority, project sponsors or others
49 to provide for such financing. The authority shall not issue any bonds
50 or notes in an amount in excess of [~~\$16.5 billion~~] eighteen billion one
51 hundred fifty million dollars \$18,150,000,000, plus a principal amount
52 of bonds or notes: (A) to fund capital reserve funds; (B) to provide
53 capitalized interest; and, (C) to fund other costs of issuance. In
54 computing for the purposes of this subdivision, the aggregate amount of
55 indebtedness evidenced by bonds and notes of the authority issued pursu-
56 ant to this section, as amended by a chapter of the laws of nineteen

1 hundred ninety-six, there shall be excluded the amount of bonds or notes
2 issued that would constitute interest under the United States Internal
3 Revenue Code of 1986, as amended, and the amount of indebtedness issued
4 to refund or otherwise repay bonds or notes.

5 § 44. Subdivision 1 of section 386-a of the public authorities law, as
6 amended by section 44 of part TTT of chapter 59 of the laws of 2019, is
7 amended to read as follows:

8 1. Notwithstanding any other provision of law to the contrary, the
9 authority, the dormitory authority and the urban development corporation
10 are hereby authorized to issue bonds or notes in one or more series for
11 the purpose of assisting the metropolitan transportation authority in
12 the financing of transportation facilities as defined in subdivision
13 seventeen of section twelve hundred sixty-one of this chapter or other
14 capital projects. The aggregate principal amount of bonds authorized to
15 be issued pursuant to this section shall not exceed [~~two billion one~~
16 ~~hundred seventy-nine million eight hundred fifty-six thousand dollars~~
17 ~~\$2,179,856,000~~] twelve billion five hundred fifteen million eight
18 hundred fifty-six thousand dollars \$12,515,856,000, excluding bonds
19 issued to fund one or more debt service reserve funds, to pay costs of
20 issuance of such bonds, and to refund or otherwise repay such bonds or
21 notes previously issued. Such bonds and notes of the authority, the
22 dormitory authority and the urban development corporation shall not be a
23 debt of the state, and the state shall not be liable thereon, nor shall
24 they be payable out of any funds other than those appropriated by the
25 state to the authority, the dormitory authority and the urban develop-
26 ment corporation for principal, interest, and related expenses pursuant
27 to a service contract and such bonds and notes shall contain on the face
28 thereof a statement to such effect. Except for purposes of complying
29 with the internal revenue code, any interest income earned on bond
30 proceeds shall only be used to pay debt service on such bonds.

31 § 45. Section 1 of chapter 174 of the laws of 1968, constituting the
32 New York state urban development corporation act, is amended by adding a
33 new section 57 to read as follows:

34 § 57. 1. Notwithstanding the provisions of any other law to the
35 contrary, the dormitory authority and the urban development corporation
36 are hereby authorized to issue bonds or notes in one or more series for
37 the purpose of funding project costs for the Empire Station Complex
38 project, and such project shall be deemed a capital work or purpose for
39 purposes of subdivision 3 of section 67-b of the state finance law. The
40 aggregate principal amount of bonds authorized to be issued pursuant to
41 this section shall not exceed one billion three hundred million dollars
42 \$1,300,000,000, excluding bonds issued to fund one or more debt service
43 reserve funds, to pay costs of issuance of such bonds, and bonds or
44 notes issued to refund or otherwise repay such bonds or notes previously
45 issued. Such bonds and notes of the dormitory authority and the urban
46 development corporation shall not be a debt of the state, and the state
47 shall not be liable thereon, nor shall they be payable out of any funds
48 other than those appropriated by the state to the dormitory authority
49 and the urban development corporation for principal, interest, and
50 related expenses pursuant to a service contract and such bonds and notes
51 shall contain on the face thereof a statement to such effect. Except for
52 purposes of complying with the internal revenue code, any interest
53 income earned on bond proceeds shall only be used to pay debt service on
54 such bonds.

55 2. Notwithstanding any other provision of law to the contrary, in
56 order to assist the dormitory authority and the urban development corpo-

1 ration in undertaking the financing for project costs for the Empire
2 Station Complex project, the director of the budget is hereby authorized
3 to enter into one or more service contracts with the dormitory authority
4 and the urban development corporation, none of which shall exceed thirty
5 years in duration, upon such terms and conditions as the director of the
6 budget and the dormitory authority and the urban development corporation
7 agree, so as to annually provide to the dormitory authority and the
8 urban development corporation, in the aggregate, a sum not to exceed the
9 principal, interest, and related expenses required for such bonds and
10 notes. Any service contract entered into pursuant to this section shall
11 provide that the obligation of the state to pay the amount therein
12 provided shall not constitute a debt of the state within the meaning of
13 any constitutional or statutory provision and shall be deemed executory
14 only to the extent of monies available and that no liability shall be
15 incurred by the state beyond the monies available for such purpose,
16 subject to annual appropriation by the legislature. Any such contract or
17 any payments made or to be made thereunder may be assigned and pledged
18 by the dormitory authority and the urban development corporation as
19 security for its bonds and notes, as authorized by this section.

20 § 46. Paragraphs (a) and (b) of subdivision 1 of section 54 of section
21 1 of chapter 174 of the laws of 1968, constituting the New York state
22 urban development corporation act, as added by section 49-a of part JJ
23 of chapter 56 of the laws of 2020, are amended to read as follows:

24 (a) The state of New York finds and determines that the global spread
25 of the COVID-19 [~~eoronavirus disease is having and~~] pandemic is expected
26 to continue to have a significant adverse impact on the health and
27 welfare of individuals in the state as well as [~~a significant financial~~
28 ~~impact on the state~~] to the financial condition of the state during the
29 state's 2022 fiscal year and beyond. The [~~serious threat posed by~~]
30 anticipated shortfalls and deferrals in the state's financial plan
31 receipts caused by the COVID-19 [~~eoronavirus disease~~] pandemic has
32 [~~caused governments, including~~] required the state[,] to adopt policies,
33 regulations and procedures [~~to~~] that suspend various legal requirements
34 [~~in order to (i) respond to and mitigate the impact of the outbreak, and~~
35 ~~(ii) provide temporary relief to individuals, including the deferral of~~
36 ~~the federal income tax payment deadline from April 15, 2020 to a later~~
37 ~~date in the calendar year. The state of New York further finds and~~
38 ~~determines that~~] and address state budgetary pressures, some of which
39 require certain fiscal management authorization measures [~~should be~~] to
40 be legislatively authorized and established.

41 (b) Notwithstanding any other provision of law to the contrary,
42 including, specifically, the provisions of chapter 59 of the laws of
43 2000 and section sixty-seven-b of the state finance law, the dormitory
44 authority of the state of New York and the corporation are hereby
45 authorized to issue until December 31, [~~2020~~] 2021, notes with a maturi-
46 ty no later than March 31, [~~2021~~] 2022, to be designated as personal
47 income tax revenue or bond anticipation notes, in one or more series in
48 an aggregate principal amount not to exceed eight billion dollars,
49 excluding notes issued to finance one or more debt service reserve
50 funds, to pay costs of issuance of such notes, and notes issued to
51 renew, refund or otherwise repay such notes previously issued, for the
52 purpose of temporarily financing budgetary needs of the state [~~following~~
53 ~~the federal government deferral of the federal income tax payment dead-~~
54 ~~line from April 15, 2020 to a later date in the calendar year~~]. Such
55 purpose shall constitute an authorized purpose under subdivision two of
56 section sixty-eight-a of the state finance law for all purposes of arti-

cle five-C of the state finance law with respect to the notes, renewal notes, refunding notes and any state personal income tax revenue bonds issued to refinance any notes, renewal notes, refunding notes authorized by this paragraph. On or before their maturity, such notes may be renewed or refunded once with renewal or refunding notes for an additional period not to exceed one year from the date of renewal or refunding. If on or before the maturity date of such notes or such renewal or refunding notes, the director of the division of the budget shall determine that all or a portion of such notes or such renewal or refunding notes shall be refinanced on a long term basis, such notes or such renewal or refunding notes may be refinanced with state personal income tax revenue bonds in one or more series in an aggregate principal amount not to exceed the then outstanding principal amount of such notes or such renewal or refunding notes plus an amount necessary to finance one or more debt service reserve funds and to pay costs of issuance of such refunding bonds, notwithstanding any other provision of law to the contrary, including, specifically, the provisions of chapter fifty-nine of the laws of two thousand and section sixty-seven-b of the state finance law, other than subdivision four of section sixty-seven-b of the state finance law. For so long as any notes, renewal or refunding notes or such refunding bonds authorized by this paragraph shall remain outstanding, including any state-supported debt issued to refinance the refunding bonds authorized by this paragraph, the restrictions, limitations and requirements contained in article five-B of the state finance law shall not apply, other than subdivision four of section sixty-seven-b of such article.

§ 47. Section 55 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 49-b of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

§ 55. 1. Findings and declaration of need. (a) The state of New York finds and determines that the global spread of the COVID-19 [~~coronavirus disease~~] pandemic is [~~having and is~~] expected to continue to have a significant adverse impact on the health and welfare of individuals in the state as well as [~~a significant~~] to the financial [~~impact on~~] condition of the state during the state's 2022 fiscal year and beyond. The [~~serious threat posed by~~] anticipated shortfalls and deferrals in the state's financial plan receipts caused by the COVID-19 [~~coronavirus disease~~] pandemic has [~~caused governments, including~~] required the state[~~7~~] to adopt policies, regulations and procedures [~~to~~] that suspend various legal requirements [~~in order to: (i) respond to and mitigate the impact of the outbreak,~~] and [~~(ii)~~] address state budgetary pressures [~~to the state arising from anticipated shortfalls and deferrals in the state's fiscal 2021 financial plan receipts, thereby requiring that~~], some of which require certain fiscal management authorization measures to be legislatively authorized and established.

(b) Definitions. When used in this subdivision the following terms shall have the meanings set forth below:

(i) "State-supported debt" shall mean any state personal income tax revenue bonds, state sales tax revenue bonds or service contract bonds issued by the dormitory authority of the state of New York or the urban development corporation to refinance one or more line of credit facilities provided for in this subdivision, together with any related expenses and fees, and any such bonds or notes issued to fund reserve funds and costs of issuance, for which the state is contractually obligated to pay debt service subject to an appropriation.

1 (ii) "Related expenses and fees" shall mean interest costs, commitment
2 fees and other costs, expenses and fees incurred in connection with a
3 line of credit facility and/or a service contract or other agreement of
4 the state securing such line of credit facility that contractually obli-
5 gates the state to pay debt service subject to an appropriation.

6 (c) Notwithstanding any other provision of law to the contrary,
7 including, specifically, the provisions of chapter 59 of the laws of
8 2000 and section 67-b of the state finance law, ~~[during the state's 2021~~
9 ~~fiscal year,~~ the dormitory authority of the state of New York and the

10 urban development corporation are authorized until March 31, 2024 to:

11 (i) enter into commitments with financial institutions for the estab-
12 lishment of one or more line of credit facilities and other similar
13 revolving financing arrangements not in excess of three billion dollars
14 in aggregate principal amount outstanding at any one time; (ii) draw, at
15 one or more times at the direction of the director of the budget, upon
16 such line of credit facilities and provide to the state the amounts so
17 drawn for the purpose of assisting the state to temporarily finance its
18 budgetary needs; and (iii) secure repayment of such draws under such
19 line of credit facilities ~~[with a service contract of the state],~~

20 together with related expenses and fees, which payment obligation there-
21 under shall not constitute a debt of the state within the meaning of any
22 constitutional or statutory provision and shall be deemed executory only
23 to the extent moneys are available and that no liability shall be
24 incurred by the state beyond the moneys available for such purpose, and
25 that such payment obligation is subject to annual appropriation by the
26 legislature. Any line of credit facility agreements entered by the
27 dormitory authority of the state of New York and/or the urban develop-
28 ment corporation with financial institutions pursuant to this section
29 may contain such provisions that the dormitory authority of the state of
30 New York and/or the urban development corporation deem necessary or
31 desirable for the establishment of such credit facilities. The maximum

32 ~~[original]~~ term of any line of credit facility shall be ~~[one-year]~~ three
33 years from the date of incurrence; provided however that no draw on any
34 such line of credit facility ~~[may be extended, renewed or refinanced for~~
35 ~~up to two additional one year terms]~~ shall occur after March 31, 2024,

36 and provided further that any such line of credit facility whose term
37 extends beyond March 31, 2024, shall be supported by sufficient appro-
38 priation authority enacted by the legislature that provides for the
39 repayment of all amounts drawn and remaining unpaid as of March 31,
40 2024, together with related expenses and fees incurred and to become due
41 and payable by the dormitory authority of the state of New York and/or
42 the urban development corporation. If on or before the maturity date of

43 the ~~[original]~~ term of any such line of credit facility ~~[or any renewal~~
44 ~~or extension term thereof]~~, the director of the division of the budget
45 shall determine that all or a portion of ~~[any outstanding line of credit~~
46 ~~facility]~~ the amounts drawn and remaining unpaid, together with related

47 expenses and fees to become due and payable by the dormitory authority
48 of the state of New York and/or the urban development corporation shall

49 be refinanced on a long-term basis, the dormitory authority of the state
50 of New York and/or the urban development corporation are authorized to

51 refinance such ~~[line of credit facility with state personal income tax~~
52 ~~revenue bonds and/or state service contract bonds]~~ amounts by issuing
53 state-supported debt in one or more series in an aggregate principal

54 amount not to exceed the ~~[then outstanding principal amount of such line~~
55 ~~of credit facility and any accrued interest thereon]~~ aggregate amount
56 being so refinanced, including related expenses and fees, plus an amount

1 necessary to finance one or more debt service reserve funds and to pay
2 costs of issuance of such [~~state personal income tax revenue bonds~~
3 ~~and/or state service contract bonds~~] state-supported debt.

4 [(~~a~~)] (d) Notwithstanding any other law, rule, or regulation to the
5 contrary, the comptroller is hereby authorized and directed to deposit
6 to the credit of the general fund, all amounts provided by the dormitory
7 authority of the state of New York and/or the urban development corpo-
8 ration to the state from draws made on any line of credit facility
9 authorized by paragraph [(~~b~~)] (c) of this subdivision.

10 [(~~d~~)] (e) Notwithstanding any other provision of law to the contrary,
11 including specifically the provisions of subdivision 3 of section 67-b
12 of the state finance law, no capital work or purpose shall be required
13 for any indebtedness incurred in connection with any line of credit
14 facility authorized by paragraph [(~~b~~)] (c) of this subdivision [~~and any~~
15 ~~extensions or renewals thereof~~], or for any [~~state personal income tax~~
16 ~~revenue bonds and/or state service contract bonds~~] state-supported debt
17 issued to refinance any [~~of the foregoing~~] line of credit facility
18 authorized by paragraph (c) of this subdivision, or for any service
19 contract or other agreement entered into in connection with any such
20 line of credit facility, all in accordance with this section.

21 [(~~e~~)] (f) Notwithstanding any other provision of law to the contrary,
22 for so long as any such line of credit facility shall remain outstand-
23 ing, the restrictions, limitations and requirements contained in article
24 5-B of the state finance law shall not apply. In addition, other than
25 subdivision 4 of section 67-b of such article such restrictions, limita-
26 tions and requirements shall not apply to any [~~state personal income tax~~
27 ~~revenue bonds and/or state service contract bonds~~] state-supported debt
28 issued to refund such line of credit facility for so long as such [~~state~~
29 ~~personal income tax revenue bonds and/or state service contract bonds~~]
30 state-supported debt shall remain outstanding, including any state-sup-
31 ported debt issued to refund [~~such state personal income tax revenue~~
32 ~~bonds and/or state service contract bonds~~] state-supported debt issued
33 to refinance any line of credit facility. Any such line of credit facil-
34 ity, [~~including any extensions or renewals thereof, and any state~~
35 ~~personal income tax revenue bonds and/or state service contract bonds~~]
36 and, to the extent applicable, any state-supported debt issued to
37 [~~refund~~] refinance such line of credit facilities shall be deemed to be
38 incurred or issued for (i) an authorized purpose within the meaning of
39 subdivision 2 of section 68-a of the state finance law for all purposes
40 of article 5-C of the state finance law and section 92-z of the state
41 finance law, and/or (ii) an authorized purpose within the meaning of
42 subdivision 2 of section 69-m of the state finance law for all purposes
43 of article 5-F of the state finance law and section 92-h of the state
44 finance law, as the case may be. As applicable, all of the provisions of
45 the state finance law, the dormitory authority act and the New York
46 state urban development corporation act relating to notes and bonds
47 which are not inconsistent with the provisions of this section shall
48 apply to any issuance of [~~state personal income tax revenue bonds and/or~~
49 ~~state service contract bonds~~] state-supported debt issued to refinance
50 any line of credit facility authorized by paragraph [(~~b~~)] (c) of this
51 subdivision. The issuance of any [~~state personal income tax revenue~~
52 ~~bonds and/or state service contract bonds issued~~] state-supported debt
53 to refinance any such line of credit facility shall further be subject
54 to the approval of the director of the division of the budget.

55 [(~~f~~) Any draws] (g) Each draw on a line of credit facility authorized
56 by paragraph [(~~b~~)] (c) of this subdivision shall only be made [~~and~~] if

1 the service contract or other agreement entered into in connection with
2 such line of credit [~~facilities shall only be executed and delivered to~~
3 ~~the dormitory authority of the state of New York and/or the urban devel-~~
4 ~~opment corporation if the legislature has enacted sufficient appropri-~~
5 ~~ation authority to provide for the repayment of all amounts expected to~~
6 ~~be drawn by the dormitory authority of the state of New York and/or the~~
7 ~~urban development corporation under such line of credit facility during~~
8 ~~fiscal year 2021~~] facility is supported by sufficient appropriation
9 authority enacted by the legislature to repay the amount of the draw,
10 together with related expenses and fees to become due and payable.

11 Amounts repaid under a line of credit facility [~~during fiscal year 2021~~]
12 may be re-borrowed [~~during such fiscal year~~] under the same or another
13 line of credit facility authorized by paragraph (c) of this subdivision
14 provided that the legislature has enacted sufficient appropriation
15 authority [~~to provide~~] that provides for the repayment of any such
16 re-borrowed amounts, together with related expenses and fees to become
17 due and payable. Neither the dormitory authority of the state of New
18 York nor the urban development corporation shall have any financial
19 liability for the repayment of draws under any line of credit facility
20 authorized by paragraph [~~(b)~~] (c) of this subdivision beyond the moneys
21 received for such purpose under [~~the~~] any service contract or other
22 agreement authorized by paragraph [~~(g)~~] (h) of this subdivision.

23 [~~(g)~~] (h) The director of the budget is authorized to enter into one
24 or more service contracts or other agreements, none of which shall
25 exceed 30 years in duration, with the dormitory authority of the state
26 of New York and/or the urban development corporation, upon such terms
27 and conditions as the director of the budget and dormitory authority of
28 the state of New York and/or the urban development corporation shall
29 agree. Any service contract or other [~~agreements~~] agreement entered into
30 pursuant to this paragraph shall provide for state commitments to
31 provide annually to the dormitory authority of the state of New York
32 and/or the urban development corporation a sum or sums, upon such terms
33 and conditions as shall be deemed appropriate by the director of the
34 budget and the dormitory authority of the state of New York and/or the
35 urban development corporation, to fund the payment of all amounts to
36 become due and payable under any line of credit facility and, to the
37 extent applicable any [~~state personal income tax revenue bonds and/or~~
38 ~~state service contract bonds~~] state-supported debt issued to refinance
39 all or a portion of the amounts drawn and remaining unpaid, together
40 with related expenses and fees to become due and payable under such line
41 of credit facility. Any such service contract or other [~~agreements~~]
42 agreement shall provide that the obligation of the director of the budg-
43 et or of the state to fund or to pay the amounts therein provided for
44 shall not constitute a debt of the state within the meaning of any
45 constitutional or statutory provision and shall be deemed executory only
46 to the extent moneys are available and that no liability shall be
47 incurred by the state beyond the moneys available for such purpose, and
48 that such obligation is subject to annual appropriation by the legisla-
49 ture.

50 [~~(h)~~] (i) Any service contract or other [~~agreements~~] agreement entered
51 into pursuant to paragraph [~~(g)~~] (h) of this subdivision or any payments
52 made or to be made thereunder may be assigned and pledged by the dormi-
53 tory authority of the state of New York and/or the urban development
54 corporation as security for any related payment obligation it may have
55 with one or more financial institutions in connection with a line of
56 credit facility authorized by paragraph [~~(b)~~] (c) of this subdivision.

1 ~~(+i)~~ (j) In addition to the foregoing, the director of the budget,
2 the dormitory authority of the state of New York and the urban develop-
3 ment corporation shall each be authorized to enter into such other
4 agreements and to take or cause to be taken such additional actions as
5 are necessary or desirable to effectuate the purposes of the trans-
6 actions contemplated by a line of credit facility and the related
7 service contract or other agreement.

8 ~~(+j)~~ (k) No later than seven days after a draw occurs on the line of
9 credit facility, the director of the budget shall provide notification
10 of such draw to the president pro tempore of the senate and the speaker
11 of the assembly.

12 ~~(+k)~~ (l) The authorization, establishment and use by the dormitory
13 authority of the state of New York and the urban development corporation
14 of a line of credit facility authorized by paragraph ~~(+b)~~ (c) of this
15 subdivision, and the execution, sale and issuance of ~~[state-personal-~~
16 ~~income-tax-revenue-bonds-and/or-state-service-contract-bonds]~~ state-sup-
17 ported debt to refinance any such line of credit facility shall not be
18 deemed an action, as such term is defined in article 8 of the environ-
19 mental conservation law, for the purposes of such article. Such
20 exemption shall be strictly limited in its application to such financing
21 activities of the dormitory authority of the state of New York and the
22 urban development corporation undertaken pursuant to this section and
23 does not exempt any other entity from compliance with such article.

24 ~~(+l)~~ (m) Nothing contained in this section shall be construed to
25 limit the abilities of the director of the budget and the authorized
26 issuers of state-supported debt to perform their respective obligations
27 on existing service contracts or other agreements entered into prior to
28 April 1, ~~[2020]~~ 2021.

29 2. Effect of inconsistent provisions. Insofar as the provisions of
30 this section are inconsistent with the provisions of any other law,
31 general, special, or local, the provisions of this act shall be control-
32 ling.

33 3. Severability; construction. The provisions of this section shall be
34 severable, and if the application of any clause, sentence, paragraph,
35 subdivision, section or part of this section to any person or circum-
36 stance shall be adjudged by any court of competent jurisdiction to be
37 invalid, such judgment shall not necessarily affect, impair or invali-
38 date the application of any such clause, sentence, paragraph, subdivi-
39 sion, section, part of this section or remainder thereof, as the case
40 may be, to any other person or circumstance, but shall be confined in
41 its operation to the clause, sentence, paragraph, subdivision, section
42 or part thereof directly involved in the controversy in which such judg-
43 ment shall have been rendered.

44 § 48. Section 56 of section 1 of chapter 174 of the laws of 1968,
45 constituting the New York state urban development corporation act, as
46 added by section 49-c of part JJ of chapter 56 of the laws of 2020, is
47 amended to read as follows:

48 § 56. State-supported debt; ~~[2021]~~ 2022. 1. In light of the ~~[signif-~~
49 ~~icant]~~ continuing adverse impact that the ~~[global-spread-of-the]~~ COVID-
50 19 ~~[coronavirus-disease]~~ pandemic is ~~[having-and-is]~~ expected to
51 ~~[continue-to]~~ have on the health and welfare of individuals in the state
52 as well as ~~[on]~~ to the financial condition of the state during the
53 state's 2022 fiscal year, and notwithstanding any other provision of law
54 to the contrary, the dormitory authority of the state of New York and
55 the urban development corporation are each authorized to issue state-
56 supported debt pursuant to article 5-B, article 5-C and article 5-F of

1 the state finance law to assist the state to manage its financing needs
2 during its ~~[2021]~~ 2022 fiscal year, without regard to any restrictions,
3 limitations and requirements contained in article 5-B of the state
4 finance law~~[, other than subdivision 4 of section 67-b of such article]~~,
5 and such state-supported debt shall be deemed to be issued for (i) an
6 authorized purpose within the meaning of subdivision 2 of section 68-a
7 of the state finance law for all purposes of article 5-C of the state
8 finance law and section 92-z of the state finance law, or (ii) an
9 authorized purpose within the meaning of subdivision 2 of section 69-m
10 of the state finance law for all purposes of article 5-F of the state
11 finance law and section 92-h of the state finance law, as the case may
12 be. Furthermore, any bonds issued directly by the state during the
13 state's ~~[2021]~~ 2022 fiscal year shall be issued without regard to any
14 restrictions, limitations and requirements contained in article 5-B of
15 the state finance law~~[, other than subdivision 4 of section 67-b of such~~
16 ~~article]~~. For so long as any state-supported debt issued during the
17 state's ~~[2021]~~ 2022 fiscal year shall remain outstanding, including any
18 state-supported debt issued to refund state-supported debt issued during
19 such fiscal year, the restrictions, limitations and requirements
20 contained in article 5-B of the state finance law, ~~[other than subdivi-~~
21 ~~sion 4 of section 67-b of such article,~~] shall not apply.

22 2. Effect of inconsistent provisions. Insofar as the provisions of
23 this section are inconsistent with the provisions of any other law,
24 general, special, or local, the provisions of this act shall be control-
25 ling.

26 3. Severability; construction. The provisions of this section shall be
27 severable, and if the application of any clause, sentence, paragraph,
28 subdivision, section or part of this section to any person or circum-
29 stance shall be adjudged by any court of competent jurisdiction to be
30 invalid, such judgment shall not necessarily affect, impair or invali-
31 date the application of any such clause, sentence, paragraph, subdivi-
32 sion, section, part of this section or remainder thereof, as the case
33 may be, to any other person or circumstance, but shall be confined in
34 its operation to the clause, sentence, paragraph, subdivision, section
35 or part thereof directly involved in the controversy in which such judg-
36 ment shall have been rendered.

37 § 49. Section 3238-a of the public authorities law, as amended by
38 section 1 of part V of chapter 63 of the laws of 2003, is amended to
39 read as follows:

40 § 3238-a. Payment to city of New York. 1. Notwithstanding any incon-
41 sistent provision of law, the corporation shall transfer to the city of
42 New York one hundred seventy million dollars from the resources of the
43 corporation pursuant to section thirty-two hundred thirty-nine of this
44 title~~[, Such payment]~~; provided, however, that on and after July first,
45 two thousand twenty, the obligation of the corporation to make such
46 transfer shall be conditioned on any bonds issued by the sales tax asset
47 receivables corporation that are secured by the corporation's payments
48 described in this subdivision being outstanding in accordance with the
49 trust indenture under which they were issued, while any such bonds are
50 outstanding such payments shall be made during each city fiscal year.
51 Such payments from the corporation shall be made from the fund estab-
52 lished by section ninety-two-r of the state finance law and in accord-
53 ance with the provisions thereof.

54 2. The city of New York, acting by the mayor alone, may assign all or
55 any portion of such amount to any not-for-profit corporation incorpo-
56 rated pursuant to section fourteen hundred eleven of the not-for-profit

1 corporation law and, upon such assignment, the amount so assigned shall
2 be the property of such not-for-profit corporation for all purposes.
3 Following notice from the city of New York to the corporation and the
4 comptroller of such assignment, such payment shall be made directly to
5 the city's assignee. If such not-for-profit corporation issues bonds
6 and/or notes, the state does hereby pledge and agree with the holders of
7 any issue of bonds and/or notes secured by such a pledge that the state
8 will not limit or alter the rights vested in such not-for-profit corpo-
9 ration to fulfill the terms of any agreements made with such holders or
10 in any way impair the rights and remedies of such holders or the securi-
11 ty for such bonds and/or notes until such bonds and/or notes, together
12 with the interest thereon and all costs and expenses in connection with
13 any action or proceeding by or on behalf of such holders, are fully paid
14 and discharged. The foregoing pledge and agreement may be included in
15 any agreement with the holders of such bonds or notes. Nothing contained
16 in this section shall be deemed to restrict the right of the state to
17 amend, modify, repeal or otherwise alter statutes imposing or relating
18 to the taxes subject to such assignment, but such taxes shall in all
19 events continue to be so payable, as assigned, so long as any such taxes
20 are imposed.

21 3. The state may, at any time, provide proceeds of state supported
22 debt, as defined in subdivision one of section sixty-seven-a of the
23 state finance law, or other available monies, to the trustee for the
24 bonds of the sales tax asset receivable corporation secured by the
25 corporation's payments described in subdivision one of this section in
26 an amount sufficient to fully pay and discharge such bonds by means of a
27 legal defeasance of all such outstanding bonds in accordance with the
28 trust indenture under which they were issued. Upon any such legal defea-
29 sance of such bonds, the corporation's obligation contained in subdivi-
30 sion one of this section to transfer funds to the city of New York shall
31 be deemed satisfied and fully discharged.

32 4. Notwithstanding any inconsistent provision of law, the dormitory
33 authority of the state of New York and the New York state urban develop-
34 ment corporation are hereby authorized to issue bonds in one or more
35 series pursuant to article five-C or article five-F of the state finance
36 law in an aggregate principal amount sufficient to (i) finance the legal
37 defeasance of all of the outstanding bonds of the sales tax asset
38 receivable corporation secured by the corporation's payments described
39 in subdivision one of this section, (ii) one or more related debt
40 service reserve funds, and (iii) costs of issuance attributable to such
41 bonds, and the issuance of such bonds is hereby determined to be for an
42 "authorized purpose", as defined in subdivision two of section sixty-
43 eight-a and subdivision two of section sixty-nine-m of the state finance
44 law, as the case may be.

45 § 50. Paragraph a of subdivision 5 of section 89-b of the state
46 finance law, as amended by section 11 of part C of chapter 57 of the
47 laws of 2014, is amended to read as follows:

48 a. Moneys in the dedicated highway and bridge trust fund shall,
49 following appropriation by the legislature, be utilized for: recon-
50 struction, replacement, reconditioning, restoration, rehabilitation and
51 preservation of state, county, town, city and village roads, highways,
52 parkways, and bridges thereon, to restore such facilities to their
53 intended functions; construction, reconstruction, enhancement and
54 improvement of state, county, town, city, and village roads, highways,
55 parkways, and bridges thereon, to address current and projected capacity
56 problems including costs for traffic mitigation activities; aviation

1 projects authorized pursuant to section fourteen-j of the transportation
2 law and for payments to the general debt service fund of amounts equal
3 to amounts required for service contract payments related to aviation
4 projects as provided and authorized by section three hundred eighty-six
5 of the public authorities law; programs to assist small and minority and
6 women-owned firms engaged in transportation construction and recon-
7 struction projects, including a revolving fund for working capital
8 loans, and a bonding guarantee assistance program in accordance with
9 provisions of this chapter; matching federal grants or apportionments to
10 the state for highway, parkway and bridge capital projects; the acquisi-
11 tion of real property and interests therein required or expected to be
12 required in connection with such projects; preventive maintenance activ-
13 ities necessary to ensure that highways, parkways and bridges meet or
14 exceed their optimum useful life; expenses of control of snow and ice on
15 state highways by the department of transportation including but not
16 limited to personal services, nonpersonal services and fringe benefits,
17 payment of emergency aid for control of snow and ice in municipalities
18 pursuant to section fifty-five of the highway law, expenses of control
19 of snow and ice on state highways by municipalities pursuant to section
20 twelve of the highway law, and for expenses of arterial maintenance
21 agreements with cities pursuant to section three hundred forty-nine of
22 the highway law; personal services, nonpersonal services, and fringe
23 benefit costs of the department of transportation for bus safety
24 inspection activities, rail safety inspection activities, and truck
25 safety inspection activities; costs of the department of motor vehicles,
26 including but not limited to personal and nonpersonal services; costs of
27 engineering and administrative services of the department of transporta-
28 tion, including but not limited to fringe benefits; the contract
29 services provided by private firms in accordance with section fourteen
30 of the transportation law; personal services and nonpersonal services,
31 for activities including but not limited to the preparation of designs,
32 plans, specifications and estimates; construction management and super-
33 vision activities; costs of appraisals, surveys, testing and environ-
34 mental impact statements for transportation projects; expenses in
35 connection with buildings, equipment, materials and facilities used or
36 useful in connection with the maintenance, operation, and repair of
37 highways, parkways and bridges thereon; and project costs for:
38 construction, reconstruction, improvement, reconditioning and preserva-
39 tion of rail freight facilities and intercity rail passenger facilities
40 and equipment; construction, reconstruction, improvement, reconditioning
41 and preservation of state, municipal and privately owned ports;
42 construction, reconstruction, improvement, reconditioning and preserva-
43 tion of municipal airports; privately owned airports and aviation capi-
44 tal facilities, excluding airports operated by the state or operated by
45 a bi-state municipal corporate instrumentality for which federal funding
46 is not available provided the project is consistent with an approved
47 airport layout plan; and construction, reconstruction, enhancement,
48 improvement, replacement, reconditioning, restoration, rehabilitation
49 and preservation of state, county, town, city and village roads, high-
50 ways, parkways and bridges; and construction, reconstruction, improve-
51 ment, reconditioning and preservation of fixed ferry facilities of
52 municipal and privately owned ferry lines for transportation purposes,
53 and the payment of debt service required on any bonds, notes or other
54 obligations and related expenses for highway, parkway, bridge and
55 project costs for: construction, reconstruction, improvement, recondi-
56 tioning and preservation of rail freight facilities and intercity rail

1 passenger facilities and equipment; construction, reconstruction,
2 improvement, reconditioning and preservation of state, municipal and
3 privately owned ports; construction, reconstruction, improvement, recon-
4 ditioning and preservation of municipal airports; privately owned
5 airports and aviation capital facilities, excluding airports operated by
6 the state or operated by a bi-state municipal corporate instrumentality
7 for which federal funding is not available provided the project is
8 consistent with an approved airport layout plan; construction, recon-
9 struction, enhancement, improvement, replacement, reconditioning, resto-
10 ration, rehabilitation and preservation of state, county, town, city and
11 village roads, highways, parkways and bridges; and construction, recon-
12 struction, improvement, reconditioning and preservation of fixed ferry
13 facilities of municipal and privately owned ferry lines for transporta-
14 tion purposes, purposes authorized on or after the effective date of
15 this section. Beginning with disbursements made on and after the first
16 day of April, nineteen hundred ninety-three, moneys in such fund shall
17 be available to pay such costs or expenses made pursuant to appropri-
18 ations or reappropriations made during the state fiscal year which began
19 on the first of April, nineteen hundred ninety-two. Beginning the first
20 day of April, nineteen hundred ninety-three, moneys in such fund shall
21 also be used for transfers to the general debt service fund and the
22 [~~revenue bond tax~~] general fund of amounts equal to that respectively
23 required for service contract and financing agreement payments as
24 provided and authorized by section three hundred eighty of the public
25 authorities law, section eleven of chapter three hundred twenty-nine of
26 the laws of nineteen hundred ninety-one, as amended, and sections
27 sixty-eight-c and sixty-nine-o of this chapter.

28 § 51. Paragraph c of subdivision 5 of section 89-b of the state
29 finance law is REPEALED.

30 § 52. Subdivision 5 of section 97-f of the state finance law, as
31 amended by section 49 of part TTT of chapter 59 of the laws of 2019, is
32 amended to read as follows:

33 5. The comptroller shall from time to time, but in no event later than
34 the fifteenth day of each month, pay over for deposit in the mental
35 hygiene general fund state operations account, including moneys pursuant
36 to subdivision eight of this section, all moneys in the mental health
37 services fund in excess of the amount of money required to be maintained
38 on deposit in the mental health services fund. Subject to subdivision
39 nine of this section, the amount required to be maintained in such fund
40 shall be (i) twenty percent of the amount of the next payment coming due
41 relating to the mental health services facilities improvement program
42 under any agreement between the facilities development corporation and
43 the New York state medical care facilities finance agency multiplied by
44 the number of months from the date of the last such payment with respect
45 to payments under any such agreement required to be made semi-annually,
46 plus (ii) those amounts specified in any such agreement with respect to
47 payments required to be made other than semi-annually, including for
48 variable rate bonds, interest rate exchange or similar agreements or
49 other financing arrangements permitted by law. Concurrently with the
50 making of any such payment, the facilities development corporation shall
51 deliver to the comptroller, the director of the budget and the New York
52 state medical care facilities finance agency a certificate stating the
53 aggregate amount to be maintained on deposit in the mental health
54 services fund to comply in full with the provisions of this subdivision.

§ 53. Subdivision 8 of section 97-f of the state finance law, as amended by section 49 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

8. ~~[In addition to the amounts required to be maintained on deposit in the mental health services fund pursuant to subdivision five of this section and subject to subdivision nine of this section, the fund shall maintain on deposit an amount equal to the debt service and other cash requirements on mental health services facilities bonds issued by authorized issuers pursuant to sections sixty-eight-b and sixty-nine-n of this chapter. The amount required to be maintained in such fund shall be (i) twenty percent of the amount of the next payment coming due relating to mental health services facilities bonds issued by an authorized issuer multiplied by the number of months from the date of the last such payment with respect to payments required to be made semi-annually, plus (ii) those amounts specified in any financing agreement between the issuer and the state, acting through the director of the budget, with respect to payments required to be made other than semi-annually, including for variable rate bonds, interest rate exchange or similar agreements or other financing arrangements permitted by law. Concurrently with the making of any such payment, the facilities development corporation shall deliver to the comptroller, the director of the budget and the New York state medical care facilities finance agency a certificate stating the aggregate amount to be maintained on deposit in the mental health services fund to comply in full with the provisions of this subdivision.]~~

~~No later than five days prior to the payment to be made by the state comptroller on such mental health services facilities bonds pursuant to sections ninety-two-z and ninety-two-h of this article, the~~ The amount of [such] payment on such mental health services facilities bonds pursuant to sections ninety-two-z and ninety-two-h of this article, shall be transferred by the state comptroller from the mental health services fund to the [revenue bond tax fund established by section ninety-two-z of this article and the sales tax revenue bond fund established by section ninety-two-h of this article] mental hygiene general fund state operation account. The accumulation of moneys pursuant to this subdivision and subsequent transfer to the ~~[revenue bond tax fund and the sales tax revenue bond fund]~~ mental hygiene general fund state operation account shall be subordinate in all respects to payments to be made to the New York state medical care facilities finance agency and to any pledge or assignment pursuant to subdivision six of this section.

§ 54. Subdivision 9 of section 97-f of the state finance law, as added by section 49 of part TTT of chapter 59 of the laws of 2019, is amended to read as follows:

9. In determining the amounts required to be maintained in the mental health services fund under ~~[subdivisions]~~ subdivision five ~~[and eight]~~ of this section in each month, the amount of receipts associated with loans, leases and other agreements with voluntary agencies accumulated and set aside in the mental hygiene facilities improvement fund income account under paragraph g of subdivision three of section nine of the facilities development corporation act shall be taken into account as a credit but only if such crediting does not result in the amounts required to be maintained in the mental health services fund exclusive of any credit to be less than the amount required under subdivision five of this section in each month.

§ 55. Subdivision (j) of section 92-dd of the state finance law is REPEALED.

§ 56. Subdivision 3-a of section 2872 of the public health law is REPEALED and a new subdivision 3-a is added to read as follows:

3-a. "Secured hospital project bonds" shall mean outstanding bonds issued on behalf of a not-for-profit hospital corporation organized under the laws of this state, which hospital has previously been designated by the commissioner and the public health council to be eligible to receive distributions from the reimbursement pools established pursuant to paragraph (c) of subdivision nine of section twenty-eight hundred seven-a of this chapter, or any successor pool or pools established to serve a substantially similar purpose to such pools.

§ 57. Section 2874 of the public health law is amended by adding a new subdivision 5 to read as follows:

5. The dormitory authority of the state of New York and the New York state urban development corporation are each hereby authorized to issue bonds in one or more series pursuant to article 5-C or article 5-F of the state finance law for the purpose of refunding outstanding secured hospital project bonds, as defined in subdivision three-a of section twenty-eight hundred seventy-two of this article, and to finance one or more related debt service reserve funds and to pay costs of issuance attributable to such refunding bonds. The use of all savings resulting from the refunding of any outstanding secured hospital project bonds, including original issue premium, shall be determined by the director of the budget.

§ 58. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2021; provided, however, that the provisions of sections one, one-a, two, three, four, five, six, seven, eight, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one, and twenty-two of this act shall expire March 31, 2022 when upon such date the provisions of such sections shall be deemed repealed; and provided further that section forty-six of this act shall be deemed to have been in full force and effect on and after April 1, 2020; and provided further that the amendments to section 3238-a of the public authorities law made by section forty-nine of this act shall be subject to the repeal of such section and shall expire and be deemed repealed therewith.

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

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