

STATE OF NEW YORK

2505--B

IN SENATE

January 20, 2021

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

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to 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 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend 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

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

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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 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; 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; to repeal certain provisions of chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, relating to the expiration date of the merit provisions of the correction law and the penal law; and to repeal subdivision d of section 74 of chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, relating to the expiration of certain provisions thereof (Part A); to amend the executive law in relation to acceptance and use of grant funds or other gifts or donations by the office for the prevention of domestic violence (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); in relation to the closure of correctional facilities; and providing for the repeal of such provisions upon the expiration thereof (Part M); intentionally omitted (Part N); intentionally omitted (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); intentionally omitted (Part Q);

intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (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); intentionally omitted (Part Y); to amend the agriculture and markets law, in relation to direct marketing activities; to amend the alcoholic beverage control law, in relation to issuance of licenses to motion picture theatres to sell wine and beer; and providing for the repeal of certain provisions upon the expiration thereof (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to amend the state finance law, in relation to video lottery terminal aid (Part KK); intentionally omitted (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); intentionally omitted (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); 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 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); intentionally omitted (Part RR); intentionally omitted (Part SS); to amend the civil service law, in relation to authorizing the president of the civil service commission to establish an amnesty period to identify dependents who are ineligible for health benefits (Part TT); intentionally omitted (Part UU); to amend the real property tax law, in relation to authorizing an exemption for class one capital improvements to residential buildings and certain new construction in a special assessing unit that is not a city (Part VV); intentionally omitted (Part WW); to amend the correction law, in relation to the establishment of a program for the use of medication assisted treatment for inmates; and to amend the mental hygiene law, in relation to the implementation of substance use disorder treatment and transition services in jails (Part XX); to amend the state finance law, the tax law and the public authorities law, in relation to AIM-related sales tax payments in the counties of Nassau and Erie; and to repeal certain provisions of the tax law relating thereto (Part YY); to amend the real property tax law, in relation to delinquent tax interest rates (Part ZZ); to amend the executive law and the state finance law, in relation to the community violence intervention and prevention act (Part AAA); in relation to allowing the director of the budget to withhold appropriations from police departments who fail to submit the certification required by executive order two hundred three (Part BBB); and to provide a temporary retirement incentive for certain public employees (Subpart A); and to provide an age 55/25 years temporary retirement incentive for certain public employees (Subpart B) (Part CCC)

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 CCC. 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~~
19 ~~1, 2021~~].

1 § 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-
2 tive law and the criminal procedure law relating to expanding the
3 geographic area of employment of certain police officers, as amended by
4 section 2 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 on the first day of November next
7 succeeding the date on which it shall have become a law, and shall
8 remain in effect until the first day of September, [~~2021~~] 2023, when it
9 shall expire and be deemed repealed.

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

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

17 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters
18 50, 53 and 54 of the laws of 1987, the correction law, the penal law and
19 other chapters and laws relating to correctional facilities, as amended
20 by section 4 of part A of chapter 55 of the laws of 2020, is amended to
21 read as follows:

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

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

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

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

50 § 10. This act shall take effect 30 days after it shall have become a
51 law [~~and shall remain in effect until September 1, 2021, and~~]; provided
52 [~~further~~] that the commissioner of correctional services shall report
53 each January first, and July first, to the chairman of the senate crime
54 victims, crime and correction committee, the senate codes committee, the
55 assembly correction committee, and the assembly codes committee, the
56 number of eligible inmates in each facility under the custody and

1 control of the commissioner who have applied for participation in any
2 program offered under the provisions of work release, furlough, or
3 leave, and the number of such inmates who have been approved for partic-
4 ipation.

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

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

14 § 8. Intentionally Omitted.

15 § 9. Intentionally Omitted.

16 § 10. Intentionally Omitted.

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

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

26 § 12. Subdivision (p) of section 406 of chapter 166 of the laws of
27 1991, amending the tax law and other laws relating to taxes, as amended
28 by section 12 of part A of chapter 55 of the laws of 2020, is amended to
29 read as follows:

30 (p) The amendments to section 1809 of the vehicle and traffic law made
31 by sections three hundred thirty-seven and three hundred thirty-eight of
32 this act shall not apply to any offense committed prior to such effec-
33 tive date; provided, further, that section three hundred forty-one of
34 this act shall take effect immediately and shall expire November 1, 1993
35 at which time it shall be deemed repealed; sections three hundred
36 forty-five and three hundred forty-six of this act shall take effect
37 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
38 six, three hundred fifty-seven and three hundred fifty-nine of this act
39 shall take effect immediately and shall expire June 30, 1995 and shall
40 revert to and be read as if this act had not been enacted; section three
41 hundred fifty-eight of this act shall take effect immediately and shall
42 expire June 30, 1998 and shall revert to and be read as if this act had
43 not been enacted; section three hundred sixty-four through three hundred
44 sixty-seven of this act shall apply to claims filed on or after such
45 effective date; sections three hundred sixty-nine, three hundred seven-
46 ty-two, three hundred seventy-three, three hundred seventy-four, three
47 hundred seventy-five and three hundred seventy-six of this act shall
48 remain in effect until September 1, [~~2021~~] 2023, at which time they
49 shall be deemed repealed; provided, however, that the mandatory
50 surcharge provided in section three hundred seventy-four of this act
51 shall apply to parking violations occurring on or after said effective
52 date; and provided further that the amendments made to section 235 of
53 the vehicle and traffic law by section three hundred seventy-two of this
54 act, the amendments made to section 1809 of the vehicle and traffic law
55 by sections three hundred thirty-seven and three hundred thirty-eight of
56 this act and the amendments made to section 215-a of the labor law by

1 section three hundred seventy-five of this act shall expire on September
2 1, [~~2021~~] **2023** and upon such date the provisions of such subdivisions
3 and sections shall revert to and be read as if the provisions of this
4 act had not been enacted; the amendments to subdivisions 2 and 3 of
5 section 400.05 of the penal law made by sections three hundred seventy-
6 seven and three hundred seventy-eight of this act shall expire on July
7 1, 1992 and upon such date the provisions of such subdivisions shall
8 revert and shall be read as if the provisions of this act had not been
9 enacted; the state board of law examiners shall take such action as is
10 necessary to assure that all applicants for examination for admission to
11 practice as an attorney and counsellor at law shall pay the increased
12 examination fee provided for by the amendment made to section 465 of the
13 judiciary law by section three hundred eighty of this act for any exam-
14 ination given on or after the effective date of this act notwithstanding
15 that an applicant for such examination may have prepaid a lesser fee for
16 such examination as required by the provisions of such section 465 as of
17 the date prior to the effective date of this act; the provisions of
18 section 306-a of the civil practice law and rules as added by section
19 three hundred eighty-one of this act shall apply to all actions pending
20 on or commenced on or after September 1, 1991, provided, however, that
21 for the purposes of this section service of such summons made prior to
22 such date shall be deemed to have been completed on September 1, 1991;
23 the provisions of section three hundred eighty-three of this act shall
24 apply to all money deposited in connection with a cash bail or a
25 partially secured bail bond on or after such effective date; and the
26 provisions of sections three hundred eighty-four and three hundred
27 eighty-five of this act shall apply only to jury service commenced
28 during a judicial term beginning on or after the effective date of this
29 act; provided, however, that nothing contained herein shall be deemed to
30 affect the application, qualification, expiration or repeal of any
31 provision of law amended by any section of this act and such provisions
32 shall be applied or qualified or shall expire or be deemed repealed in
33 the same manner, to the same extent and on the same date as the case may
34 be as otherwise provided by law;

35 § 13. Intentionally Omitted.

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

40 § 6. This act shall take effect on the first day of April next
41 succeeding the date on which it shall have become a law; provided,
42 however, that effective immediately, the addition, amendment or repeal
43 of any rule or regulation necessary for the implementation of the fore-
44 going sections of this act on their effective date is authorized and
45 directed to be made and completed on or before such effective date [~~and~~
46 ~~shall remain in full force and effect until the first day of September,~~
47 ~~2021 when upon such date the provisions of this act shall be deemed~~
48 ~~repealed~~].

49 § 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the
50 laws of 1997, amending the military law and other laws relating to vari-
51 ous provisions, as amended by section 15 of part A of chapter 55 of the
52 laws of 2020, is REPEALED.

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

1 § 4. This act shall take effect 120 days after it shall have become a
2 law [~~and~~]; provided that section one of this act shall remain in full
3 force and effect until September 1, 2021, when upon such date it shall
4 expire.

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

9 2. Subdivision 4 of section 140.10 of the criminal procedure law as
10 added by section thirty-two of this act shall take effect January 1,
11 1996 and shall expire and be deemed repealed on September 1, [~~2021~~]
12 2023.

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

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

24 § 19. Subdivision d of section 74 of chapter 3 of the laws of 1995,
25 enacting the sentencing reform act of 1995, as amended by section 19 of
26 part A of chapter 55 of the laws of 2020, is REPEALED.

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

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

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

40 § 3. This act shall take effect immediately, except that section one
41 of this act shall take effect on the first of January next succeeding
42 the date on which it shall have become a law[~~, and shall remain in~~
43 ~~effect until the first of September, 2021, upon which date this act~~
44 ~~shall be deemed repealed and have no further force and effect~~]; provided
45 that section one of this act shall only take effect with respect to any
46 compacting state which has enacted an interstate compact entitled
47 "Interstate compact for adult offender supervision" and having an iden-
48 tical effect to that added by section one of this act and provided
49 further that with respect to any such compacting state, upon the effec-
50 tive date of section one of this act, section 259-m of the executive law
51 is hereby deemed REPEALED and section 259-mm of the executive law, as
52 added by section one of this act, shall take effect; and provided
53 further that with respect to any state which has not enacted an inter-
54 state compact entitled "Interstate compact for adult offender super-
55 vision" and having an identical effect to that added by section one of
56 this act, section 259-m of the executive law shall take effect and the

1 provisions of section one of this act, with respect to any such state,
2 shall have no force or effect until such time as such state shall adopt
3 an interstate compact entitled "Interstate compact for adult offender
4 supervision" and having an identical effect to that added by section one
5 of this act in which case, with respect to such state, effective imme-
6 diately, section 259-m of the executive law is deemed repealed and
7 section 259-mm of the executive law, as added by section one of this
8 act, shall take effect.

9 § 22. Section 8 of part H of chapter 56 of the laws of 2009, amending
10 the correction law relating to limiting the closing of certain correc-
11 tional facilities, providing for the custody by the department of
12 correctional services of inmates serving definite sentences, providing
13 for custody of federal prisoners and requiring the closing of certain
14 correctional facilities, as amended by section 22 of part A of chapter
15 55 of the laws of 2020, is amended to read as follows:

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

19 § 23. Section 3 of part C of chapter 152 of the laws of 2001, amending
20 the military law relating to military funds of the organized militia, as
21 amended by section 23 of part A of chapter 55 of the laws of 2020, is
22 amended to read as follows:

23 § 3. This act shall take effect immediately; provided however that the
24 amendments made to subdivision 1 of section 221 of the military law by
25 section two of this act shall expire and be deemed repealed September 1,
26 [~~2021~~] 2023.

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

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

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

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

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

53

PART B

54 Section 1. Intentionally omitted.

1 § 2. Subdivisions 3, 4, 5 and 10 of section 575 of the executive law,
2 subdivision 3 and 5 as added by chapter 463 of the laws of 1992, para-
3 graph (e) of subdivision 3 as amended by chapter 368 of the laws of
4 1997, paragraph (l) of subdivision 3 as added by chapter 339 of the laws
5 of 2011, paragraph (m) of subdivision 3 as added, paragraph (n) of
6 subdivision 3 as relettered, and paragraph (b) of subdivision 4 as
7 amended by chapter 204 of the laws of 2020, subdivision 4 as amended by
8 section 1 and subdivision 10 as added by section 3 of part A of chapter
9 491 of the laws of 2012, and paragraph (d) of subdivision 10 as amended
10 by chapter 248 of the laws of 2017, are amended to read as follows:

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

- 16 (a) Serving as a clearinghouse for information and materials;
17 (b) Developing and coordinating community outreach and public educa-
18 tion throughout the state;
19 (c) Developing and delivering training to professionals, including but
20 not limited to professionals in the fields of:
21 (i) domestic violence;
22 (ii) health and mental health;
23 (iii) social and human services;
24 (iv) public education;
25 (v) law enforcement and criminal justice;
26 (vi) alcohol and substance abuse[~~r~~];
27 (d) Developing and promoting school-based prevention programs;
28 (e) Providing technical assistance to state and local government
29 bodies and other agencies and to private not-for-profit corporations, on
30 effective policies and responses to domestic violence, including devel-
31 opment of [a] model domestic violence policies, pursuant to subdivisions
32 seven, eight and nine of this section;
33 (f) Promoting and facilitating interagency cooperation among state
34 agencies and intergovernmental cooperation between different levels of
35 government in the state in the delivery and/or funding of services;
36 (g) Operating as an advocate for domestic violence services and
37 victims;
38 (h) Undertaking program and services needs assessments on its own
39 initiative or at the request of the governor, the legislature or service
40 providers;
41 (i) Examining the relationship between domestic violence and other
42 problems and making recommendations for effective policy response;
43 (j) Collecting data, conducting research, and holding public hearings;
44 (k) Making periodic reports to the governor and the legislature recom-
45 mending policy and program directions and reviewing the activities of
46 the office;
47 (l) Developing and promoting senior center based prevention programs;
48 (m) promoting best practices for abusive partner intervention;
49 (n) Administering grant funds appropriated and made available to
50 support compliance with article one hundred twenty-nine-b of the educa-
51 tion law; and undertaking such actions, duties, and responsibilities as
52 may be necessary to serve the purpose of article one hundred twenty-
53 nine-b of the education law;
54 (o) Any other activities including the making of and promulgation of
55 rules and regulations deemed necessary to facilitate the prevention of

1 domestic violence within the scope and purview of this article which are
2 not otherwise inconsistent with any other provisions of law.

3 4. Advisory council. (a) An advisory council is hereby established to
4 make recommendations on domestic violence related issues and effective
5 strategies for the prevention of domestic violence, to assist in the
6 development of appropriate policies and priorities for effective inter-
7 vention, public education and advocacy, and to facilitate and assure
8 communication and coordination of efforts among state agencies and
9 between different levels of government, state, federal, and municipal,
10 for the prevention of domestic violence.

11 (b) The advisory council shall consist of nine members and seventeen
12 ex-officio members. Each member shall be appointed to serve for a term
13 of three years and shall continue in office until a successor appointed
14 member is made. A member appointed to fill a vacancy shall be appointed
15 for the unexpired term of the member he or she is to succeed. All of the
16 members shall be individuals with expertise in the area of domestic
17 violence. Three members shall be appointed by the governor, two members
18 shall be appointed upon the recommendation of the temporary president of
19 the senate, two members shall be appointed upon the recommendation of
20 the speaker of the assembly, one member shall be appointed upon the
21 recommendation of the minority leader of the senate, and one member
22 shall be appointed upon the recommendation of the minority leader of the
23 assembly. The ex-officio members of the advisory board shall consist of
24 the director of the office, who shall chair the council, and the follow-
25 ing members or their designees: the commissioner of the office of tempo-
26 rary and disability assistance; the commissioner of the department of
27 health; the commissioner of the education department; the commissioner
28 of the office of mental health; the commissioner of the office of [~~also-~~
29 ~~holism and substance abuse~~] addiction services and supports; the commis-
30 sioner of the division of criminal justice services; the superintendent
31 of the division of state police; the director of the office of probation
32 and correctional alternatives; the commissioner of the office of chil-
33 dren and family services; the director of the office of victim services;
34 the chief administrative judge of the office of court administration;
35 the commissioner of the department of labor; the director of the state
36 office for the aging; the commissioner of the department of corrections
37 and community supervision; the commissioner of homes and community
38 renewal; the chief executive officer of the New York state coalition
39 against domestic violence; and the executive director of the New York
40 state coalition against sexual assault.

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

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

52 5. Executive director. (a) The governor shall appoint an executive
53 director of the office who shall serve at the pleasure of the governor.

54 (b) The executive director shall receive an annual salary fixed by the
55 governor within the amounts appropriated specifically therefor and shall

1 be entitled to reimbursement for reasonable expenses incurred in
2 connection with the performance of the director's duties.

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

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

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

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

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

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

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

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

32 (d) Members of a domestic violence fatality review team shall be
33 appointed by the executive director, in consultation with the advisory
34 council, and shall include, but not be limited to, one representative
35 from the office of children and family services, the office of temporary
36 and disability assistance, the division of criminal justice services,
37 the state police, the department of health, the office of court adminis-
38 tration, the office of probation and correctional alternatives, the
39 department of corrections and community supervision, the office of
40 victim services, at least one representative from local law enforcement,
41 a county prosecutor's office, a local social services district, a member
42 of the judiciary, and a domestic violence services program approved by
43 the office of children and family services. A domestic violence fatality
44 review team may also include representatives from sexual assault
45 services programs, public health, mental health and substance abuse
46 agencies, hospitals, clergy, local school districts, local divisions of
47 probation, local offices of the department of corrections and community
48 supervision, the office of the medical examiner or coroner, any local
49 domestic violence task force, coordinating council or other interagency
50 entity that meets regularly to support a coordinated community response
51 to domestic violence, any other program that provides services to domes-
52 tic violence victims, or any other person necessary to the work of the
53 team, including survivors of domestic violence.

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

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

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

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

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

13 (ii) law enforcement records, except where the provision of such
14 records would interfere with an ongoing law enforcement investigation or
15 identify a confidential source or endanger the safety or welfare of an
16 individual;

17 (iii) court records;

18 (iv) probation and parole records;

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

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

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

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

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

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

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

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

52 (n) The team shall periodically submit a cumulative report to the
53 governor and the legislature incorporating the aggregate data and a
54 summary of the general findings and recommendations resulting from the
55 domestic violence fatality reviews completed pursuant to this subdivi-

1 sion. The cumulative report shall thereafter be made available to the
2 public, consistent with federal and state confidentiality protections.
3 § 3. Intentionally omitted.
4 § 4. Intentionally omitted.
5 § 5. Intentionally omitted.
6 § 6. Intentionally omitted.
7 § 7. Intentionally omitted.
8 § 8. Intentionally omitted.
9 § 9. Intentionally omitted.
10 § 10. Intentionally omitted.
11 § 11. Intentionally omitted.
12 § 12. Intentionally omitted.
13 § 13. Intentionally omitted.
14 § 14. Intentionally omitted.
15 § 15. Intentionally omitted.
16 § 16. Intentionally omitted.
17 § 17. Intentionally omitted.
18 § 18. Intentionally omitted.
19 § 19. Intentionally omitted.
20 § 20. Intentionally omitted.
21 § 21. Intentionally omitted.
22 § 22. Intentionally omitted.
23 § 23. Intentionally omitted.
24 § 24. Intentionally omitted.
25 § 25. Intentionally omitted.
26 § 26. Intentionally omitted.
27 § 27. This act shall take effect immediately.

28 PART C
29 Intentionally Omitted
30 PART D
31 Intentionally Omitted
32 PART E
33 Intentionally Omitted
34 PART F
35 Intentionally Omitted
36 PART G
37 Intentionally Omitted
38 PART H
39 Intentionally Omitted
40 PART I
41 Intentionally Omitted

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PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Section 1. Notwithstanding the provisions of sections 79-a and 79-b of the correction law, the governor is authorized to close correctional facilities of the department of corrections and community supervision, as he determines to be necessary for the cost-effective and efficient operation of the correctional system, provided that the governor provides at least 180 days' notice prior to any such closures to the temporary president of the senate and the speaker of the assembly.

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

PART N

Intentionally Omitted

PART O

Intentionally Omitted

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

Intentionally Omitted

PART R

1 Intentionally Omitted

2 PART S

3 Intentionally Omitted

4 PART T

5 Intentionally Omitted

6 PART U

7 Intentionally Omitted

8 PART V

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

11 1-a. a. The purposes of the state insurance fund are hereby enlarged
12 to permit it to enter agreements with insurers licensed to write work-
13 ers' compensation insurance in states outside New York to issue policies
14 to state insurance fund policyholders covering those policyholders'
15 obligations to secure the payment of workers' compensation benefits
16 under the laws of states other than New York. The state insurance fund
17 shall also be authorized to receive premiums into its workers' compen-
18 sation fund for policies written under such agreements and to pay from
19 such fund: (i) reimbursement of all losses and loss adjustment expenses
20 under such policies; and (ii) fees and other costs, including but not
21 limited to those for claims services, relating to such agreements. An
22 agreement under this subdivision shall not include the provision of
23 claims services for any claim under this chapter.

24 b. For a policyholder to be eligible for insurance in states other
25 than New York provided through agreements entered into under this subdi-
26 vision, either: (i) the policyholder's workers' compensation premiums
27 with the state insurance fund covering its employees under this chapter
28 must be greater than the premiums charged to cover the policyholder's
29 obligations to pay workers' compensation benefits in all states, in the
30 aggregate, other than New York when covered under such agreements; or
31 (ii) the payroll for the policyholder's operations in New York must be
32 greater than the policyholder's payroll in all states, in the aggregate,
33 other than New York when covered under such agreements for the prior
34 policy period. For determining eligibility, "premiums" mean estimated
35 premiums as determined by the state insurance fund at the beginning of
36 the policy period. In addition, for a policyholder to be eligible for
37 insurance in states other than New York through the state insurance
38 fund, the policyholder must meet the state insurance fund's underwriting
39 criteria for other states coverage as specified by rules of the commis-
40 sioners.

41 § 2. This act shall take effect immediately.

42 PART W

43 Section 1. The section heading and subdivisions 1, 2, 3 and 7 of
44 section 87 of the workers' compensation law, the section heading and
45 subdivision 1 as amended and subdivisions 2, 3 and 7 as added by section

1 20 of part GG of chapter 57 of the laws of 2013, are amended to read as
2 follows:

3 ~~[Investment of surplus or reserve]~~ Investments. 1. Any of the reserve
4 funds belonging to the state insurance fund, by order of the commission-
5 ers, approved by the superintendent of financial services, may be
6 invested in the types of ~~[securities]~~ investments described in ~~[subdivi-~~
7 ~~sions one, two, three, four, five, six, eleven, twelve, twelve-a, thir-~~
8 ~~teen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a,~~
9 ~~twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five~~
10 ~~of section two hundred thirty five of the banking law or in paragraph]~~
11 paragraphs one, two, three and four of subsection (b) of section one
12 thousand four hundred two of the insurance law and paragraphs one, two,
13 three, four, five, six, seven, and eleven of subsection (a) of section
14 one thousand four hundred four of the insurance law with the qualitative
15 standards or quantitative limitations which are set forth in such para-
16 graphs except that ~~[up to]~~ a minimum of five percent of such reserve
17 funds ~~[may]~~ shall be invested in the types of securities ~~[of any solvent~~
18 ~~American institution as]~~ described in ~~[such paragraph irrespective of~~
19 ~~the rating of such institution's obligations or other similar qualita-~~
20 ~~tive standards described therein]~~ paragraphs one, two, three and four of
21 subsection (b) of section one thousand four hundred two of the insurance
22 law.

23 2. Any ~~[of the surplus]~~ funds belonging to the state insurance fund
24 exceeding seventy percent of the aggregate of loss reserves, loss
25 expense reserves and fifty percent of unearned premium reserves, by
26 order of the commissioners, approved by the superintendent of financial
27 services, may be invested in the types of ~~[securities described in~~
28 ~~subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a,~~
29 ~~thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a,~~
30 ~~twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five~~
31 ~~of section two hundred thirty five of the banking law or, up to fifty~~
32 ~~percent of surplus funds, in the types of securities or]~~ investments
33 described in ~~[paragraphs two, three, eight and ten of]~~ paragraphs one,
34 two, three and four of subsection (b) of section one thousand four
35 hundred two of the insurance law and subsection (a) of section one thou-
36 sand four hundred four of the insurance law, ~~[except that up to ten~~
37 ~~percent of surplus funds may be invested in the securities of any~~
38 ~~solvent American institution as described in such paragraphs irrespec-~~
39 ~~tive of the rating of such institution's obligations or other similar~~
40 ~~qualitative standards described therein,]~~ but such investments shall not
41 be subject to the qualitative standards or quantitative limitations
42 which are set forth with respect to any investment permitted by such
43 subsection and ~~[up to fifteen percent of surplus funds in securities or~~
44 ~~investments which do not otherwise qualify for investment under this~~
45 ~~section as shall be made with the care, prudence and diligence under the~~
46 ~~circumstances then prevailing that a prudent person acting in a like~~
47 ~~capacity and familiar with such matters would use in the conduct of an~~
48 ~~enterprise of a like character and with like aims as provided for the~~
49 ~~state insurance fund under this article, but shall not include any~~
50 ~~direct derivative instrument or derivative transaction except for hedg-~~
51 ~~ing purposes]~~ in accordance with section one thousand four hundred ten
52 of the insurance law. ~~[Notwithstanding any other provision in this~~
53 ~~subdivision, the aggregate amount that the state insurance fund may~~
54 ~~invest in the types of securities or investments described in paragraphs~~
55 ~~three, eight and ten of subsection (a) of section one thousand four~~
56 ~~hundred four of the insurance law and as a prudent person acting in a~~

1 ~~like capacity would invest as provided in this subdivision shall not~~
 2 ~~exceed fifty percent of such surplus funds.]~~

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

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

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

21 (c) The state insurance fund of this state, except as to the
 22 provisions of section one thousand four hundred ten, subsection (d) of
 23 section two thousand three hundred thirty-nine, section three thousand
 24 one hundred ten, subsection (a), paragraph one of subsection (b), para-
 25 graph three of subsection (c) and subsection (d) of section three thou-
 26 sand two hundred one, sections three thousand two hundred two, three
 27 thousand two hundred four, subsections (a) through (d) of section three
 28 thousand two hundred twenty-one, subsections (b) and (c) of section four
 29 thousand two hundred twenty-four, section four thousand two hundred
 30 twenty-six and subsections (a) and (b), (g) through (j), and (n) of
 31 section four thousand two hundred thirty-five of this chapter and except
 32 as otherwise specifically provided by the laws of this state.

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

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

41 § 4. This act shall take effect immediately.

42 PART X

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

46 5. All computations made or directed by the board shall be upon the
 47 basis of (i) the survivorship annuitants table of mortality, the remar-
 48 riage tables of the Dutch Royal Insurance Institution applicable to
 49 claims for accidents occurring on or before December thirty-first, two
 50 thousand twenty-one, and (ii) beginning January first, two thousand
 51 twenty-two, and on January first of each tenth year thereafter, the
 52 United States life table for the total population published by the
 53 department of health and human services and the remarriage table
 54 published by the United States railroad retirement board applicable to

1 claims for accidents occurring on or after January first of the year
2 following the adoption of any revision of such tables as provided in
3 this subdivision and interest at three and one-half per centum per annum
4 on claims based on accidents occurring up to and including June thirti-
5 eth, nineteen hundred thirty-nine, at three per centum per annum on
6 claims based on accidents occurring from July first, nineteen hundred
7 thirty-nine up to and including August thirty-first, nineteen hundred
8 eighty-three, at six per centum per annum on claims based on accidents
9 occurring from September first, nineteen hundred eighty-three up to and
10 including December thirty-first, two thousand and at the industry stand-
11 ard rate on claims based on accidents occurring thereafter, except (a)
12 that computations of present values of death benefits required to be
13 paid into the aggregate trust fund by an insurance carrier which is a
14 stock corporation or a mutual association shall be based, in the case of
15 a dependent parent, grandparent, blind or physically disabled child or
16 spouse, upon said table of mortality disregarding possible change in or
17 termination of dependency, with interest at three and one-half per
18 centum per annum on claims based on accidents occurring up to and
19 including June thirtieth, nineteen hundred thirty-nine, at three per
20 centum per annum on claims based on accidents occurring from July first,
21 nineteen hundred thirty-nine up to and including August thirty-first,
22 nineteen hundred eighty-three, at six per centum per annum on claims
23 based on accidents occurring from September first, nineteen hundred
24 eighty-three up to and including December thirty-first, two thousand and
25 at the industry standard rate on claims based on accidents occurring
26 thereafter and (b) that computations of present values of permanent
27 partial disability benefits awarded for a definite number of weeks shall
28 be on the basis of annuities certain with interest at three and one-half
29 per centum per annum on claims based on accidents occurring up to and
30 including June thirtieth, nineteen hundred thirty-nine, at three per
31 centum per annum on claims based on accidents occurring from July first,
32 nineteen hundred thirty-nine up to and including August thirty-first,
33 nineteen hundred eighty-three, at six per centum per annum on claims
34 based on accidents occurring from September first, nineteen hundred
35 eighty-three up to and including December thirty-first, two thousand and
36 at the industry standard rate on claims based on accidents occurring
37 thereafter.

38 § 2. The closing paragraph of subdivision 7 of section 27 of the work-
39 ers' compensation law, as amended by chapter 6 of the laws of 2007 and
40 as further amended by section 104 of part A of chapter 62 of the laws of
41 2011, is amended to read as follows:

42 Such additional payments shall be required until the surplus of the
43 fund equals or exceeds one per centum of the total outstanding loss
44 reserves as shown by three successive annual reports of the fund to the
45 superintendent of financial services and such additional payment shall
46 be required as a payment upon each award based on an accident occurring
47 prior to July first next succeeding the third such annual report, but
48 not as a payment upon any award based on an accident occurring on or
49 after said July first; provided, however, that if and when the surplus
50 of the fund as shown by any annual report thereafter shall be less than
51 one per centum of the total outstanding loss reserves, then the addi-
52 tional payments as provided in paragraphs (a), (b), (c) and (d) of this
53 subdivision shall be resumed and shall be payable upon any award based
54 on an accident occurring on or after July first next succeeding the
55 close of the year for which such annual report is made. Thereafter, the
56 suspension or resumption of additional payments as required by this

1 subdivision shall be governed by the foregoing provisions. Such loss
 2 reserves shall be computed based upon the tables specified in subdivi-
 3 sion five of this section applicable to the calculation of the deposit
 4 for the claim on which such deposit is based and interest at a standard
 5 to be determined by the superintendent of financial services by regu-
 6 lation.

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

10 § 86. Catastrophe surplus and reserves for workers' compensation. Ten
 11 per centum of the premiums collected from employers insured in the fund
 12 for workers' compensation shall be set aside for the creation of a
 13 surplus until such surplus shall amount to the sum of one hundred thou-
 14 sand dollars, and thereafter five per centum of such premiums, until
 15 such time as in the judgment of the commissioners such surplus shall be
 16 sufficiently large to cover the catastrophe hazard. Thereafter the
 17 contribution to such surplus may be reduced or discontinued conditional
 18 upon constant maintenance of a sufficient surplus to cover the catastro-
 19 phe hazard. Reserves shall be set up and maintained adequate to meet
 20 anticipated losses and carry all claims and policies to maturity, which
 21 reserves shall be computed [~~to reflect the present values, at five~~
 22 ~~percent interest per annum, of the determined and estimated unpaid loss-~~
 23 ~~es, and other requirements computed in accordance with such rules as~~
 24 ~~shall be approved by the superintendent of financial services]~~ pursuant
 25 to subsections (d) and (e) of section four thousand one hundred seven-
 26 teen of the insurance law.

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

30 (c) The state insurance fund of this state, except as to the
 31 provisions of subsection (d) of section two thousand three hundred thir-
 32 ty-nine, section three thousand one hundred ten, subsection (a), para-
 33 graph one of subsection (b), paragraph three of subsection (c) and
 34 subsection (d) of section three thousand two hundred one, sections three
 35 thousand two hundred two, three thousand two hundred four, subsections
 36 (a) through (d) of section three thousand two hundred twenty-one,
 37 subsections (d) and (e) of section four thousand one hundred seventeen,
 38 subsections (b) and (c) of section four thousand two hundred twenty-
 39 four, section four thousand two hundred twenty-six and subsections (a)
 40 and (b), (g) through (j), and (n) of section four thousand two hundred
 41 thirty-five of this chapter and except as otherwise specifically
 42 provided by the laws of this state.

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

45 (e) Whenever in the judgment of the superintendent, the loss and loss
 46 expense reserves of any property/casualty insurance company doing busi-
 47 ness in this state or of the state insurance fund of this state calcu-
 48 lated in accordance with the foregoing provisions are inadequate or
 49 excessive, [~~he~~] the superintendent may prescribe any other basis [~~which~~]
 50 that will produce adequate and reasonable reserves.

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

52 PART Y

53 Intentionally Omitted

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PART Z

2 Section 1. Subdivisions 2, 4, 5 and 6 of section 284 of the agricul-
3 ture and markets law, as added by chapter 834 of the laws of 1981, are
4 amended to read as follows:

5 2. Development of institutional direct marketing programs to increase
6 the purchase of New York state farm, beverage, and food products in
7 coordination with the office of general services and the department of
8 education.

9 4. Development of guidelines for direct marketing operations that will
10 assist individual producers in reducing costs and improve their finan-
11 cial returns and help assure consumers of high quality food and beverage-
12 es.

13 5. Assistance to retail food and beverage stores in purchasing direct-
14 ly from New York state food and beverage producers.

15 6. Assistance to direct marketing organizations in areas identified as
16 having poor consumer access to high quality and reasonably priced food,
17 beverages, and farm products.

18 § 2. Section 81-a of the alcoholic beverage control law is amended by
19 adding a new subdivision 5 to read as follows:

20 5. a. Notwithstanding anything to the contrary, a special license
21 under this section may be granted to a motion picture theatre giving due
22 regard to the convenience of the public and the strict avoidance of
23 sales prohibited by this chapter.

24 b. A special license under this section may be granted to a motion
25 picture theatre. For the purposes of this subdivision, "motion picture
26 theatre" shall mean a building or facility which is regularly used and
27 kept open primarily for the exhibition of motion pictures for at least
28 five out of seven days a week, or on a regular seasonal basis of no less
29 than six contiguous weeks, to the general public; (i) where all audito-
30 rium seating is permanently affixed to the floor; (ii) where at least
31 sixty-five percent of the motion picture theatre's annual gross revenues
32 is the combined result of admission revenue for the showing of motion
33 pictures and the sale of food and non-alcoholic beverages; and (iii)
34 which regularly keeps available for sale to its customers for consump-
35 tion on the premises food that is typically found in a motion picture
36 theatre including, but not limited to, popcorn, candy and light snacks.

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

39 16. A person holding a special license to sell wine at retail for
40 consumption in a motion picture theatre pursuant to subdivision five of
41 section eighty-one-a of this chapter shall:

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

45 (b) allow the purchase of no more than one alcoholic beverage per
46 transaction;

47 (c) not commence the sale of alcoholic beverages until: (i) one hour
48 prior to the start of the first motion picture; or (ii) at the time at
49 which the sale or service of alcoholic beverages for consumption on the
50 premises in the county in which the premises is located may commence;
51 whichever is later; and

52 (d) cease all sales of alcoholic beverages: (i) after the conclusion
53 of the final motion picture; or (ii) at the time at which the sale or
54 service of alcoholic beverages for consumption on the premises in the

1 county in which the premises is located must cease, whichever is earli-
2 er.

3 § 4. Subdivision 1 of section 110 of the alcoholic beverage control
4 law is amended by adding a new paragraph (j) to read as follows:

5 (j) In the case of a motion picture theatre applying for a special
6 license under subdivision five of section eighty-one-a of this chapter,
7 any municipality required to be notified under section one hundred ten-b
8 of this article shall provide written notice that such municipality has
9 no objection to such application.

10 § 5. Subdivision 6 of section 110 of the alcoholic beverage control
11 law, as amended by chapter 188 of the laws of 2013, is amended to read
12 as follows:

13 6. The authority may in its discretion waive the submission of any
14 category of information described in this section for any category of
15 license or permit, provided that it shall not be permitted to waive the
16 requirement for submission of any such category of information solely
17 for an individual applicant or applicants and provided further that no
18 waiver of paragraph (f) or paragraph (j) of subdivision one of this
19 section shall be made.

20 § 6. This act shall take effect immediately provided, however, that
21 the provisions of section two of this act shall expire 5 years after
22 such date when upon such date the provisions of such section shall be
23 deemed repealed. Notwithstanding such repeal, any license issued pursu-
24 ant to the provisions of section two of this act prior to the date of
25 repeal of such section shall remain in effect and may be renewed subject
26 to the terms of such license.

27 PART AA

28 Intentionally Omitted

29 PART BB

30 Intentionally Omitted

31 PART CC

32 Intentionally Omitted

33 PART DD

34 Intentionally Omitted

35 PART EE

36 Intentionally Omitted

37 PART FF

38 Intentionally Omitted

39 PART GG

40 Intentionally Omitted

41 PART HH

1 Intentionally Omitted

2 PART II

3 Intentionally Omitted

4 PART JJ

5 Intentionally Omitted

6 PART KK

7 Section 1. Section 54-1 of the state finance law, as added by section
8 1 of part J of chapter 57 of the laws of 2011, paragraph b of subdivi-
9 sion 2 as amended by section 1 of part X of chapter 55 of the laws of
10 2014 and subdivision 5 as added by section 5 of part S of chapter 39 of
11 the laws of 2019, is amended to read as follows:

12 § 54-1. State assistance to eligible cities and eligible municipi-
13 palities in which a video lottery gaming facility is located. 1. Defi-
14 nitions. When used in this section, unless otherwise expressly stated:

15 a. "Eligible city" shall mean a city with a population equal to or
16 greater than one hundred twenty-five thousand and less than one million
17 in which a video lottery gaming facility is located and operating as of
18 January first, two thousand nine pursuant to section sixteen hundred
19 seventeen-a of the tax law.

20 b. "Eligible municipality" shall mean a county, city, town or village
21 in which a video lottery gaming facility is located pursuant to section
22 sixteen hundred seventeen-a of the tax law that is not located in a city
23 with a population equal to or greater than one hundred twenty-five thou-
24 sand; provided, however, that such video lottery gaming facility must be
25 located in the county of Orange, the county of Erie, the county of
26 Ontario, the county of Oneida or the county of Suffolk.

27 2. a. Within the amount appropriated therefor, an eligible city shall
28 receive an amount equal to the state aid payment received in the state
29 fiscal year commencing April first, two thousand eight from an appropri-
30 ation for aid to municipalities with video lottery gaming facilities.

31 b. Within the amounts appropriated therefor, eligible municipalities
32 shall receive an amount equal to seventy percent of the state aid
33 payment received in the state fiscal year commencing April first, two
34 thousand eight from an appropriation for aid to municipalities with
35 video lottery gaming facilities, except as otherwise provided by subdi-
36 visions five and six of this section.

37 3. a. State aid payments made to an eligible city pursuant to para-
38 graph a of subdivision two of this section shall be used to increase
39 support for public schools in such city.

40 b. State aid payments made to an eligible municipality pursuant to
41 paragraph b of subdivision two of this section shall be used by such
42 eligible municipality to: (i) defray local costs associated with a video
43 lottery gaming facility, or (ii) minimize or reduce real property taxes.

44 4. Payments of state aid pursuant to this section shall be made on or
45 before June thirtieth of each state fiscal year to the chief fiscal
46 officer of each eligible city and each eligible municipality on audit
47 and warrant of the state comptroller out of moneys appropriated by the
48 legislature for such purpose to the credit of the local assistance fund
49 in the general fund of the state treasury.

1 5. The town and county in which the facility defined in paragraph five
 2 of subdivision a of section sixteen hundred seventeen-a of the tax law
 3 is located shall receive assistance payments made pursuant to this
 4 section at the same dollar level realized by the village of Monticello,
 5 Sullivan county, the town of Thompson, Sullivan county, and Sullivan
 6 county in the state fiscal year commencing April first, two thousand
 7 nineteen; provided however that the amount that was allocated to the
 8 village of Monticello shall be distributed evenly between such town and
 9 such county. [~~Each village in which the facility defined in paragraph~~
 10 ~~five of subdivision a of section sixteen hundred seventeen-a of the tax~~
 11 ~~law is located shall receive assistance payments made pursuant to this~~
 12 ~~section at the rate of fifty percent of the dollar level realized by the~~
 13 ~~village of Monticello.~~] Any payments made pursuant to this subdivision
 14 shall not commence until the facility defined in paragraph five of
 15 subdivision a of section sixteen hundred seventeen-a of the tax law has
 16 realized revenue for a period of twelve consecutive months.

17 6. The county in which the facility defined in paragraph three of
 18 subdivision a of section sixteen hundred seventeen-a of the tax law is
 19 located shall receive annual assistance payments made pursuant to this
 20 section in the amount of one million, two hundred and eighty-seven thou-
 21 sand and one hundred sixty three dollars; provided, however, that such
 22 facility must be located in the county of Suffolk.

23 § 2. This act shall take effect immediately.

24 PART LL

25 Intentionally Omitted

26 PART MM

27 Section 1. The opening paragraph of subparagraph 2 of paragraph a and
 28 subparagraph 2 of paragraph b of subdivision 3 of section 11 of the
 29 general municipal law, the opening paragraph of subparagraph 2 of para-
 30 graph a as amended by section 1 of part W of chapter 406 of the laws of
 31 1999 and subparagraph 2 of paragraph b as amended by chapter 130 of the
 32 laws of 1998, are amended to read as follows:

33 notwithstanding any other provision of general, special or local law,
 34 any city having a population of one million or more and any county may
 35 also make investments in the following:

36 (2) Such obligations, unless registered or inscribed in the name of
 37 the local government, shall be purchased through, delivered to and held
 38 in the custody of a bank or trust company or, with respect to the city
 39 of New York and counties, a reputable dealer in such obligations as
 40 shall be designated by the state comptroller, in this state. Such obli-
 41 gations shall be purchased, sold or presented for redemption or payment
 42 by such bank or trust company or dealer in obligations only in accord-
 43 ance with prior written authorization from the officer authorized to
 44 make the investment. All such transactions shall be confirmed in writing
 45 to the local government by the bank or trust company. All obligations
 46 held in the custody of a bank or trust company pursuant to this para-
 47 graph shall be held by such bank or trust company pursuant to a written
 48 custodial agreement as set forth in paragraph a of subdivision three of
 49 section ten of this article.

50 § 2. Paragraph b of subdivision 3 of section 11 of the general municip-
 51 al law, as amended by chapter 548 of the laws of 1997, is amended to
 52 read as follows:

1 b. Such obligations, unless registered or inscribed in the name of the
2 local government, shall be purchased through, delivered to and held in
3 the custody of a bank or trust company or, with respect to the city of
4 New York and counties, a reputable dealer in such obligations as shall
5 be designated by the state comptroller, in this state. Such obligations
6 shall be purchased, sold or presented for redemption or payment by such
7 bank or trust company or dealer in obligations only in accordance with
8 prior written authorization from the officer authorized to make the
9 investment. All such transactions shall be confirmed in writing to the
10 local government by the bank or trust company. All obligations held in
11 the custody of a bank or trust company pursuant to this paragraph shall
12 be held by such bank or trust company pursuant to a written custodial
13 agreement as set forth in paragraph a of subdivision three of section
14 ten of this article.

15 § 3. This act shall take effect immediately, provided however the
16 amendments to subdivision 3 of section 11 of the general municipal law
17 made by section one of this act shall be subject to the expiration and
18 reversion of such subdivision pursuant to section 2 of chapter 130 of
19 the laws of 1998, as amended, when upon such date the provisions of
20 section two of this act shall take effect.

21

PART NN

22 Section 1. Subdivision 2 of section 239-bb of the general municipal
23 law, as added by section 1 of part EE of chapter 55 of the laws of 2018,
24 is amended to read as follows:

25 2. County-wide shared services panels. a. There shall be a county-wide
26 shared services panel in each county consisting of the county CEO, and
27 one representative from each city, town ~~and~~, village and school
28 district in the county. The chief executive officer of each town, city
29 and village shall be the representative to a panel and shall be the
30 mayor, if a city or a village, or shall be the supervisor, if a town.
31 In the case of a school district, a representative shall be elected by
32 majority vote of the school board to serve as the representative of such
33 school district. The county CEO shall serve as chair. All panels estab-
34 lished in each county pursuant to part BBB of chapter fifty-nine of the
35 laws of two thousand seventeen, and prior to the enactment of this arti-
36 cle, shall continue in satisfaction of this section in such form as they
37 were established, provided that the county CEO may alter the membership
38 of the panel consistent with paragraph b of this subdivision.

39 b. The county CEO may invite any ~~[school-district,~~ board of cooper-
40 ative educational services, fire district, fire protection district, or
41 special improvement district in the county to join a panel. Upon such
42 invitation, the governing body of such ~~[school-district,~~ board of coop-
43 erative educational services, fire district, fire protection district,
44 or other special district may accept such invitation by selecting a
45 representative of such governing body, by majority vote, to serve as a
46 member of the panel. Such ~~[school-district,~~ board of cooperative educa-
47 tional services, fire district, fire protection district or other
48 special district shall maintain such representation until the panel
49 either approves a plan or transmits a statement to the secretary of
50 state on the reason the panel did not approve a plan, pursuant to para-
51 graph d of subdivision seven of this section. Upon approval of a plan or
52 a transmission of a statement to the secretary of state that a panel did
53 not approve a plan in any calendar year, the county CEO may, but need
54 not, invite any ~~[school-district,~~ board of cooperative educational

1 services, fire district, fire protection district or special improvement
2 district in the county to join a panel thereafter convened.

3 § 2. Subdivision 8 of section 239-bb of the general municipal law, as
4 added by section 1 of part EE of chapter 55 of the laws of 2018, is
5 amended to read as follows:

6 8. For each county, new shared services actions [~~not included~~] in [~~a~~
7 ~~previously~~] an approved and submitted plan pursuant to this section or
8 part BBB of chapter fifty-nine of the laws of two thousand seventeen,
9 may be eligible for funding to match savings from such action, subject
10 to available appropriation. Savings that are actually and demonstrably
11 realized by the participating local governments are eligible for match-
12 ing funding. For actions that are part of an approved plan transmitted
13 to the secretary of state in accordance with paragraph b of subdivision
14 seven of this section, savings achieved [~~from~~] during either: (i) Janu-
15 ary first through December thirty-first from new actions implemented on
16 or after January first through December thirty-first of the year imme-
17 diately following an approved [~~and-transmitted~~] plan, or (ii) July first
18 of the year immediately following an approved plan through June thirti-
19 eth of the subsequent year from new actions implemented July first of
20 the year immediately following an approved plan through June thirtieth
21 of the subsequent year may be eligible for matching funding. Only net
22 savings between local governments for each action would be eligible for
23 matching funding. Savings from internal efficiencies or any other action
24 taken by a local government without the participation of another local
25 government are not eligible for matching funding. Each county and all of
26 the local governments within the county that are part of any action to
27 be implemented as part of an approved plan must collectively apply for
28 the matching funding and agree on the distribution and use of any match-
29 ing funding in order to qualify for matching funding. Each county shall
30 be authorized to submit one consolidated application for matching funds
31 for each approved and transmitted plan. All actions from a plan for
32 which matching funds will be requested shall adhere to the same twelve-
33 month period beginning either January first or July first. The secretary
34 of state shall develop the application with any necessary requirements
35 for receipt of state matching funds.

36 § 3. Subdivision 11 of section 239-bb of the general municipal law is
37 REPEALED.

38 § 4. This act shall take effect immediately.

39 PART OO

40 Intentionally Omitted

41 PART PP

42 Section 1. Section 217 of the county law is amended to read as
43 follows:

44 § 217. County jail. Each county shall continue to maintain a county
45 jail as prescribed by law; provided, however, this section shall not
46 prohibit contiguous counties from jointly maintaining a jail pursuant to
47 a shared services agreement that has been reviewed and approved by the
48 New York state commission of correction. The commission's review and
49 approval of a shared services agreement shall be limited to the portions
50 of the agreement that directly affect the care, custody, correction,
51 treatment, supervision, discipline, and other correctional programs for
52 all persons confined in the jail.

1 § 2. Subdivision 1 of section 500-a of the correction law is amended
2 by adding a new paragraph (h) to read as follows:

3 (h) Notwithstanding any other law to the contrary, nothing in this
4 subdivision shall prohibit contiguous counties from jointly maintaining
5 a jail pursuant to section two hundred seventeen of the county law.

6 § 3. Subdivision 1 of section 500-c of the correction law, as added by
7 chapter 907 of the laws of 1984, is amended to read as follows:

8 1. Except as provided in subdivision two of this section, the sheriff
9 of each county shall have custody of the county jail of such county;
10 provided however, that for contiguous counties jointly maintaining a
11 jail pursuant to section two hundred seventeen of the county law, the
12 sheriff of the county in which such jail is located shall regularly
13 consult with the sheriff of any county jointly maintaining the jail.

14 § 4. Paragraph (b) of subdivision 3 of section 259-i of the executive
15 law, as amended by section 11 of part E of chapter 62 of the laws of
16 2003, is amended to read as follows:

17 (b) A person who shall have been taken into custody pursuant to this
18 subdivision for violation of one or more conditions of presumptive
19 release, parole, conditional release or post-release supervision shall,
20 insofar as practicable, be incarcerated in the county or city in which
21 the arrest occurred. Notwithstanding any other law to the contrary,
22 nothing in this subdivision shall prohibit contiguous counties from
23 jointly maintaining a jail pursuant to section two hundred seventeen of
24 the county law.

25 § 5. Paragraph (a) of subdivision 16 of section 2 of the correction
26 law, as amended by chapter 681 of the laws of 1990, is amended to read
27 as follows:

28 (a) "Local correctional facility." Any place [~~operated~~] maintained by
29 [~~a county~~] one or more contiguous counties, or the city of New York as a
30 place for the confinement of persons duly committed to secure their
31 attendance as witnesses in any criminal case, charged with crime and
32 committed for trial or examination, awaiting the availability of a
33 court, duly committed for any contempt or upon civil process, convicted
34 of any offense and sentenced to imprisonment therein or awaiting trans-
35 portation under sentence to imprisonment in a correctional facility, or
36 pursuant to any other applicable provisions of law.

37 § 6. Subdivision 1 of section 751 of the judiciary law, as amended by
38 chapter 399 of the laws of 1988, is amended to read as follows:

39 1. Except as provided in subdivisions (2), (3) and (4), punishment for
40 a contempt, specified in section seven hundred fifty, may be by fine,
41 not exceeding one thousand dollars, or by imprisonment, not exceeding
42 thirty days, in the jail of the county where the court is sitting, or
43 both, in the discretion of the court. If the county jail in which the
44 court is sitting has entered into a shared services agreement pursuant
45 to section two hundred seventeen of the county law, the person may be
46 imprisoned in a jail in the contiguous county that is party to such
47 agreement. Where the punishment for contempt is based on a violation of
48 an order of protection issued under section 530.12 or 530.13 of the
49 criminal procedure law, imprisonment may be for a term not exceeding
50 three months. Where a person is committed to jail, for the nonpayment of
51 a fine, imposed under this section, he must be discharged at the expira-
52 tion of thirty days; but where he is also committed for a definite time,
53 the thirty days must be computed from the expiration of the definite
54 time.

55 Such a contempt, committed in the immediate view and presence of the
56 court, may be punished summarily; when not so committed, the party

1 charged must be notified of the accusation, and have a reasonable time
2 to make a defense.

3 § 7. Subdivision 4 of section 40 of the correction law, as amended by
4 chapter 247 of the laws of 2018, is amended to read as follows:

5 4. "Municipal official" means (a) the sheriff or, where a local
6 correctional facility is under the jurisdiction of a county department,
7 the head of such department, and clerk of the board of supervisors, in
8 the case of a county jail; (b) ~~the~~ any sheriff or other officer having
9 custody or administrative jurisdiction and the clerk of ~~the~~ any board
10 of supervisors, in the case of a ~~county penitentiary~~ jail maintained
11 by two or more contiguous counties pursuant to section two hundred
12 seventeen of the county law; (c) the clerk of the board of supervisors
13 in the case of a county lockup; (d) the mayor and the city clerk, in the
14 case of a city jail or lockup; (e) the supervisor and town clerk, in the
15 case of a town lockup; (f) the mayor and village clerk, in the case of a
16 village lockup; (g) the clerk of the board of supervisors of the county
17 wherein located and the officer having custody or control, in the case
18 of a court detention pen or a hospital prison ward.

19 § 8. Paragraph (b) of subdivision 3 of section 430.20 of the criminal
20 procedure law, as amended by chapter 788 of the laws of 1971, is amended
21 to read as follows:

22 (b) In any other case, commitment must be to the county jail~~[, work-~~
23 ~~house or penitentiary, or to a penitentiary outside the county]~~ or, in a
24 county jointly maintaining a jail pursuant to section two hundred seven-
25 teen of the county law, to such jail, and the order of commitment must
26 specify the institution to which the defendant is to be delivered.

27 § 9. Subdivision 35 of section 1.20 of the criminal procedure law is
28 amended to read as follows:

29 35. "Commitment to the custody of the sheriff," when referring to an
30 order of a court located in a county or city which has established a
31 department of correction, means commitment to the commissioner of
32 correction of such county or city. When referring to an order of a
33 court located in a county jointly maintaining a jail pursuant to section
34 two hundred seventeen of the county law, "commitment to the custody of
35 the sheriff" shall mean commitment to the sheriff of the county in which
36 such jail is located.

37 § 10. Paragraph a of subdivision 7 of section 3202 of the education
38 law, as amended by chapter 564 of the laws of 2001, is amended to read
39 as follows:

40 a. A person under twenty-one years of age who has not received a high
41 school diploma and who is incarcerated in a correctional facility main-
42 tained by ~~a county~~ one or more contiguous counties or by the city of
43 New York or in a youth shelter is eligible for educational services
44 pursuant to this subdivision and in accordance with the regulations of
45 the commissioner. Such services shall be provided by the school district
46 in which the facility or youth shelter is located, within the limits of
47 the funds allocated by the commissioner for such purposes pursuant to
48 section thirty-six hundred two of this chapter and pursuant to a plan
49 approved by the commissioner. School districts shall submit such plan
50 by July fifteenth of each school year. Boards of education are author-
51 ized to contract for the provision of such educational services by a
52 board of cooperative educational services or by another public school
53 district.

54 § 11. This act shall take effect immediately; provided that the amend-
55 ments to subdivision 1 of section 500-c of the correction law made by

1 section three of this act shall not affect the repeal of such section
2 and shall be deemed repealed therewith.

3 PART QQ

4 Section 1. The state comptroller is hereby authorized and directed to
5 loan money in accordance with the provisions set forth in subdivision 5
6 of section 4 of the state finance law to the following funds and/or
7 accounts:

- 8 1. DOL-Child performer protection account (20401).
- 9 2. Local government records management account (20501).
- 10 3. Child health plus program account (20810).
- 11 4. EPIC premium account (20818).
- 12 5. Education - New (20901).
- 13 6. VLT - Sound basic education fund (20904).
- 14 7. Sewage treatment program management and administration fund
15 (21000).
- 16 8. Hazardous bulk storage account (21061).
- 17 9. Utility environmental regulatory account (21064).
- 18 10. Federal grants indirect cost recovery account (21065).
- 19 11. Low level radioactive waste account (21066).
- 20 12. Recreation account (21067).
- 21 13. Public safety recovery account (21077).
- 22 14. Environmental regulatory account (21081).
- 23 15. Natural resource account (21082).
- 24 16. Mined land reclamation program account (21084).
- 25 17. Great lakes restoration initiative account (21087).
- 26 18. Environmental protection and oil spill compensation fund (21200).
- 27 19. Public transportation systems account (21401).
- 28 20. Metropolitan mass transportation (21402).
- 29 21. Operating permit program account (21451).
- 30 22. Mobile source account (21452).
- 31 23. Statewide planning and research cooperative system account
32 (21902).
- 33 24. New York state thruway authority account (21905).
- 34 25. Mental hygiene program fund account (21907).
- 35 26. Mental hygiene patient income account (21909).
- 36 27. Financial control board account (21911).
- 37 28. Regulation of racing account (21912).
- 38 29. State university dormitory income reimbursable account (21937).
- 39 30. Criminal justice improvement account (21945).
- 40 31. Environmental laboratory reference fee account (21959).
- 41 32. Training, management and evaluation account (21961).
- 42 33. Clinical laboratory reference system assessment account (21962).
- 43 34. Indirect cost recovery account (21978).
- 44 35. Multi-agency training account (21989).
- 45 36. Bell jar collection account (22003).
- 46 37. Industry and utility service account (22004).
- 47 38. Real property disposition account (22006).
- 48 39. Parking account (22007).
- 49 40. Courts special grants (22008).
- 50 41. Asbestos safety training program account (22009).
- 51 42. Camp Smith billeting account (22017).
- 52 43. Batavia school for the blind account (22032).
- 53 44. Investment services account (22034).
- 54 45. Surplus property account (22036).

1 46. Financial oversight account (22039).
2 47. Regulation of Indian gaming account (22046).
3 48. Rome school for the deaf account (22053).
4 49. Seized assets account (22054).
5 50. Administrative adjudication account (22055).
6 51. Federal salary sharing account (22056).
7 52. New York City assessment account (22062).
8 53. Cultural education account (22063).
9 54. Local services account (22078).
10 55. DHCR mortgage servicing account (22085).
11 56. Housing indirect cost recovery account (22090).
12 57. DHCR-HCA application fee account (22100).
13 58. Low income housing monitoring account (22130).
14 59. Corporation administration account (22135).
15 60. New York State Home for Veterans in the Lower-Hudson Valley
16 account (22144).
17 61. Deferred compensation administration account (22151).
18 62. Rent revenue other New York City account (22156).
19 63. Rent revenue account (22158).
20 64. Tax revenue arrearage account (22168).
21 65. New York state medical indemnity fund account (22240).
22 66. Behavioral health parity compliance fund (22246).
23 67. State university general income offset account (22654).
24 68. Lake George park trust fund account (22751).
25 69. State police motor vehicle law enforcement account (22802).
26 70. Highway safety program account (23001).
27 71. DOH drinking water program account (23102).
28 72. NYCCC operating offset account (23151).
29 73. Commercial gaming regulation account (23702).
30 74. Highway use tax administration account (23801).
31 75. New York state secure choice administrative account (23806).
32 76. Fantasy sports administration account (24951).
33 77. Highway and bridge capital account (30051).
34 78. Aviation purpose account (30053).
35 79. State university residence hall rehabilitation fund (30100).
36 80. State parks infrastructure account (30351).
37 81. Clean water/clean air implementation fund (30500).
38 82. Hazardous waste remedial cleanup account (31506).
39 83. Youth facilities improvement account (31701).
40 84. Housing assistance fund (31800).
41 85. Housing program fund (31850).
42 86. Highway facility purpose account (31951).
43 87. Information technology capital financing account (32215).
44 88. New York racing account (32213).
45 89. Capital miscellaneous gifts account (32214).
46 90. New York environmental protection and spill remediation account
47 (32219).
48 91. Mental hygiene facilities capital improvement fund (32300).
49 92. Correctional facilities capital improvement fund (32350).
50 93. New York State Storm Recovery Capital Fund (33000).
51 94. OGS convention center account (50318).
52 95. Empire Plaza Gift Shop (50327).
53 96. Centralized services fund (55000).
54 97. Archives records management account (55052).
55 98. Federal single audit account (55053).
56 Civil service administration account (55055).

- 1 100. Civil service EHS occupational health program account (55056).
- 2 101. Banking services account (55057).
- 3 102. Cultural resources survey account (55058).
- 4 103. Neighborhood work project account (55059).
- 5 104. Automation & printing chargeback account (55060).
- 6 105. OFT NYT account (55061).
- 7 106. Data center account (55062).
- 8 107. Intrusion detection account (55066).
- 9 108. Domestic violence grant account (55067).
- 10 109. Centralized technology services account (55069).
- 11 110. Labor contact center account (55071).
- 12 111. Human services contact center account (55072).
- 13 112. Tax contact center account (55073).
- 14 113. Department of law civil recoveries account (55074).
- 15 114. Executive direction internal audit account (55251).
- 16 115. CIO Information technology centralized services account (55252).
- 17 116. Health insurance internal service account (55300).
- 18 117. Civil service employee benefits division administrative account
- 19 (55301).
- 20 118. Correctional industries revolving fund (55350).
- 21 119. Employees health insurance account (60201).
- 22 120. Medicaid management information system escrow fund (60900).
- 23 121. New York state cannabis revenue fund.

24 § 1-a. The state comptroller is hereby authorized and directed to loan
25 money in accordance with the provisions set forth in subdivision 5 of
26 section 4 of the state finance law to any account within the following
27 federal funds, provided the comptroller has made a determination that
28 sufficient federal grant award authority is available to reimburse such
29 loans:

- 30 1. Federal USDA-food and nutrition services fund (25000).
- 31 2. Federal health and human services fund (25100).
- 32 3. Federal education fund (25200).
- 33 4. Federal block grant fund (25250).
- 34 5. Federal miscellaneous operating grants fund (25300).
- 35 6. Federal unemployment insurance administration fund (25900).
- 36 7. Federal unemployment insurance occupational training fund (25950).
- 37 8. Federal emergency employment act fund (26000).
- 38 9. Federal capital projects fund (31350).

39 § 2. Notwithstanding any law to the contrary, and in accordance with
40 section 4 of the state finance law, the comptroller is hereby authorized
41 and directed to transfer, upon request of the director of the budget, on
42 or before March 31, 2022, up to the unencumbered balance or the follow-
43 ing amounts:

44 Economic Development and Public Authorities:

- 45 1. \$1,175,000 from the miscellaneous special revenue fund, underground
46 facilities safety training account (22172), to the general fund.
- 47 2. An amount up to the unencumbered balance from the miscellaneous
48 special revenue fund, business and licensing services account (21977),
49 to the general fund.
- 50 3. \$14,810,000 from the miscellaneous special revenue fund, code
51 enforcement account (21904), to the general fund.
- 52 4. \$3,000,000 from the general fund to the miscellaneous special
53 revenue fund, tax revenue arrearage account (22168).

54 Education:

- 55 1. \$2,520,000,000 from the general fund to the state lottery fund,
56 education account (20901), as reimbursement for disbursements made from

1 such fund for supplemental aid to education pursuant to section 92-c of
2 the state finance law that are in excess of the amounts deposited in
3 such fund for such purposes pursuant to section 1612 of the tax law.

4 2. \$746,000,000 from the general fund to the state lottery fund, VLT
5 education account (20904), as reimbursement for disbursements made from
6 such fund for supplemental aid to education pursuant to section 92-c of
7 the state finance law that are in excess of the amounts deposited in
8 such fund for such purposes pursuant to section 1612 of the tax law.

9 3. \$125,600,000 from the general fund to the New York state commercial
10 gaming fund, commercial gaming revenue account (23701), as reimbursement
11 for disbursements made from such fund for supplemental aid to education
12 pursuant to section 97-nnnn of the state finance law that are in excess
13 of the amounts deposited in such fund for purposes pursuant to section
14 1352 of the racing, pari-mutuel wagering and breeding law.

15 4. \$6,000,000 from the interactive fantasy sports fund, fantasy sports
16 education account (24950), to the state lottery fund, education account
17 (20901), as reimbursement for disbursements made from such fund for
18 supplemental aid to education pursuant to section 92-c of the state
19 finance law.

20 5. An amount up to the unencumbered balance from the charitable gifts
21 trust fund, elementary and secondary education account (24901), to the
22 general fund, for payment of general support for public schools pursuant
23 to section 3609-a of the education law.

24 6. Moneys from the state lottery fund (20900) up to an amount deposit-
25 ed in such fund pursuant to section 1612 of the tax law in excess of the
26 current year appropriation for supplemental aid to education pursuant to
27 section 92-c of the state finance law.

28 7. \$300,000 from the New York state local government records manage-
29 ment improvement fund, local government records management account
30 (20501), to the New York state archives partnership trust fund, archives
31 partnership trust maintenance account (20351).

32 8. \$900,000 from the general fund to the miscellaneous special revenue
33 fund, Batavia school for the blind account (22032).

34 9. \$900,000 from the general fund to the miscellaneous special revenue
35 fund, Rome school for the deaf account (22053).

36 10. \$343,400,000 from the state university dormitory income fund
37 (40350) to the miscellaneous special revenue fund, state university
38 dormitory income reimbursable account (21937).

39 11. \$8,318,000 from the general fund to the state university income
40 fund, state university income offset account (22654), for the state's
41 share of repayment of the STIP loan.

42 12. Intentionally omitted.

43 13. \$7,850,000 from the miscellaneous special revenue fund, office of
44 the professions account (22051), to the miscellaneous capital projects
45 fund, office of the professions electronic licensing account (32222).

46 14. \$24,000,000 from any of the state education department's special
47 revenue and internal service funds to the miscellaneous special revenue
48 fund, indirect cost recovery account (21978).

49 15. \$4,200,000 from any of the state education department's special
50 revenue or internal service funds to the capital projects fund (30000).

51 16. Intentionally omitted.

52 17. \$12,500,000 from the School Capital Facilities Financing Reserve
53 Fund to the Capital Projects Fund account (30000), for excess debt
54 service reserve fund balances related to bonds that have been fully
55 retired. Such excess funds shall be used to support the development of
56 a modernized State aid data system for the education department.

1 Environmental Affairs:

- 2 1. \$16,000,000 from any of the department of environmental conserva-
3 tion's special revenue federal funds, and/or federal capital funds, to
4 the environmental conservation special revenue fund, federal indirect
5 recovery account (21065).
 - 6 2. \$5,000,000 from any of the department of environmental conserva-
7 tion's special revenue federal funds, and/or federal capital funds, to
8 the conservation fund (21150) or Marine Resources Account (21151) as
9 necessary to avoid diversion of conservation funds.
 - 10 3. \$3,000,000 from any of the office of parks, recreation and historic
11 preservation capital projects federal funds and special revenue federal
12 funds to the miscellaneous special revenue fund, federal grant indirect
13 cost recovery account (22188).
 - 14 4. \$1,000,000 from any of the office of parks, recreation and historic
15 preservation special revenue federal funds to the miscellaneous capital
16 projects fund, I love NY water account (32212).
 - 17 5. \$28,000,000 from the general fund to the environmental protection
18 fund, environmental protection fund transfer account (30451).
 - 19 6. \$1,800,000 from the general fund to the hazardous waste remedial
20 fund, hazardous waste oversight and assistance account (31505).
 - 21 7. An amount up to or equal to the cash balance within the special
22 revenue-other waste management & cleanup account (21053) to the capital
23 projects fund (30000) for services and capital expenses related to the
24 management and cleanup program as put forth in section 27-1915 of the
25 environmental conservation law.
 - 26 8. \$1,800,000 from the miscellaneous special revenue fund, public
27 service account (22011) to the miscellaneous special revenue fund, util-
28 ity environmental regulatory account (21064).
 - 29 9. \$7,000,000 from the general fund to the enterprise fund, state fair
30 account (50051).
 - 31 10. \$4,000,000 from the waste management & cleanup account (21053) to
32 the general fund.
 - 33 11. \$3,000,000 from the waste management & cleanup account (21053) to
34 the environmental protection fund transfer account (30451).
- 35 Family Assistance:
- 36 1. \$7,000,000 from any of the office of children and family services,
37 office of temporary and disability assistance, or department of health
38 special revenue federal funds and the general fund, in accordance with
39 agreements with social services districts, to the miscellaneous special
40 revenue fund, office of human resources development state match account
41 (21967).
 - 42 2. \$4,000,000 from any of the office of children and family services
43 or office of temporary and disability assistance special revenue federal
44 funds to the miscellaneous special revenue fund, family preservation and
45 support services and family violence services account (22082).
 - 46 3. \$18,670,000 from any of the office of children and family services,
47 office of temporary and disability assistance, or department of health
48 special revenue federal funds and any other miscellaneous revenues
49 generated from the operation of office of children and family services
50 programs to the general fund.
 - 51 4. \$175,000,000 from any of the office of temporary and disability
52 assistance or department of health special revenue funds to the general
53 fund.
 - 54 5. \$2,500,000 from any of the office of temporary and disability
55 assistance special revenue funds to the miscellaneous special revenue

1 fund, office of temporary and disability assistance program account
2 (21980).

3 6. \$35,000,000 from any of the office of children and family services,
4 office of temporary and disability assistance, department of labor, and
5 department of health special revenue federal funds to the office of
6 children and family services miscellaneous special revenue fund, multi-
7 agency training contract account (21989).

8 7. \$205,000,000 from the miscellaneous special revenue fund, youth
9 facility per diem account (22186), to the general fund.

10 8. \$621,850 from the general fund to the combined gifts, grants, and
11 bequests fund, WB Hoyt Memorial account (20128).

12 9. \$5,000,000 from the miscellaneous special revenue fund, state
13 central registry (22028), to the general fund.

14 General Government:

15 1. \$1,566,000 from the miscellaneous special revenue fund, examination
16 and miscellaneous revenue account (22065) to the general fund.

17 2. \$12,000,000 from the general fund to the health insurance revolving
18 fund (55300).

19 3. \$292,400,000 from the health insurance reserve receipts fund
20 (60550) to the general fund.

21 4. \$150,000 from the general fund to the not-for-profit revolving loan
22 fund (20650).

23 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
24 general fund.

25 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
26 property account (22036), to the general fund.

27 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
28 arrearage account (22024), to the general fund.

29 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
30 arrearage account (22024), to the miscellaneous special revenue fund,
31 authority budget office account (22138).

32 9. \$1,000,000 from the agencies enterprise fund, parking services
33 account (22007), to the general fund, for the purpose of reimbursing the
34 costs of debt service related to state parking facilities.

35 10. \$3,435,000 from the general fund to the centralized services fund,
36 COPS account (55013).

37 11. \$11,460,000 from the general fund to the agencies internal service
38 fund, central technology services account (55069), for the purpose of
39 enterprise technology projects.

40 12. \$10,000,000 from the general fund to the agencies internal service
41 fund, state data center account (55062).

42 13. \$12,000,000 from the agencies enterprise fund, parking services
43 account (22007), to the centralized services, building support services
44 account (55018).

45 14. \$30,000,000 from the general fund to the internal service fund,
46 business services center account (55022).

47 15. \$8,000,000 from the general fund to the internal service fund,
48 building support services account (55018).

49 16. \$1,500,000 from the agencies enterprise fund, special events
50 account (20120), to the general fund.

51 Health:

52 1. A transfer from the general fund to the combined gifts, grants and
53 bequests fund, breast cancer research and education account (20155), up
54 to an amount equal to the monies collected and deposited into that
55 account in the previous fiscal year.

- 1 2. A transfer from the general fund to the combined gifts, grants and
2 bequests fund, prostate cancer research, detection, and education
3 account (20183), up to an amount equal to the moneys collected and
4 deposited into that account in the previous fiscal year.
- 5 3. A transfer from the general fund to the combined gifts, grants and
6 bequests fund, Alzheimer's disease research and assistance account
7 (20143), up to an amount equal to the moneys collected and deposited
8 into that account in the previous fiscal year.
- 9 4. \$33,134,000 from the HCRA resources fund (20800) to the miscella-
10 neous special revenue fund, empire state stem cell trust fund account
11 (22161).
- 12 5. Intentionally omitted.
- 13 6. \$2,000,000 from the miscellaneous special revenue fund, vital
14 health records account (22103), to the miscellaneous capital projects
15 fund, healthcare IT capital subfund (32216).
- 16 7. Intentionally omitted.
- 17 8. \$91,304,000 from the HCRA resources fund (20800) to the capital
18 projects fund (30000).
- 19 9. \$6,550,000 from the general fund to the medical marihuana trust
20 fund, health operation and oversight account (23755).
- 21 10. An amount up to the unencumbered balance from the charitable gifts
22 trust fund, health charitable account (24900), to the general fund, for
23 payment of general support for primary, preventive, and inpatient health
24 care, dental and vision care, hunger prevention and nutritional assist-
25 ance, and other services for New York state residents with the overall
26 goal of ensuring that New York state residents have access to quality
27 health care and other related services.
- 28 11. \$500,000 from the miscellaneous special revenue fund, New York
29 State cannabis revenue fund, to the miscellaneous special revenue fund,
30 environmental laboratory fee account (21959).
- 31 12. An amount up to the unencumbered balance from the public health
32 emergency charitable gifts trust fund to the general fund, for payment
33 of goods and services necessary to respond to a public health disaster
34 emergency or to assist or aid in responding to such a disaster.
- 35 13. Intentionally omitted.
- 36 14. Intentionally omitted.
- 37 15. Intentionally omitted.
- 38 16. Intentionally omitted.
- 39 Labor:
- 40 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and
41 penalty account (21923), to the child performer's protection fund, child
42 performer protection account (20401).
- 43 2. \$11,700,000 from the unemployment insurance interest and penalty
44 fund, unemployment insurance special interest and penalty account
45 (23601), to the general fund.
- 46 3. \$50,000,000 from the DOL fee and penalty account (21923), unemploy-
47 ment insurance special interest and penalty account (23601), and public
48 work enforcement account (21998), to the general fund.
- 49 Mental Hygiene:
- 50 1. \$10,000,000 from the general fund, to the miscellaneous special
51 revenue fund, federal salary sharing account (22056).
- 52 2. \$3,800,000 from the general fund, to the agencies internal service
53 fund, civil service EHS occupational health program account (55056).
- 54 3. \$3,000,000 from the chemical dependence service fund, substance
55 abuse services fund account (22700), to the mental hygiene capital
56 improvement fund (32305).

1 Public Protection:

- 2 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
3 management account (21944), to the general fund.
- 4 2. \$2,587,000 from the general fund to the miscellaneous special
5 revenue fund, recruitment incentive account (22171).
- 6 3. \$22,773,000 from the general fund to the correctional industries
7 revolving fund, correctional industries internal service account
8 (55350).
- 9 4. \$2,000,000,000 from any of the division of homeland security and
10 emergency services special revenue federal funds to the general fund.
- 11 5. Intentionally omitted.
- 12 6. \$115,420,000 from the state police motor vehicle law enforcement
13 and motor vehicle theft and insurance fraud prevention fund, state
14 police motor vehicle enforcement account (22802), to the general fund
15 for state operation expenses of the division of state police.
- 16 7. \$131,500,000 from the general fund to the correctional facilities
17 capital improvement fund (32350).
- 18 8. \$5,000,000 from the general fund to the dedicated highway and
19 bridge trust fund (30050) for the purpose of work zone safety activities
20 provided by the division of state police for the department of transpor-
21 tation.
- 22 9. \$10,000,000 from the miscellaneous special revenue fund, statewide
23 public safety communications account (22123), to the capital projects
24 fund (30000).
- 25 10. Intentionally omitted.
- 26 11. \$1,000,000 from the general fund to the agencies internal service
27 fund, neighborhood work project account (55059).
- 28 12. \$7,980,000 from the miscellaneous special revenue fund, finger-
29 print identification & technology account (21950), to the general fund.
- 30 13. \$1,100,000 from the state police motor vehicle law enforcement and
31 motor vehicle theft and insurance fraud prevention fund, motor vehicle
32 theft and insurance fraud account (22801), to the general fund.
- 33 14. \$30,500,000 from the miscellaneous special revenue fund, statewide
34 public safety communications account (22123), to the general fund.

35 Transportation:

- 36 1. \$20,000,000 from the general fund to the mass transportation oper-
37 ating assistance fund, public transportation systems operating assist-
38 ance account (21401), of which \$12,000,000 constitutes the base need for
39 operations.
- 40 2. \$727,500,000 from the general fund to the dedicated highway and
41 bridge trust fund (30050).
- 42 3. \$244,250,000 from the general fund to the MTA financial assistance
43 fund, mobility tax trust account (23651).
- 44 4. \$5,000,000 from the miscellaneous special revenue fund, transporta-
45 tion regulation account (22067) to the dedicated highway and bridge
46 trust fund (30050), for disbursements made from such fund for motor
47 carrier safety that are in excess of the amounts deposited in the dedi-
48 cated highway and bridge trust fund (30050) for such purpose pursuant to
49 section 94 of the transportation law.
- 50 5. \$3,000,000 from the miscellaneous special revenue fund, traffic
51 adjudication account (22055), to the general fund.
- 52 6. \$8,557,000 from the mass transportation operating assistance fund,
53 metropolitan mass transportation operating assistance account (21402),
54 to the capital projects fund (30000).
- 55 7. \$5,000,000 from the miscellaneous special revenue fund, transporta-
56 tion regulation account (22067) to the general fund, for disbursements

1 made from such fund for motor carrier safety that are in excess of the
2 amounts deposited in the general fund for such purpose pursuant to
3 section 94 of the transportation law.

4 8. Intentionally omitted.

5 9. Intentionally omitted.

6 10. Intentionally omitted.

7 11. Intentionally omitted.

8 12. Intentionally omitted.

9 13. Intentionally omitted.

10 14. Intentionally omitted.

11 15. \$28,179,530 from the general fund, to the mass transportation
12 operating assistance fund, public transportation systems operating
13 assistance account (21401).

14 16. \$695,220,140 from the general fund, to the mass transportation
15 operating assistance fund, metropolitan mass transportation operating
16 assistance account (21402).

17 17. \$101,938,200 from the general fund, to the dedicated mass trans-
18 portation trust fund, transit account (20851).

19 18. \$18,553,200 from the general fund, to the dedicated mass transpor-
20 tation trust fund, commuter rail account (20852).

21 19. \$8,688,200 from the general fund, to the dedicated mass transpor-
22 tation trust fund, non-MTA account (20853).

23 20. \$71,077,300 from the general fund, to the metropolitan transporta-
24 tion authority financial assistance fund, mobility tax trust account
25 (23651).

26 21. \$20,051,800 from the general fund, to the New York central busi-
27 ness district trust fund (23653).

28 Miscellaneous:

29 1. \$250,000,000 from the general fund to any funds or accounts for the
30 purpose of reimbursing certain outstanding accounts receivable balances
31 or fund spending expected to be incurred to maintain essential govern-
32 mental operations which are in excess of available cash resulting from a
33 reduction of dedicated revenue sources that were waived or otherwise
34 impacted by reduced utilization directly or indirectly associated with
35 executive order and/or societal response to the novel coronavirus,
36 COVID-19. 2. \$500,000,000 from the general fund to the debt reduction
37 reserve fund (40000).

38 3. \$450,000,000 from the New York state storm recovery capital fund
39 (33000) to the revenue bond tax fund (40152).

40 4. \$15,500,000 from the general fund, community projects account GG
41 (10256), to the general fund, state purposes account (10050).

42 5. \$100,000,000 from any special revenue federal fund to the general
43 fund, state purposes account (10050).

44 § 3. Notwithstanding any law to the contrary, and in accordance with
45 section 4 of the state finance law, the comptroller is hereby authorized
46 and directed to transfer, on or before March 31, 2022:

47 1. Upon request of the commissioner of environmental conservation, up
48 to \$12,745,400 from revenues credited to any of the department of envi-
49 ronmental conservation special revenue funds, including \$4,000,000 from
50 the environmental protection and oil spill compensation fund (21200),
51 and \$1,834,600 from the conservation fund (21150), to the environmental
52 conservation special revenue fund, indirect charges account (21060).

53 2. Upon request of the commissioner of agriculture and markets, up to
54 \$3,000,000 from any special revenue fund or enterprise fund within the
55 department of agriculture and markets to the general fund, to pay appro-
56 priate administrative expenses.

1 3. Upon request of the commissioner of agriculture and markets, up to
2 \$2,000,000 from the state exposition special fund, state fair receipts
3 account (50051) to the miscellaneous capital projects fund, state fair
4 capital improvement account (32208).

5 4. Upon request of the commissioner of the division of housing and
6 community renewal, up to \$6,221,000 from revenues credited to any divi-
7 sion of housing and community renewal federal or miscellaneous special
8 revenue fund to the miscellaneous special revenue fund, housing indirect
9 cost recovery account (22090).

10 5. Upon request of the commissioner of the division of housing and
11 community renewal, up to \$5,500,000 may be transferred from any miscel-
12 laneous special revenue fund account, to any miscellaneous special
13 revenue fund.

14 6. Upon request of the commissioner of health up to \$13,225,000 from
15 revenues credited to any of the department of health's special revenue
16 funds, to the miscellaneous special revenue fund, administration account
17 (21982).

18 § 4. On or before March 31, 2022, the comptroller is hereby authorized
19 and directed to deposit earnings that would otherwise accrue to the
20 general fund that are attributable to the operation of section 98-a of
21 the state finance law, to the agencies internal service fund, banking
22 services account (55057), for the purpose of meeting direct payments
23 from such account.

24 § 5. Notwithstanding any law to the contrary, upon the direction of
25 the director of the budget and upon requisition by the state university
26 of New York, the dormitory authority of the state of New York is
27 directed to transfer, up to \$22,000,000 in revenues generated from the
28 sale of notes or bonds, the state university income fund general revenue
29 account (22653) for reimbursement of bondable equipment for further
30 transfer to the state's general fund.

31 § 6. Notwithstanding any law to the contrary, and in accordance with
32 section 4 of the state finance law, the comptroller is hereby authorized
33 and directed to transfer, upon request of the director of the budget and
34 upon consultation with the state university chancellor or his or her
35 designee, on or before March 31, 2022, up to \$16,000,000 from the state
36 university income fund general revenue account (22653) to the state
37 general fund for debt service costs related to campus supported capital
38 project costs for the NY-SUNY 2020 challenge grant program at the
39 University at Buffalo.

40 § 7. Notwithstanding any law to the contrary, and in accordance with
41 section 4 of the state finance law, the comptroller is hereby authorized
42 and directed to transfer, upon request of the director of the budget and
43 upon consultation with the state university chancellor or his or her
44 designee, on or before March 31, 2022, up to \$6,500,000 from the state
45 university income fund general revenue account (22653) to the state
46 general fund for debt service costs related to campus supported capital
47 project costs for the NY-SUNY 2020 challenge grant program at the
48 University at Albany.

49 § 8. Notwithstanding any law to the contrary, the state university
50 chancellor or his or her designee is authorized and directed to transfer
51 estimated tuition revenue balances from the state university collection
52 fund (61000) to the state university income fund, state university
53 general revenue offset account (22655) on or before March 31, 2022.

54 § 9. 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 \$978,934,300 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 through June 30, 2022 to support operations at
4 the state university.

5 § 10. 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, upon request of the director of the budget, up
8 to \$20,000,000 from the general fund to the state university income
9 fund, state university general revenue offset account (22655) during the
10 period of July 1, 2021 to June 30, 2022 to support operations at the
11 state university in accordance with the maintenance of effort pursuant
12 to subparagraph (4) of paragraph h of subdivision 2 of section 355 of
13 the education law.

14 § 11. Notwithstanding any law to the contrary, and in accordance with
15 section 4 of the state finance law, the comptroller is hereby authorized
16 and directed to transfer, upon request of the state university chancel-
17 lor or his or her designee, up to \$55,000,000 from the state university
18 income fund, state university hospitals income reimbursable account
19 (22656), for services and expenses of hospital operations and capital
20 expenditures at the state university hospitals; and the state university
21 income fund, Long Island veterans' home account (22652) to the state
22 university capital projects fund (32400) on or before June 30, 2022.

23 § 12. Notwithstanding any law to the contrary, and in accordance with
24 section 4 of the state finance law, the comptroller, after consultation
25 with the state university chancellor or his or her designee, is hereby
26 authorized and directed to transfer moneys, in the first instance, from
27 the state university collection fund, Stony Brook hospital collection
28 account (61006), Brooklyn hospital collection account (61007), and Syra-
29 cuse hospital collection account (61008) to the state university income
30 fund, state university hospitals income reimbursable account (22656) in
31 the event insufficient funds are available in the state university
32 income fund, state university hospitals income reimbursable account
33 (22656) to permit the full transfer of moneys authorized for transfer,
34 to the general fund for payment of debt service related to the SUNY
35 hospitals. Notwithstanding any law to the contrary, the comptroller is
36 also hereby authorized and directed, after consultation with the state
37 university chancellor or his or her designee, to transfer moneys from
38 the state university income fund to the state university income fund,
39 state university hospitals income reimbursable account (22656) in the
40 event insufficient funds are available in the state university income
41 fund, state university hospitals income reimbursable account (22656) to
42 pay hospital operating costs or to permit the full transfer of moneys
43 authorized for transfer, to the general fund for payment of debt service
44 related to the SUNY hospitals on or before March 31, 2022.

45 § 13. Notwithstanding any law to the contrary, upon the direction of
46 the director of the budget and the chancellor of the state university of
47 New York or his or her designee, and in accordance with section 4 of the
48 state finance law, the comptroller is hereby authorized and directed to
49 transfer monies from the state university dormitory income fund (40350)
50 to the state university residence hall rehabilitation fund (30100), and
51 from the state university residence hall rehabilitation fund (30100) to
52 the state university dormitory income fund (40350), in an amount not to
53 exceed \$80 million from each fund.

54 § 14. 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, at the request of the director of the budget,

1 up to \$1 billion from the unencumbered balance of any special revenue
2 fund or account, agency fund or account, internal service fund or
3 account, enterprise fund or account, or any combination of such funds
4 and accounts, to the general fund. The amounts transferred pursuant to
5 this authorization shall be in addition to any other transfers expressly
6 authorized in the 2021-22 budget. Transfers from federal funds, debt
7 service funds, capital projects funds, the community projects fund, or
8 funds that would result in the loss of eligibility for federal benefits
9 or federal funds pursuant to federal law, rule, or regulation as assent-
10 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
11 1951 are not permitted pursuant to this authorization.

12 § 15. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller is hereby authorized
14 and directed to transfer, at the request of the director of the budget,
15 up to \$100 million from any non-general fund or account, or combination
16 of funds and accounts, to the miscellaneous special revenue fund, tech-
17 nology financing account (22207), the miscellaneous capital projects
18 fund, the federal capital projects account (31350), information technol-
19 ogy capital financing account (32215), or the centralized technology
20 services account (55069), for the purpose of consolidating technology
21 procurement and services. The amounts transferred to the miscellaneous
22 special revenue fund, technology financing account (22207) pursuant to
23 this authorization shall be equal to or less than the amount of such
24 monies intended to support information technology costs which are
25 attributable, according to a plan, to such account made in pursuance to
26 an appropriation by law. Transfers to the technology financing account
27 shall be completed from amounts collected by non-general funds or
28 accounts pursuant to a fund deposit schedule or permanent statute, and
29 shall be transferred to the technology financing account pursuant to a
30 schedule agreed upon by the affected agency commissioner. Transfers from
31 funds that would result in the loss of eligibility for federal benefits
32 or federal funds pursuant to federal law, rule, or regulation as assent-
33 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
34 1951 are not permitted pursuant to this authorization.

35 § 16. Notwithstanding any law to the contrary, and in accordance with
36 section 4 of the state finance law, the comptroller is hereby authorized
37 and directed to transfer, at the request of the director of the budget,
38 up to \$400 million from any non-general fund or account, or combination
39 of funds and accounts, to the general fund for the purpose of consol-
40 idating technology procurement and services. The amounts transferred
41 pursuant to this authorization shall be equal to or less than the amount
42 of such monies intended to support information technology costs which
43 are attributable, according to a plan, to such account made in pursuance
44 to an appropriation by law. Transfers to the general fund shall be
45 completed from amounts collected by non-general funds or accounts pursu-
46 ant to a fund deposit schedule. Transfers from funds that would result
47 in the loss of eligibility for federal benefits or federal funds pursu-
48 ant to federal law, rule, or regulation as assented to in chapter 683 of
49 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
50 pursuant to this authorization.

51 § 17. Notwithstanding any provision of law to the contrary, as deemed
52 feasible and advisable by its trustees, the power authority of the state
53 of New York is authorized and directed to transfer to the state treasury
54 to the credit of the general fund up to \$20,000,000 for the state fiscal
55 year commencing April 1, 2021, the proceeds of which will be utilized to
56 support energy-related state activities.

1 § 18. Notwithstanding any provision of law, rule or regulation to the
2 contrary, the New York state energy research and development authority
3 is authorized and directed to make the following contributions to the
4 state treasury to the credit of the general fund on or before March 31,
5 2022: \$913,000.

6 § 19. Notwithstanding any provision of law, rule or regulation to the
7 contrary, the New York state energy research and development authority
8 is authorized and directed to transfer five million dollars to the cred-
9 it of the Environmental Protection Fund on or before March 31, 2022 from
10 proceeds collected by the authority from the auction or sale of carbon
11 dioxide emission allowances allocated by the department of environmental
12 conservation.

13 § 20. Subdivision 5 of section 97-rrr of the state finance law, as
14 amended by section 20 of part JJ of chapter 56 of the laws of 2020, is
15 amended to read as follows:

16 5. Notwithstanding the provisions of section one hundred seventy-one-a
17 of the tax law, as separately amended by chapters four hundred eighty-
18 one and four hundred eighty-four of the laws of nineteen hundred eight-
19 y-one, and notwithstanding the provisions of chapter ninety-four of the
20 laws of two thousand eleven, or any other provisions of law to the
21 contrary, during the fiscal year beginning April first, two thousand
22 [~~twenty~~ twenty-one, the state comptroller is hereby authorized and
23 directed to deposit to the fund created pursuant to this section from
24 amounts collected pursuant to article twenty-two of the tax law and
25 pursuant to a schedule submitted by the director of the budget, up to
26 [~~\$2,073,116,000~~ \$1,938,865,000, as may be certified in such schedule as
27 necessary to meet the purposes of such fund for the fiscal year begin-
28 ning April first, two thousand [~~twenty~~ twenty-one.

29 § 21. Notwithstanding any law to the contrary, the comptroller is
30 hereby authorized and directed to transfer, upon request of the director
31 of the budget, on or before March 31, 2022, the following amounts from
32 the following special revenue accounts to the capital projects fund
33 (30000), for the purposes of reimbursement to such fund for expenses
34 related to the maintenance and preservation of state assets:

35 1. \$43,000 from the miscellaneous special revenue fund, administrative
36 program account (21982).

37 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
38 hospital account (22140).

39 3. \$366,000 from the miscellaneous special revenue fund, New York city
40 veterans' home account (22141).

41 4. \$513,000 from the miscellaneous special revenue fund, New York
42 state home for veterans' and their dependents at oxford account (22142).

43 5. \$159,000 from the miscellaneous special revenue fund, western New
44 York veterans' home account (22143).

45 6. \$323,000 from the miscellaneous special revenue fund, New York
46 state for veterans in the lower-hudson valley account (22144).

47 7. \$2,550,000 from the miscellaneous special revenue fund, patron
48 services account (22163).

49 8. \$7,502,241 from the miscellaneous special revenue fund, state
50 university general income reimbursable account (22653).

51 9. \$135,656,957 from the miscellaneous special revenue fund, state
52 university revenue offset account (22655).

53 10. \$49,329,802 from the state university dormitory income fund, state
54 university dormitory income fund (40350).

55 11. \$1,000,000 from the miscellaneous special revenue fund, litigation
56 settlement and civil recovery account (22117).

1 § 22. Subdivision 5 of section 4 of the state finance law, as amended
2 by section 16 of part PP of chapter 56 of the laws of 2009, is amended
3 to read as follows:

4 5. No money or other financial resources shall be transferred or
5 temporarily loaned from one fund to another without specific statutory
6 authorization for such transfer or temporary loan, except that money or
7 other financial resources of a fund may be temporarily loaned to the
8 general fund during the state fiscal year provided that such loan shall
9 be repaid in full no later than [~~(a) four months after it was made or~~
10 ~~(b) by~~] the end of the same fiscal year in which it was made, [~~whichever~~
11 ~~period is shorter,~~] so that an accurate accounting and reporting of the
12 balance of financial resources in each fund may be made. The comptroller
13 is hereby authorized to temporarily loan money from the general fund or
14 any other fund to the fund/accounts that are authorized to receive a
15 loan. Such loans shall be limited to the amounts immediately required to
16 meet disbursements, made in pursuance of an appropriation by law and
17 authorized by a certificate of approval issued by the director of the
18 budget with copies thereof filed with the comptroller and the chair of
19 the senate finance committee and the chair of the assembly ways and
20 means committee. The director of the budget shall not issue such a
21 certificate unless he or she shall have determined that the amounts to
22 be so loaned are receivable on account. When making loans, the comp-
23 troller shall establish appropriate accounts and if the loan is not
24 repaid by the end of the month, provide on or before the fifteenth day
25 of the following month to the director of the budget, the chair of the
26 senate finance committee and the chair of the assembly ways and means
27 committee, an accurate accounting and report of the financial resources
28 of each such fund at the end of such month. Within ten days of the
29 receipt of such accounting and reporting, the director of the budget
30 shall provide the comptroller and the chair of the senate finance
31 committee and the chair of the assembly ways and means committee an
32 expected schedule of repayment by fund and by source for each outstand-
33 ing loan. Repayment shall be made by the comptroller from the first cash
34 receipt of this fund.

35 § 23. The opening paragraph of subdivision 3 of section 93-b of the
36 state finance law, as amended by section 1 of part M of chapter 57 of
37 the laws of 2016, is amended to read as follows:

38 Notwithstanding any other provisions of law to the contrary, [~~commenc-~~
39 ~~ing on April first, two thousand fifteen, and continuing through March~~
40 ~~thirty first, two thousand twenty one,~~] the comptroller is hereby
41 authorized to transfer monies from the dedicated infrastructure invest-
42 ment fund to the general fund, and from the general fund to the dedi-
43 cated infrastructure investment fund, in an amount determined by the
44 director of the budget to the extent moneys are available in the fund;
45 provided, however, that the comptroller is only authorized to transfer
46 monies from the dedicated infrastructure investment fund to the general
47 fund in the event of an economic downturn as described in paragraph (a)
48 of this subdivision; and/or to fulfill disallowances and/or settlements
49 related to over-payments of federal medicare and medicaid revenues in
50 excess of one hundred million dollars from anticipated levels, as deter-
51 mined by the director of the budget and described in paragraph (b) of
52 this subdivision.

53 § 24. Notwithstanding any other law, rule, or regulation to the
54 contrary, the state comptroller is hereby authorized and directed to use
55 any balance remaining in the mental health services fund debt service
56 appropriation, after payment by the state comptroller of all obligations

1 required pursuant to any lease, sublease, or other financing arrangement
2 between the dormitory authority of the state of New York as successor to
3 the New York state medical care facilities finance agency, and the
4 facilities development corporation pursuant to chapter 83 of the laws of
5 1995 and the department of mental hygiene for the purpose of making
6 payments to the dormitory authority of the state of New York for the
7 amount of the earnings for the investment of monies deposited in the
8 mental health services fund that such agency determines will or may have
9 to be rebated to the federal government pursuant to the provisions of
10 the internal revenue code of 1986, as amended, in order to enable such
11 agency to maintain the exemption from federal income taxation on the
12 interest paid to the holders of such agency's mental services facilities
13 improvement revenue bonds. Annually on or before each June 30th, such
14 agency shall certify to the state comptroller its determination of the
15 amounts received in the mental health services fund as a result of the
16 investment of monies deposited therein that will or may have to be
17 rebated to the federal government pursuant to the provisions of the
18 internal revenue code of 1986, as amended.

19 § 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws
20 of 1997, relating to the financing of the correctional facilities
21 improvement fund and the youth facility improvement fund, as amended by
22 section 28 of part JJ of chapter 56 of the laws of 2020, is amended to
23 read as follows:

24 1. Subject to the provisions of chapter 59 of the laws of 2000, but
25 notwithstanding the provisions of section 18 of section 1 of chapter 174
26 of the laws of 1968, the New York state urban development corporation is
27 hereby authorized to issue bonds, notes and other obligations in an
28 aggregate principal amount not to exceed [~~eight billion eight hundred~~
29 ~~seventeen million two hundred ninety-nine thousand dollars~~
30 ~~\$8,817,299,000~~] nine billion one hundred thirty-nine million six hundred
31 nineteen thousand dollars \$9,139,619,000, and shall include all bonds,
32 notes and other obligations issued pursuant to chapter 56 of the laws of
33 1983, as amended or supplemented. The proceeds of such bonds, notes or
34 other obligations shall be paid to the state, for deposit in the correc-
35 tional facilities capital improvement fund to pay for all or any portion
36 of the amount or amounts paid by the state from appropriations or reap-
37 propriations made to the department of corrections and community super-
38 vision from the correctional facilities capital improvement fund for
39 capital projects. The aggregate amount of bonds, notes or other obli-
40 gations authorized to be issued pursuant to this section shall exclude
41 bonds, notes or other obligations issued to refund or otherwise repay
42 bonds, notes or other obligations theretofore issued, the proceeds of
43 which were paid to the state for all or a portion of the amounts
44 expended by the state from appropriations or reappropriations made to
45 the department of corrections and community supervision; provided,
46 however, that upon any such refunding or repayment the total aggregate
47 principal amount of outstanding bonds, notes or other obligations may be
48 greater than [~~eight billion eight hundred seventeen million two hundred~~
49 ~~ninety-nine thousand dollars \$8,817,299,000~~] nine billion one hundred
50 thirty-nine million six hundred nineteen thousand dollars
51 \$9,139,619,000, only if the present value of the aggregate debt service
52 of the refunding or repayment bonds, notes or other obligations to be
53 issued shall not exceed the present value of the aggregate debt service
54 of the bonds, notes or other obligations so to be refunded or repaid.
55 For the purposes hereof, the present value of the aggregate debt service
56 of the refunding or repayment bonds, notes or other obligations and of

1 the aggregate debt service of the bonds, notes or other obligations so
2 refunded or repaid, shall be calculated by utilizing the effective
3 interest rate of the refunding or repayment bonds, notes or other obli-
4 gations, which shall be that rate arrived at by doubling the semi-annual
5 interest rate (compounded semi-annually) necessary to discount the debt
6 service payments on the refunding or repayment bonds, notes or other
7 obligations from the payment dates thereof to the date of issue of the
8 refunding or repayment bonds, notes or other obligations and to the
9 price bid including estimated accrued interest or proceeds received by
10 the corporation including estimated accrued interest from the sale ther-
11 eof.

12 § 26. Subdivision (a) of section 27 of part Y of chapter 61 of the
13 laws of 2005, relating to providing for the administration of certain
14 funds and accounts related to the 2005-2006 budget, as amended by
15 section 29 of part JJ of chapter 56 of the laws of 2020, is amended to
16 read as follows:

17 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
18 notwithstanding any provisions of law to the contrary, the urban devel-
19 opment corporation is hereby authorized to issue bonds or notes in one
20 or more series in an aggregate principal amount not to exceed [~~three~~
21 ~~hundred twenty-three million one hundred thousand dollars \$323,100,000~~]
22 three hundred seventy-four million six hundred thousand dollars
23 \$374,600,000, excluding bonds issued to finance one or more debt service
24 reserve funds, to pay costs of issuance of such bonds, and bonds or
25 notes issued to refund or otherwise repay such bonds or notes previously
26 issued, for the purpose of financing capital projects including IT
27 initiatives for the division of state police, debt service and leases;
28 and to reimburse the state general fund for disbursements made therefor.
29 Such bonds and notes of such authorized issuer shall not be a debt of
30 the state, and the state shall not be liable thereon, nor shall they be
31 payable out of any funds other than those appropriated by the state to
32 such authorized issuer for debt service and related expenses pursuant to
33 any service contract executed pursuant to subdivision (b) of this
34 section and such bonds and notes shall contain on the face thereof a
35 statement to such effect. Except for purposes of complying with the
36 internal revenue code, any interest income earned on bond proceeds shall
37 only be used to pay debt service on such bonds.

38 § 27. Subdivision 3 of section 1285-p of the public authorities law,
39 as amended by section 30 of part JJ of chapter 56 of the laws of 2020,
40 is amended to read as follows:

41 3. The maximum amount of bonds that may be issued for the purpose of
42 financing environmental infrastructure projects authorized by this
43 section shall be [~~six billion three hundred seventy-four million ten~~
44 ~~thousand dollars \$6,374,010,000~~] seven billion one hundred thirty
45 million ten thousand dollars \$7,130,010,000, exclusive of bonds issued
46 to fund any debt service reserve funds, pay costs of issuance of such
47 bonds, and bonds or notes issued to refund or otherwise repay bonds or
48 notes previously issued. Such bonds and notes of the corporation shall
49 not be a debt of the state, and the state shall not be liable thereon,
50 nor shall they be payable out of any funds other than those appropriated
51 by the state to the corporation for debt service and related expenses
52 pursuant to any service contracts executed pursuant to subdivision one
53 of this section, and such bonds and notes shall contain on the face
54 thereof a statement to such effect.

55 § 28. Subdivision (a) of section 48 of part K of chapter 81 of the
56 laws of 2002, relating to providing for the administration of certain

1 funds and accounts related to the 2002-2003 budget, as amended by
2 section 31 of part JJ of chapter 56 of the laws of 2020, is amended to
3 read as follows:

4 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
5 notwithstanding the provisions of section 18 of the urban development
6 corporation act, the corporation is hereby authorized to issue bonds or
7 notes in one or more series in an aggregate principal amount not to
8 exceed [~~three hundred fourteen million dollars \$314,000,000~~] three
9 hundred forty-seven million five hundred thousand dollars \$347,500,000,
10 excluding bonds issued to fund one or more debt service reserve funds,
11 to pay costs of issuance of such bonds, and bonds or notes issued to
12 refund or otherwise repay such bonds or notes previously issued, for the
13 purpose of financing capital costs related to homeland security and
14 training facilities for the division of state police, the division of
15 military and naval affairs, and any other state agency, including the
16 reimbursement of any disbursements made from the state capital projects
17 fund, and is hereby authorized to issue bonds or notes in one or more
18 series in an aggregate principal amount not to exceed [~~\$1,115,800,000~~
19 ~~one billion one hundred fifteen million eight hundred thousand dollars~~]
20 one billion two hundred seventy-eight million eight hundred thousand
21 dollars \$1,278,800,000, excluding bonds issued to fund one or more debt
22 service reserve funds, to pay costs of issuance of such bonds, and bonds
23 or notes issued to refund or otherwise repay such bonds or notes previ-
24 ously issued, for the purpose of financing improvements to State office
25 buildings and other facilities located statewide, including the
26 reimbursement of any disbursements made from the state capital projects
27 fund. Such bonds and notes of the corporation shall not be a debt of the
28 state, and the state shall not be liable thereon, nor shall they be
29 payable out of any funds other than those appropriated by the state to
30 the corporation for debt service and related expenses pursuant to any
31 service contracts executed pursuant to subdivision (b) of this section,
32 and such bonds and notes shall contain on the face thereof a statement
33 to such effect.

34 § 29. Paragraph (c) of subdivision 19 of section 1680 of the public
35 authorities law, as amended by section 32 of part JJ of chapter 56 of
36 the laws of 2020, is amended to read as follows:

37 (c) Subject to the provisions of chapter fifty-nine of the laws of two
38 thousand, the dormitory authority shall not issue any bonds for state
39 university educational facilities purposes if the principal amount of
40 bonds to be issued when added to the aggregate principal amount of bonds
41 issued by the dormitory authority on and after July first, nineteen
42 hundred eighty-eight for state university educational facilities will
43 exceed [~~fourteen billion seven hundred forty-one million eight hundred~~
44 ~~sixty-four thousand dollars \$14,741,864,000~~] fifteen billion four
45 hundred fifty-five million eight hundred sixty-four thousand dollars
46 \$15,455,864,000; provided, however, that bonds issued or to be issued
47 shall be excluded from such limitation if: (1) such bonds are issued to
48 refund state university construction bonds and state university
49 construction notes previously issued by the housing finance agency; or
50 (2) such bonds are issued to refund bonds of the authority or other
51 obligations issued for state university educational facilities purposes
52 and the present value of the aggregate debt service on the refunding
53 bonds does not exceed the present value of the aggregate debt service on
54 the bonds refunded thereby; provided, further that upon certification by
55 the director of the budget that the issuance of refunding bonds or other
56 obligations issued between April first, nineteen hundred ninety-two and

1 March thirty-first, nineteen hundred ninety-three will generate long
2 term economic benefits to the state, as assessed on a present value
3 basis, such issuance will be deemed to have met the present value test
4 noted above. For purposes of this subdivision, the present value of the
5 aggregate debt service of the refunding bonds and the aggregate debt
6 service of the bonds refunded, shall be calculated by utilizing the true
7 interest cost of the refunding bonds, which shall be that rate arrived
8 at by doubling the semi-annual interest rate (compounded semi-annually)
9 necessary to discount the debt service payments on the refunding bonds
10 from the payment dates thereof to the date of issue of the refunding
11 bonds to the purchase price of the refunding bonds, including interest
12 accrued thereon prior to the issuance thereof. The maturity of such
13 bonds, other than bonds issued to refund outstanding bonds, shall not
14 exceed the weighted average economic life, as certified by the state
15 university construction fund, of the facilities in connection with which
16 the bonds are issued, and in any case not later than the earlier of
17 thirty years or the expiration of the term of any lease, sublease or
18 other agreement relating thereto; provided that no note, including
19 renewals thereof, shall mature later than five years after the date of
20 issuance of such note. The legislature reserves the right to amend or
21 repeal such limit, and the state of New York, the dormitory authority,
22 the state university of New York, and the state university construction
23 fund are prohibited from covenanting or making any other agreements with
24 or for the benefit of bondholders which might in any way affect such
25 right.

26 § 30. Paragraph (c) of subdivision 14 of section 1680 of the public
27 authorities law, as amended by section 33 of part JJ of chapter 56 of
28 the laws of 2020, is amended to read as follows:

29 (c) Subject to the provisions of chapter fifty-nine of the laws of two
30 thousand, (i) the dormitory authority shall not deliver a series of
31 bonds for city university community college facilities, except to refund
32 or to be substituted for or in lieu of other bonds in relation to city
33 university community college facilities pursuant to a resolution of the
34 dormitory authority adopted before July first, nineteen hundred eighty-
35 five or any resolution supplemental thereto, if the principal amount of
36 bonds so to be issued when added to all principal amounts of bonds
37 previously issued by the dormitory authority for city university commu-
38 nity college facilities, except to refund or to be substituted in lieu
39 of other bonds in relation to city university community college facili-
40 ties will exceed the sum of four hundred twenty-five million dollars and
41 (ii) the dormitory authority shall not deliver a series of bonds issued
42 for city university facilities, including community college facilities,
43 pursuant to a resolution of the dormitory authority adopted on or after
44 July first, nineteen hundred eighty-five, except to refund or to be
45 substituted for or in lieu of other bonds in relation to city university
46 facilities and except for bonds issued pursuant to a resolution supple-
47 mental to a resolution of the dormitory authority adopted prior to July
48 first, nineteen hundred eighty-five, if the principal amount of bonds so
49 to be issued when added to the principal amount of bonds previously
50 issued pursuant to any such resolution, except bonds issued to refund or
51 to be substituted for or in lieu of other bonds in relation to city
52 university facilities, will exceed [~~nine billion two hundred twenty two~~
53 ~~million seven hundred thirty two thousand dollars \$9,222,732,000~~] nine
54 billion five hundred forty-eight million eight hundred thirty thousand
55 dollars \$9,548,830,000. The legislature reserves the right to amend or
56 repeal such limit, and the state of New York, the dormitory authority,

1 the city university, and the fund are prohibited from covenanting or
2 making any other agreements with or for the benefit of bondholders which
3 might in any way affect such right.

4 § 31. Subdivision 10-a of section 1680 of the public authorities law,
5 as amended by section 34 of part JJ of chapter 56 of the laws of 2020,
6 is amended to read as follows:

7 10-a. Subject to the provisions of chapter fifty-nine of the laws of
8 two thousand, but notwithstanding any other provision of the law to the
9 contrary, the maximum amount of bonds and notes to be issued after March
10 thirty-first, two thousand two, on behalf of the state, in relation to
11 any locally sponsored community college, shall be [~~one billion fifty one~~
12 ~~million six hundred forty thousand dollars \$1,051,640,000~~] one billion
13 sixty-six million two hundred fifty-seven thousand dollars
14 \$1,066,257,000. Such amount shall be exclusive of bonds and notes issued
15 to fund any reserve fund or funds, costs of issuance and to refund any
16 outstanding bonds and notes, issued on behalf of the state, relating to
17 a locally sponsored community college.

18 § 32. Subdivision 1 of section 17 of part D of chapter 389 of the laws
19 of 1997, relating to the financing of the correctional facilities
20 improvement fund and the youth facility improvement fund, as amended by
21 section 35 of part JJ of chapter 56 of the laws of 2020, is amended to
22 read as follows:

23 1. Subject to the provisions of chapter 59 of the laws of 2000, but
24 notwithstanding the provisions of section 18 of section 1 of chapter 174
25 of the laws of 1968, the New York state urban development corporation is
26 hereby authorized to issue bonds, notes and other obligations in an
27 aggregate principal amount not to exceed [~~eight hundred forty million~~
28 ~~three hundred fifteen thousand dollars \$840,315,000~~] eight hundred
29 seventy-six million fifteen thousand dollars \$876,015,000, which author-
30 ization increases the aggregate principal amount of bonds, notes and
31 other obligations authorized by section 40 of chapter 309 of the laws of
32 1996, and shall include all bonds, notes and other obligations issued
33 pursuant to chapter 211 of the laws of 1990, as amended or supplemented.
34 The proceeds of such bonds, notes or other obligations shall be paid to
35 the state, for deposit in the youth facilities improvement fund, to pay
36 for all or any portion of the amount or amounts paid by the state from
37 appropriations or reappropriations made to the office of children and
38 family services from the youth facilities improvement fund for capital
39 projects. The aggregate amount of bonds, notes and other obligations
40 authorized to be issued pursuant to this section shall exclude bonds,
41 notes or other obligations issued to refund or otherwise repay bonds,
42 notes or other obligations theretofore issued, the proceeds of which
43 were paid to the state for all or a portion of the amounts expended by
44 the state from appropriations or reappropriations made to the office of
45 children and family services; provided, however, that upon any such
46 refunding or repayment the total aggregate principal amount of outstand-
47 ing bonds, notes or other obligations may be greater than [~~eight hundred~~
48 ~~forty million three hundred fifteen thousand dollars \$840,315,000~~] eight
49 hundred seventy-six million fifteen thousand dollars \$876,015,000, only
50 if the present value of the aggregate debt service of the refunding or
51 repayment bonds, notes or other obligations to be issued shall not
52 exceed the present value of the aggregate debt service of the bonds,
53 notes or other obligations so to be refunded or repaid. For the purposes
54 hereof, the present value of the aggregate debt service of the refunding
55 or repayment bonds, notes or other obligations and of the aggregate debt
56 service of the bonds, notes or other obligations so refunded or repaid,

1 shall be calculated by utilizing the effective interest rate of the
2 refunding or repayment bonds, notes or other obligations, which shall be
3 that rate arrived at by doubling the semi-annual interest rate
4 (compounded semi-annually) necessary to discount the debt service
5 payments on the refunding or repayment bonds, notes or other obligations
6 from the payment dates thereof to the date of issue of the refunding or
7 repayment bonds, notes or other obligations and to the price bid includ-
8 ing estimated accrued interest or proceeds received by the corporation
9 including estimated accrued interest from the sale thereof.

10 § 33. Paragraph b of subdivision 2 of section 9-a of section 1 of
11 chapter 392 of the laws of 1973, constituting the New York state medical
12 care facilities finance agency act, as amended by section 36 of part JJ
13 of chapter 56 of the laws of 2020, is amended to read as follows:

14 b. The agency shall have power and is hereby authorized from time to
15 time to issue negotiable bonds and notes in conformity with applicable
16 provisions of the uniform commercial code in such principal amount as,
17 in the opinion of the agency, shall be necessary, after taking into
18 account other moneys which may be available for the purpose, to provide
19 sufficient funds to the facilities development corporation, or any
20 successor agency, for the financing or refinancing of or for the design,
21 construction, acquisition, reconstruction, rehabilitation or improvement
22 of mental health services facilities pursuant to paragraph a of this
23 subdivision, the payment of interest on mental health services improve-
24 ment bonds and mental health services improvement notes issued for such
25 purposes, the establishment of reserves to secure such bonds and notes,
26 the cost or premium of bond insurance or the costs of any financial
27 mechanisms which may be used to reduce the debt service that would be
28 payable by the agency on its mental health services facilities improve-
29 ment bonds and notes and all other expenditures of the agency incident
30 to and necessary or convenient to providing the facilities development
31 corporation, or any successor agency, with funds for the financing or
32 refinancing of or for any such design, construction, acquisition, recon-
33 struction, rehabilitation or improvement and for the refunding of mental
34 hygiene improvement bonds issued pursuant to section 47-b of the private
35 housing finance law; provided, however, that the agency shall not issue
36 mental health services facilities improvement bonds and mental health
37 services facilities improvement notes in an aggregate principal amount
38 exceeding [~~nine billion nine hundred twenty-seven million two hundred~~
39 ~~seventy-six thousand dollars \$9,927,276,000~~] ten billion four hundred
40 seventy-six million seven hundred seventy-three thousand dollars
41 \$10,476,773,000, excluding mental health services facilities improvement
42 bonds and mental health services facilities improvement notes issued to
43 refund outstanding mental health services facilities improvement bonds
44 and mental health services facilities improvement notes; provided,
45 however, that upon any such refunding or repayment of mental health
46 services facilities improvement bonds and/or mental health services
47 facilities improvement notes the total aggregate principal amount of
48 outstanding mental health services facilities improvement bonds and
49 mental health facilities improvement notes may be greater than [~~nine~~
50 ~~billion nine hundred twenty-seven million two hundred seventy-six thou-~~
51 ~~sand dollars \$9,927,276,000~~] ten billion four hundred seventy-six
52 million seven hundred seventy-three thousand dollars \$10,476,773,000,
53 only if, except as hereinafter provided with respect to mental health
54 services facilities bonds and mental health services facilities notes
55 issued to refund mental hygiene improvement bonds authorized to be
56 issued pursuant to the provisions of section 47-b of the private housing

1 finance law, the present value of the aggregate debt service of the
2 refunding or repayment bonds to be issued shall not exceed the present
3 value of the aggregate debt service of the bonds to be refunded or
4 repaid. For purposes hereof, the present values of the aggregate debt
5 service of the refunding or repayment bonds, notes or other obligations
6 and of the aggregate debt service of the bonds, notes or other obli-
7 gations so refunded or repaid, shall be calculated by utilizing the
8 effective interest rate of the refunding or repayment bonds, notes or
9 other obligations, which shall be that rate arrived at by doubling the
10 semi-annual interest rate (compounded semi-annually) necessary to
11 discount the debt service payments on the refunding or repayment bonds,
12 notes or other obligations from the payment dates thereof to the date of
13 issue of the refunding or repayment bonds, notes or other obligations
14 and to the price bid including estimated accrued interest or proceeds
15 received by the authority including estimated accrued interest from the
16 sale thereof. Such bonds, other than bonds issued to refund outstanding
17 bonds, shall be scheduled to mature over a term not to exceed the aver-
18 age useful life, as certified by the facilities development corporation,
19 of the projects for which the bonds are issued, and in any case shall
20 not exceed thirty years and the maximum maturity of notes or any
21 renewals thereof shall not exceed five years from the date of the
22 original issue of such notes. Notwithstanding the provisions of this
23 section, the agency shall have the power and is hereby authorized to
24 issue mental health services facilities improvement bonds and/or mental
25 health services facilities improvement notes to refund outstanding
26 mental hygiene improvement bonds authorized to be issued pursuant to the
27 provisions of section 47-b of the private housing finance law and the
28 amount of bonds issued or outstanding for such purposes shall not be
29 included for purposes of determining the amount of bonds issued pursuant
30 to this section. The director of the budget shall allocate the aggregate
31 principal authorized to be issued by the agency among the office of
32 mental health, office for people with developmental disabilities, and
33 the office of addiction services and supports, in consultation with
34 their respective commissioners to finance bondable appropriations previ-
35 ously approved by the legislature.

36 § 34. Subdivision (a) of section 28 of part Y of chapter 61 of the
37 laws of 2005, relating to providing for the administration of certain
38 funds and accounts related to the 2005-2006 budget, as amended by
39 section 37 of part JJ of chapter 56 of the laws of 2020, is amended to
40 read as follows:

41 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
42 notwithstanding any provisions of law to the contrary, one or more
43 authorized issuers as defined by section 68-a of the state finance law
44 are hereby authorized to issue bonds or notes in one or more series in
45 an aggregate principal amount not to exceed [~~one hundred fifty seven~~
46 ~~million dollars \$157,000,000~~] one hundred seventy-two million dollars
47 \$172,000,000, excluding bonds issued to finance one or more debt service
48 reserve funds, to pay costs of issuance of such bonds, and bonds or
49 notes issued to refund or otherwise repay such bonds or notes previously
50 issued, for the purpose of financing capital projects for public
51 protection facilities in the Division of Military and Naval Affairs,
52 debt service and leases; and to reimburse the state general fund for
53 disbursements made therefor. Such bonds and notes of such authorized
54 issuer shall not be a debt of the state, and the state shall not be
55 liable thereon, nor shall they be payable out of any funds other than
56 those appropriated by the state to such authorized issuer for debt

1 service and related expenses pursuant to any service contract executed
2 pursuant to subdivision (b) of this section and such bonds and notes
3 shall contain on the face thereof a statement to such effect. Except for
4 purposes of complying with the internal revenue code, any interest
5 income earned on bond proceeds shall only be used to pay debt service on
6 such bonds.

7 § 35. Section 53 of section 1 of chapter 174 of the laws of 1968,
8 constituting the New York state urban development corporation act, as
9 amended by section 38 of part JJ of chapter 56 of the laws of 2020, is
10 amended to read as follows:

11 § 53. 1. Notwithstanding the provisions of any other law to the
12 contrary, the dormitory authority and the urban development corporation
13 are hereby authorized to issue bonds or notes in one or more series for
14 the purpose of funding project costs for the acquisition of equipment,
15 including but not limited to the creation or modernization of informa-
16 tion technology systems and related research and development equipment,
17 health and safety equipment, heavy equipment and machinery, the creation
18 or improvement of security systems, and laboratory equipment and other
19 state costs associated with such capital projects. The aggregate princi-
20 pal amount of bonds authorized to be issued pursuant to this section
21 shall not exceed [~~one hundred~~] two hundred ninety-three million dollars
22 [~~\$193,000,000~~] \$293,000,000, excluding bonds issued to fund one or more
23 debt service reserve funds, to pay costs of issuance of such bonds, and
24 bonds or notes issued to refund or otherwise repay such bonds or notes
25 previously issued. Such bonds and notes of the dormitory authority and
26 the urban development corporation shall not be a debt of the state, and
27 the state shall not be liable thereon, nor shall they be payable out of
28 any funds other than those appropriated by the state to the dormitory
29 authority and the urban development corporation for principal, interest,
30 and related expenses pursuant to a service contract and such bonds and
31 notes shall contain on the face thereof a statement to such effect.
32 Except for purposes of complying with the internal revenue code, any
33 interest income earned on bond proceeds shall only be used to pay debt
34 service on such bonds.

35 2. Notwithstanding any other provision of law to the contrary, in
36 order to assist the dormitory authority and the urban development corpo-
37 ration in undertaking the financing for project costs for the acquisi-
38 tion of equipment, including but not limited to the creation or modern-
39 ization of information technology systems and related research and
40 development equipment, health and safety equipment, heavy equipment and
41 machinery, the creation or improvement of security systems, and labora-
42 tory equipment and other state costs associated with such capital
43 projects, the director of the budget is hereby authorized to enter into
44 one or more service contracts with the dormitory authority and the urban
45 development corporation, none of which shall exceed thirty years in
46 duration, upon such terms and conditions as the director of the budget
47 and the dormitory authority and the urban development corporation agree,
48 so as to annually provide to the dormitory authority and the urban
49 development corporation, in the aggregate, a sum not to exceed the prin-
50 cipal, interest, and related expenses required for such bonds and notes.
51 Any service contract entered into pursuant to this section shall provide
52 that the obligation of the state to pay the amount therein provided
53 shall not constitute a debt of the state within the meaning of any
54 constitutional or statutory provision and shall be deemed executory only
55 to the extent of monies available and that no liability shall be
56 incurred by the state beyond the monies available for such purpose,

1 subject to annual appropriation by the legislature. Any such contract or
 2 any payments made or to be made thereunder may be assigned and pledged
 3 by the dormitory authority and the urban development corporation as
 4 security for its bonds and notes, as authorized by this section.

5 § 36. Subdivision (b) of section 11 of chapter 329 of the laws of
 6 1991, amending the state finance law and other laws relating to the
 7 establishment of the dedicated highway and bridge trust fund, as amended
 8 by section 39 of part JJ of chapter 56 of the laws of 2020, is amended
 9 to read as follows:

10 (b) Any service contract or contracts for projects authorized pursuant
 11 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
 12 14-k of the transportation law, and entered into pursuant to subdivision
 13 (a) of this section, shall provide for state commitments to provide
 14 annually to the thruway authority a sum or sums, upon such terms and
 15 conditions as shall be deemed appropriate by the director of the budget,
 16 to fund, or fund the debt service requirements of any bonds or any obli-
 17 gations of the thruway authority issued to fund or to reimburse the
 18 state for funding such projects having a cost not in excess of [~~eleven~~
 19 ~~billion three hundred forty-nine million eight hundred seventy-five~~
 20 ~~thousand dollars \$11,349,875,000~~] eleven billion eight hundred thirty-
 21 seven million two hundred twenty-seven thousand dollars \$11,837,227,000
 22 cumulatively by the end of fiscal year [~~2020-21~~] 2021-22.

23 § 37. Subdivision 1 of section 1689-i of the public authorities law,
 24 as amended by section 40 of part JJ of chapter 56 of the laws of 2020,
 25 is amended to read as follows:

26 1. The dormitory authority is authorized to issue bonds, at the
 27 request of the commissioner of education, to finance eligible library
 28 construction projects pursuant to section two hundred seventy-three-a of
 29 the education law, in amounts certified by such commissioner not to
 30 exceed a total principal amount of [~~two hundred sixty-five million~~
 31 ~~dollars \$265,000,000~~] two hundred ninety-nine million dollars
 32 \$299,000,000.

33 § 38. Section 44 of section 1 of chapter 174 of the laws of 1968,
 34 constituting the New York state urban development corporation act, as
 35 amended by section 41 of part JJ of chapter 56 of the laws of 2020, is
 36 amended to read as follows:

37 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
 38 provisions of any other law to the contrary, the dormitory authority and
 39 the corporation are hereby authorized to issue bonds or notes in one or
 40 more series for the purpose of funding project costs for the regional
 41 economic development council initiative, the economic transformation
 42 program, state university of New York college for nanoscale and science
 43 engineering, projects within the city of Buffalo or surrounding envi-
 44 rons, the New York works economic development fund, projects for the
 45 retention of professional football in western New York, the empire state
 46 economic development fund, the clarkson-trudeau partnership, the New
 47 York genome center, the cornell university college of veterinary medi-
 48 cine, the olympic regional development authority, projects at nano
 49 Utica, onondaga county revitalization projects, Binghamton university
 50 school of pharmacy, New York power electronics manufacturing consortium,
 51 regional infrastructure projects, high tech innovation and economic
 52 development infrastructure program, high technology manufacturing
 53 projects in Chautauqua and Erie county, an industrial scale research and
 54 development facility in Clinton county, upstate revitalization initi-
 55 ative projects, downstate revitalization initiative, market New York
 56 projects, fairground buildings, equipment or facilities used to house

1 and promote agriculture, the state fair, the empire state trail, the
2 moynihan station development project, the Kingsbridge armory project,
3 strategic economic development projects, the cultural, arts and public
4 spaces fund, water infrastructure in the city of Auburn and town of
5 Owasco, a life sciences laboratory public health initiative, not-for-
6 profit pounds, shelters and humane societies, arts and cultural facili-
7 ties improvement program, restore New York's communities initiative,
8 heavy equipment, economic development and infrastructure projects,
9 Roosevelt Island operating corporation capital projects, Lake Ontario
10 regional projects, Pennsylvania station and other transit projects and
11 other state costs associated with such projects. The aggregate principal
12 amount of bonds authorized to be issued pursuant to this section shall
13 not exceed [~~ten billion three hundred thirty-four million eight hundred~~
14 ~~fifty-one thousand dollars \$10,334,851,000~~] eleven billion two hundred
15 fifty-four million two hundred two thousand dollars \$11,254,202,000,
16 excluding bonds issued to fund one or more debt service reserve funds,
17 to pay costs of issuance of such bonds, and bonds or notes issued to
18 refund or otherwise repay such bonds or notes previously issued. Such
19 bonds and notes of the dormitory authority and the corporation shall not
20 be a debt of the state, and the state shall not be liable thereon, nor
21 shall they be payable out of any funds other than those appropriated by
22 the state to the dormitory authority and the corporation for principal,
23 interest, and related expenses pursuant to a service contract and such
24 bonds and notes shall contain on the face thereof a statement to such
25 effect. Except for purposes of complying with the internal revenue code,
26 any interest income earned on bond proceeds shall only be used to pay
27 debt service on such bonds.

28 2. Notwithstanding any other provision of law to the contrary, in
29 order to assist the dormitory authority and the corporation in undertak-
30 ing the financing for project costs for the regional economic develop-
31 ment council initiative, the economic transformation program, state
32 university of New York college for nanoscale and science engineering,
33 projects within the city of Buffalo or surrounding environs, the New
34 York works economic development fund, projects for the retention of
35 professional football in western New York, the empire state economic
36 development fund, the clarkson-trudeau partnership, the New York genome
37 center, the cornell university college of veterinary medicine, the olym-
38 pic regional development authority, projects at nano Utica, onondaga
39 county revitalization projects, Binghamton university school of pharma-
40 cy, New York power electronics manufacturing consortium, regional
41 infrastructure projects, New York State Capital Assistance Program for
42 Transportation, infrastructure, and economic development, high tech
43 innovation and economic development infrastructure program, high tech-
44 nology manufacturing projects in Chautauqua and Erie county, an indus-
45 trial scale research and development facility in Clinton county, upstate
46 revitalization initiative projects, downstate revitalization initiative,
47 market New York projects, fairground buildings, equipment or facilities
48 used to house and promote agriculture, the state fair, the empire state
49 trail, the moynihan station development project, the Kingsbridge armory
50 project, strategic economic development projects, the cultural, arts and
51 public spaces fund, water infrastructure in the city of Auburn and town
52 of Owasco, a life sciences laboratory public health initiative, not-for-
53 profit pounds, shelters and humane societies, arts and cultural facili-
54 ties improvement program, restore New York's communities initiative,
55 heavy equipment, economic development and infrastructure projects,
56 Roosevelt Island operating corporation capital projects, Lake Ontario

1 regional projects, Pennsylvania station and other transit projects and
2 other state costs associated with such projects the director of the
3 budget is hereby authorized to enter into one or more service contracts
4 with the dormitory authority and the corporation, none of which shall
5 exceed thirty years in duration, upon such terms and conditions as the
6 director of the budget and the dormitory authority and the corporation
7 agree, so as to annually provide to the dormitory authority and the
8 corporation, in the aggregate, a sum not to exceed the principal, inter-
9 est, and related expenses required for such bonds and notes. Any service
10 contract entered into pursuant to this section shall provide that the
11 obligation of the state to pay the amount therein provided shall not
12 constitute a debt of the state within the meaning of any constitutional
13 or statutory provision and shall be deemed executory only to the extent
14 of monies available and that no liability shall be incurred by the state
15 beyond the monies available for such purpose, subject to annual appro-
16 priation by the legislature. Any such contract or any payments made or
17 to be made thereunder may be assigned and pledged by the dormitory
18 authority and the corporation as security for its bonds and notes, as
19 authorized by this section.

20 § 39. Subdivision 1 of section 386-b of the public authorities law, as
21 amended by section 42 of part JJ of chapter 56 of the laws of 2020, is
22 amended to read as follows:

23 1. Notwithstanding any other provision of law to the contrary, the
24 authority, the dormitory authority and the urban development corporation
25 are hereby authorized to issue bonds or notes in one or more series for
26 the purpose of financing peace bridge projects and capital costs of
27 state and local highways, parkways, bridges, the New York state thruway,
28 Indian reservation roads, and facilities, and transportation infrastruc-
29 ture projects including aviation projects, non-MTA mass transit
30 projects, and rail service preservation projects, including work appur-
31 tenant and ancillary thereto. The aggregate principal amount of bonds
32 authorized to be issued pursuant to this section shall not exceed [~~six~~
33 ~~billion nine hundred forty-two million four hundred sixty-three thousand~~
34 ~~dollars—\$6,942,463,000~~] eight billion eight hundred thirty-nine million
35 nine hundred sixty-three thousand dollars \$8,839,963,000, excluding
36 bonds issued to fund one or more debt service reserve funds, to pay
37 costs of issuance of such bonds, and to refund or otherwise repay such
38 bonds or notes previously issued. Such bonds and notes of the authori-
39 ty, the dormitory authority and the urban development corporation shall
40 not be a debt of the state, and the state shall not be liable thereon,
41 nor shall they be payable out of any funds other than those appropriated
42 by the state to the authority, the dormitory authority and the urban
43 development corporation for principal, interest, and related expenses
44 pursuant to a service contract and such bonds and notes shall contain on
45 the face thereof a statement to such effect. Except for purposes of
46 complying with the internal revenue code, any interest income earned on
47 bond proceeds shall only be used to pay debt service on such bonds.

48 § 40. Paragraph (a) of subdivision 2 of section 47-e of the private
49 housing finance law, as amended by section 43 of part JJ of chapter 56
50 of the laws of 2020, is amended to read as follows:

51 (a) Subject to the provisions of chapter fifty-nine of the laws of two
52 thousand, in order to enhance and encourage the promotion of housing
53 programs and thereby achieve the stated purposes and objectives of such
54 housing programs, the agency shall have the power and is hereby author-
55 ized from time to time to issue negotiable housing program bonds and
56 notes in such principal amount as shall be necessary to provide suffi-

1 cient funds for the repayment of amounts disbursed (and not previously
 2 reimbursed) pursuant to law or any prior year making capital appropri-
 3 ations or reappropriations for the purposes of the housing program;
 4 provided, however, that the agency may issue such bonds and notes in an
 5 aggregate principal amount not exceeding [~~six billion five hundred thir-~~
 6 ~~ty one million five hundred twenty three thousand dollars~~
 7 ~~\$6,531,523,000~~] seven billion eighty-six million six hundred seven thou-
 8 sand dollars \$7,086,607,000, plus a principal amount of bonds issued to
 9 fund the debt service reserve fund in accordance with the debt service
 10 reserve fund requirement established by the agency and to fund any other
 11 reserves that the agency reasonably deems necessary for the security or
 12 marketability of such bonds and to provide for the payment of fees and
 13 other charges and expenses, including underwriters' discount, trustee
 14 and rating agency fees, bond insurance, credit enhancement and liquidity
 15 enhancement related to the issuance of such bonds and notes. No reserve
 16 fund securing the housing program bonds shall be entitled or eligible to
 17 receive state funds apportioned or appropriated to maintain or restore
 18 such reserve fund at or to a particular level, except to the extent of
 19 any deficiency resulting directly or indirectly from a failure of the
 20 state to appropriate or pay the agreed amount under any of the contracts
 21 provided for in subdivision four of this section.

22 § 41. Subdivision 1 of section 50 of section 1 of chapter 174 of the
 23 laws of 1968, constituting the New York state urban development corpo-
 24 ration act, as amended by section 44 of part JJ of chapter 56 of the
 25 laws of 2020, is amended to read as follows:

26 1. Notwithstanding the provisions of any other law to the contrary,
 27 the dormitory authority and the urban development corporation are hereby
 28 authorized to issue bonds or notes in one or more series for the purpose
 29 of funding project costs undertaken by or on behalf of the state educa-
 30 tion department, special act school districts, state-supported schools
 31 for the blind and deaf, approved private special education schools,
 32 non-public schools, community centers, day care facilities, residential
 33 camps, day camps, and other state costs associated with such capital
 34 projects. The aggregate principal amount of bonds authorized to be
 35 issued pursuant to this section shall not exceed [~~one hundred fifty five~~
 36 ~~million dollars \$155,000,000~~] two hundred twenty-six million dollars
 37 \$226,000,000, excluding bonds issued to fund one or more debt service
 38 reserve funds, to pay costs of issuance of such bonds, and bonds or
 39 notes issued to refund or otherwise repay such bonds or notes previously
 40 issued. Such bonds and notes of the dormitory authority and the urban
 41 development corporation shall not be a debt of the state, and the state
 42 shall not be liable thereon, nor shall they be payable out of any funds
 43 other than those appropriated by the state to the dormitory authority
 44 and the urban development corporation for principal, interest, and
 45 related expenses pursuant to a service contract and such bonds and notes
 46 shall contain on the face thereof a statement to such effect. Except for
 47 purposes of complying with the internal revenue code, any interest
 48 income earned on bond proceeds shall only be used to pay debt service on
 49 such bonds.

50 § 42. Subdivision 1 of section 47 of section 1 of chapter 174 of the
 51 laws of 1968, constituting the New York state urban development corpo-
 52 ration act, as amended by section 45 of part JJ of chapter 56 of the
 53 laws of 2020, is amended to read as follows:

54 1. Notwithstanding the provisions of any other law to the contrary,
 55 the dormitory authority and the corporation are hereby authorized to
 56 issue bonds or notes in one or more series for the purpose of funding

1 project costs for the office of information technology services, depart-
2 ment of law, and other state costs associated with such capital
3 projects. The aggregate principal amount of bonds authorized to be
4 issued pursuant to this section shall not exceed [~~eight hundred thirty~~
5 ~~million fifty-four thousand dollars, \$830,054,000~~] nine hundred forty-
6 nine million two hundred fifty-four thousand dollars \$949,254,000
7 excluding bonds issued to fund one or more debt service reserve funds,
8 to pay costs of issuance of such bonds, and bonds or notes issued to
9 refund or otherwise repay such bonds or notes previously issued. Such
10 bonds and notes of the dormitory authority and the corporation shall not
11 be a debt of the state, and the state shall not be liable thereon, nor
12 shall they be payable out of any funds other than those appropriated by
13 the state to the dormitory authority and the corporation for principal,
14 interest, and related expenses pursuant to a service contract and such
15 bonds and notes shall contain on the face thereof a statement to such
16 effect. Except for purposes of complying with the internal revenue code,
17 any interest income earned on bond proceeds shall only be used to pay
18 debt service on such bonds.

19 § 43. Paragraph (b) of subdivision 1 of section 385 of the public
20 authorities law, as amended by section 1 of part G of chapter 60 of the
21 laws of 2005, is amended to read as follows:

22 (b) The authority is hereby authorized, as additional corporate
23 purposes thereof solely upon the request of the director of the budget:
24 (i) to issue special emergency highway and bridge trust fund bonds and
25 notes for a term not to exceed thirty years and to incur obligations
26 secured by the moneys appropriated from the dedicated highway and bridge
27 trust fund established in section eighty-nine-b of the state finance
28 law; (ii) to make available the proceeds in accordance with instructions
29 provided by the director of the budget from the sale of such special
30 emergency highway and bridge trust fund bonds, notes or other obli-
31 gations, net of all costs to the authority in connection therewith, for
32 the purposes of financing all or a portion of the costs of activities
33 for which moneys in the dedicated highway and bridge trust fund estab-
34 lished in section eighty-nine-b of the state finance law are authorized
35 to be utilized or for the financing of disbursements made by the state
36 for the activities authorized pursuant to section eighty-nine-b of the
37 state finance law; and (iii) to enter into agreements with the commis-
38 sioner of transportation pursuant to section ten-e of the highway law
39 with respect to financing for any activities authorized pursuant to
40 section eighty-nine-b of the state finance law, or agreements with the
41 commissioner of transportation pursuant to sections ten-f and ten-g of
42 the highway law in connection with activities on state highways pursuant
43 to these sections, and (iv) to enter into service contracts, contracts,
44 agreements, deeds and leases with the director of the budget or the
45 commissioner of transportation and project sponsors and others to
46 provide for the financing by the authority of activities authorized
47 pursuant to section eighty-nine-b of the state finance law, and each of
48 the director of the budget and the commissioner of transportation are
49 hereby authorized to enter into service contracts, contracts, agree-
50 ments, deeds and leases with the authority, project sponsors or others
51 to provide for such financing. The authority shall not issue any bonds
52 or notes in an amount in excess of [~~\$16.5 billion~~] eighteen billion one
53 hundred fifty million dollars \$18,150,000,000, plus a principal amount
54 of bonds or notes: (A) to fund capital reserve funds; (B) to provide
55 capitalized interest; and, (C) to fund other costs of issuance. In
56 computing for the purposes of this subdivision, the aggregate amount of

1 indebtedness evidenced by bonds and notes of the authority issued pursu-
2 ant to this section, as amended by a chapter of the laws of nineteen
3 hundred ninety-six, there shall be excluded the amount of bonds or notes
4 issued that would constitute interest under the United States Internal
5 Revenue Code of 1986, as amended, and the amount of indebtedness issued
6 to refund or otherwise repay bonds or notes.

7 § 44. Subdivision 1 of section 386-a of the public authorities law, as
8 amended by section 44 of part TTT of chapter 59 of the laws of 2019, is
9 amended to read as follows:

10 1. Notwithstanding any other provision of law to the contrary, the
11 authority, the dormitory authority and the urban development corporation
12 are hereby authorized to issue bonds or notes in one or more series for
13 the purpose of assisting the metropolitan transportation authority in
14 the financing of transportation facilities as defined in subdivision
15 seventeen of section twelve hundred sixty-one of this chapter or other
16 capital projects. The aggregate principal amount of bonds authorized to
17 be issued pursuant to this section shall not exceed [~~two billion one~~
18 ~~hundred seventy-nine million eight hundred fifty-six thousand dollars~~
19 ~~\$2,179,856,000~~] twelve billion five hundred fifteen million eight
20 hundred fifty-six thousand dollars \$12,515,856,000, excluding bonds
21 issued to fund one or more debt service reserve funds, to pay costs of
22 issuance of such bonds, and to refund or otherwise repay such bonds or
23 notes previously issued. Such bonds and notes of the authority, the
24 dormitory authority and the urban development corporation shall not be a
25 debt of the state, and the state shall not be liable thereon, nor shall
26 they be payable out of any funds other than those appropriated by the
27 state to the authority, the dormitory authority and the urban develop-
28 ment corporation for principal, interest, and related expenses pursuant
29 to a service contract and such bonds and notes shall contain on the face
30 thereof a statement to such effect. Except for purposes of complying
31 with the internal revenue code, any interest income earned on bond
32 proceeds shall only be used to pay debt service on such bonds.

33 § 45. Intentionally omitted.

34 § 46. Intentionally omitted.

35 § 47. Intentionally omitted.

36 § 48. Intentionally omitted.

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.

1 § 53. Subdivision 8 of section 97-f of the state finance law, as
 2 amended by section 49 of part TTT of chapter 59 of the laws of 2019, is
 3 amended to read as follows:

4 ~~8. [In addition to the amounts required to be maintained on deposit in~~
 5 ~~the mental health services fund pursuant to subdivision five of this~~
 6 ~~section and subject to subdivision nine of this section, the fund shall~~
 7 ~~maintain on deposit an amount equal to the debt service and other cash~~
 8 ~~requirements on mental health services facilities bonds issued by~~
 9 ~~authorized issuers pursuant to sections sixty-eight-b and sixty-nine-n~~
 10 ~~of this chapter. The amount required to be maintained in such fund shall~~
 11 ~~be (i) twenty percent of the amount of the next payment coming due~~
 12 ~~relating to mental health services facilities bonds issued by an author-~~
 13 ~~ized issuer multiplied by the number of months from the date of the last~~
 14 ~~such payment with respect to payments required to be made semi-annually,~~
 15 ~~plus (ii) those amounts specified in any financing agreement between the~~
 16 ~~issuer and the state, acting through the director of the budget, with~~
 17 ~~respect to payments required to be made other than semi-annually,~~
 18 ~~including for variable rate bonds, interest rate exchange or similar~~
 19 ~~agreements or other financing arrangements permitted by law. Concur-~~
 20 ~~rently with the making of any such payment, the facilities development~~
 21 ~~corporation shall deliver to the comptroller, the director of the budget~~
 22 ~~and the New York state medical care facilities finance agency a certif-~~
 23 ~~icate stating the aggregate amount to be maintained on deposit in the~~
 24 ~~mental health services fund to comply in full with the provisions of~~
 25 ~~this subdivision.~~

26 ~~No later than five days prior to the payment to be made by the state~~
 27 ~~comptroller on such mental health services facilities bonds pursuant to~~
 28 ~~sections ninety-two-z and ninety-two-h of this article, the] The amount~~
 29 ~~of [such] payment~~ on such mental health services facilities bonds pursu-
 30 ant to sections ninety-two-z and ninety-two-h of this article, shall be
 31 transferred by the state comptroller from the mental health services
 32 fund to the ~~[revenue bond tax fund established by section ninety-two-z~~
 33 ~~of this article and the sales tax revenue bond fund established by~~
 34 ~~section ninety-two-h of this article]~~ mental hygiene general fund state
 35 operation account. The accumulation of moneys pursuant to this subdivi-
 36 sion and subsequent transfer to the ~~[revenue bond tax fund and the sales~~
 37 ~~tax revenue bond fund]~~ mental hygiene general fund state operation
 38 account shall be subordinate in all respects to payments to be made to
 39 the New York state medical care facilities finance agency and to any
 40 pledge or assignment pursuant to subdivision six of this section.

41 § 54. Subdivision 9 of section 97-f of the state finance law, as added
 42 by section 49 of part TTT of chapter 59 of the laws of 2019, is amended
 43 to read as follows:

44 9. In determining the amounts required to be maintained in the mental
 45 health services fund under [~~subdivisions~~] subdivision five [~~and eight~~]
 46 of this section in each month, the amount of receipts associated with
 47 loans, leases and other agreements with voluntary agencies accumulated
 48 and set aside in the mental hygiene facilities improvement fund income
 49 account under paragraph g of subdivision three of section nine of the
 50 facilities development corporation act shall be taken into account as a
 51 credit but only if such crediting does not result in the amounts
 52 required to be maintained in the mental health services fund exclusive
 53 of any credit to be less than the amount required under subdivision five
 54 of this section in each month.

55 § 55. Subdivision (j) of section 92-dd of the state finance law is
 56 REPEALED.

1 § 56. Subdivision 3-a of section 2872 of the public health law is
2 REPEALED and a new subdivision 3-a is added to read as follows:

3 3-a. "Secured hospital project bonds" shall mean outstanding bonds
4 issued on behalf of a not-for-profit hospital corporation organized
5 under the laws of this state, which hospital has previously been desig-
6 nated by the commissioner and the public health council to be eligible
7 to receive distributions from the reimbursement pools established pursu-
8 ant to paragraph (c) of subdivision nine of section twenty-eight hundred
9 seven-a of this chapter, or any successor pool or pools established to
10 serve a substantially similar purpose to such pools.

11 § 57. Section 2874 of the public health law is amended by adding a new
12 subdivision 5 to read as follows:

13 5. The dormitory authority of the state of New York and the New York
14 state urban development corporation are each hereby authorized to issue
15 bonds in one or more series pursuant to article 5-C or article 5-F of
16 the state finance law for the purpose of refunding outstanding secured
17 hospital project bonds, as defined in subdivision three-a of section
18 twenty-eight hundred seventy-two of this article, and to finance one or
19 more related debt service reserve funds and to pay costs of issuance
20 attributable to such refunding bonds. The use of all savings resulting
21 from the refunding of any outstanding secured hospital project bonds,
22 including original issue premium, shall be determined by the director of
23 the budget.

24 § 58. 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; provided,
26 however, that the provisions of sections one, one-a, two, three, four,
27 five, six, seven, eight, twelve, thirteen, fourteen, fifteen, sixteen,
28 seventeen, eighteen, nineteen, twenty-one, and twenty-two of this act
29 shall expire March 31, 2022 when upon such date the provisions of such
30 sections shall be deemed repealed; and provided further that the amend-
31 ments to section 3238-a of the public authorities law made by section
32 forty-nine of this act shall be subject to the repeal of such section
33 and shall expire and be deemed repealed therewith.

34 PART RR

35 Intentionally Omitted

36 PART SS

37 Intentionally Omitted

38 PART TT

39 Section 1. Subdivision 2 of section 164 of the civil service law, as
40 amended by section 1 of part J of chapter 55 of the laws of 2015, is
41 amended to read as follows:

42 2. During the fiscal year ending March thirty-first, two thousand
43 [~~sixteen~~] twenty-two, the president may establish an amnesty period not
44 to exceed sixty days. During this amnesty period when any employee
45 enrolled in the plan voluntarily identifies any ineligible dependent:

46 (a) the termination of the ineligible dependent's coverage resulting
47 from such employee's timely compliance shall be made on a current basis;

48 (b) the plan shall not seek recovery of any claims paid based on the
49 coverage of the ineligible dependent;

1 (c) the employee shall not be entitled to any refund of premium paid
2 on behalf of any such ineligible dependent; and

3 (d) the employee shall not be subject to any disciplinary, civil or
4 criminal action, directly as a result of the coverage of the ineligible
5 dependent.

6 § 2. This act shall take effect immediately.

7 PART UU

8 Intentionally Omitted

9 PART VV

10 Section 1. The section heading of section 421-f of the real property
11 tax law, as amended by chapter 590 of the laws of 1994, is amended to
12 read as follows:

13 Exemption of capital improvements to residential buildings and certain
14 new construction.

15 § 2. Section 421-f of the real property tax law is amended by adding a
16 new subdivision 1-a to read as follows:

17 1-a. Buildings classified as class one property in section eighteen
18 hundred two of this chapter reconstructed, altered, improved, or newly
19 constructed in a special assessing unit that is not a city shall be
20 exempt from taxation and special ad valorem levies to the extent
21 provided hereinafter in the same manner and to the same extent to coun-
22 ty, town, special district and school district taxes levied on the
23 assessment roll prepared by such special assessing unit. Additional
24 buildings and yard improvements shall be excluded from receiving this
25 exemption. An application shall not be required to receive the
26 exemption.

27 § 3. Subdivisions 2 and 3 of section 421-f of the real property tax
28 law, as amended by chapter 590 of the laws of 1994, subparagraph (ii) of
29 paragraph (a) of subdivision 2 and subdivision 3 as further amended by
30 subdivision (b) of section 1 of part W of chapter 56 of the laws of
31 2010, are amended to read as follows:

32 2. (a) Such buildings shall be exempt for a period of one year to the
33 extent of one hundred per centum of the increase in assessed value ther-
34 eof attributable to such reconstruction, alteration or improvement, and
35 new construction pursuant to subdivision one-a of this section, and for
36 an additional period of seven years subject to the following:

37 (i) The extent of such exemption shall be decreased by twelve and
38 one-half per centum of the "exemption base" each year during such addi-
39 tional period. The "exemption base" shall be the increase in assessed
40 value as determined in the initial year of the term of the exemption,
41 except as provided in subparagraph (ii) of this paragraph.

42 (ii) In any year in which a change in level of assessment of fifteen
43 percent or more is certified for a final assessment roll pursuant to the
44 rules of the commissioner, the exemption base shall be multiplied by a
45 fraction, the numerator of which shall be the total assessed value of
46 the parcel on such final assessment roll (after accounting for any phys-
47 ical or quantity changes to the parcel since the immediately preceding
48 assessment roll), and the denominator of which shall be the total
49 assessed value of the parcel on the immediately preceding final assess-
50 ment roll. The result shall be the new exemption base. The exemption
51 shall thereupon be recomputed to take into account the new exemption
52 base, notwithstanding the fact that the assessor receives certification

1 of the change in level of assessment after the completion, verification
2 and filing of the final assessment roll. In the event the assessor does
3 not have custody of the roll when such certification is received, the
4 assessor shall certify the recomputed exemption to the local officers
5 having custody and control of the roll, and such local officers are
6 hereby directed and authorized to enter the recomputed exemption certi-
7 fied by the assessor on the roll. The assessor shall give written notice
8 of such recomputed exemption to the property owner, who may, if he or
9 she believes that the exemption was recomputed incorrectly, apply for a
10 correction in the manner provided by title three of article five of this
11 chapter for the correction of clerical errors.

12 (iii) [~~Such~~] Except in a special assessing unit that is not a city,
13 such exemption shall be limited to eighty thousand dollars in increased
14 market value, or such other sum less than eighty thousand dollars, but
15 not less than five thousand dollars as may be provided by the local law
16 or resolution, of the property attributable to such reconstruction,
17 alteration or improvement and any increase in market value greater than
18 such amount shall not be eligible for the exemption pursuant to this
19 section. In a special assessing unit that is not a city, the exemption
20 shall be limited to seven hundred fifty thousand dollars in increased
21 market value. For the purposes of this section, the market value of the
22 reconstruction, alteration or improvement, or new construction as
23 authorized by subdivision one-a of this section, shall be equal to the
24 increased assessed value attributable to such reconstruction, alteration
25 [~~or~~], improvement or new construction divided by the class [~~±~~] one ratio
26 in a special assessing unit or the most recently established state
27 equalization rate or special equalization rate in the remainder of the
28 state, except where the state equalization rate or special equalization
29 rate equals or exceeds ninety-five percent, in which case the increase
30 in assessed value attributable to such reconstruction, alteration [~~or~~],
31 improvement or new construction shall be deemed to equal the market
32 value of such reconstruction, alteration or improvement.

33 (b) [~~No~~] Except in a special assessing unit that is not a city, no
34 such exemption shall be granted for reconstruction, alterations or
35 improvements unless:

36 (i) such reconstruction, alteration or improvement was commenced
37 subsequent to the effective date of the local law or resolution adopted
38 pursuant to subdivision one of this section; and

39 (ii) the value of such reconstruction, alteration or improvement
40 exceeds three thousand dollars; and

41 (iii) the greater portion, as so determined by square footage, of the
42 building reconstructed, altered or improved is at least five years old.

43 (c) For purposes of this section the terms reconstruction, alteration
44 and improvement shall not include ordinary maintenance and repairs.

45 3. [~~Such~~] Except in a special assessing unit that is not a city, such
46 exemption shall be granted only upon application by the owner of such
47 building on a form prescribed by the commissioner. The application shall
48 be filed with the assessor of the city, town, village or county having
49 the power to assess property for taxation on or before the appropriate
50 taxable status date of such city, town, village or county. In a special
51 assessing unit that is not a city, the exemption shall be applied based
52 upon that completion of reconstruction, alteration, improvement or new
53 construction on or before the applicable taxable status date of the
54 special assessing unit; provided, however that the exemption for such
55 reconstruction, alteration, improvement or new construction that
56 occurred after the taxable status date of such special assessing unit

1 for the two thousand nineteen -- two thousand twenty assessment roll
 2 and on or before the taxable status date of such special assessing unit
 3 for the two thousand twenty -- two thousand twenty-one assessment roll
 4 shall be applied beginning with the two thousand twenty-one -- two thou-
 5 sand twenty-two assessment roll.

6 § 4. Subdivisions 5, 6 and 7 of section 421-f of the real property tax
 7 law, as amended by chapter 590 of the laws of 1994, are amended to read
 8 as follows:

9 5. For the purposes of this section, except in a special assessing
 10 unit that is not a city, a residential building shall mean any building
 11 or structure designed and occupied exclusively for residential purposes
 12 by not more than two families.

13 6. In the event that a building granted an exemption pursuant to this
 14 section ceases to be used primarily for residential purposes [~~or~~], is no
 15 longer classified as class one property in a special assessing unit that
 16 is not a city, or title thereto is transferred to other than the heirs
 17 or distributees of the owner in other than a special assessing unit that
 18 is not a city, the exemption granted pursuant to this section shall
 19 cease.

20 7. (a) [~~A~~] Except for a special assessing unit that is not a city, a
 21 county, city, town or village may, by its local law, or school district,
 22 by its resolution:

23 (i) reduce the per centum of exemption otherwise allowed pursuant to
 24 this section;

25 (ii) limit eligibility for the exemption to those forms of recon-
 26 struction, alterations or improvements as are prescribed in such local
 27 law or resolution;

28 (iii) provide that the exemption shall be applicable only to those
 29 improvements which would otherwise result in an increase in the assessed
 30 valuation of the real property but which consist of an addition, remod-
 31 eling or modernization to an existing residential structure to prevent
 32 physical deterioration of the structure or to comply with applicable
 33 building, sanitary, health and/or fire codes.

34 (b) No such local law or resolution shall reduce or repeal an
 35 exemption granted pursuant to this section until the expiration of the
 36 period for which such exemption was granted.

37 § 5. Applicability. This act shall be applicable beginning with the
 38 two thousand twenty -- two thousand twenty-one assessment roll through
 39 and including the two thousand twenty-two -- two thousand twenty-three
 40 assessment roll.

41 § 6. Severability. If any clause, sentence, paragraph, section or part
 42 of this act shall be adjudged by any court of competent jurisdiction to
 43 be invalid and after exhaustion of all further judicial review, the
 44 judgment shall not affect, impair or invalidate the remainder thereof,
 45 but shall be confined in its operation to the clause, sentence, para-
 46 graph, section or part of this act directly involved in the controversy
 47 in which the judgment shall have been rendered.

48 § 7. This act shall take effect immediately.

49 PART WW

50 Intentionally Omitted

51 PART XX

1 Section 1. The correction law is amended by adding a new section 626
2 to read as follows:

3 § 626. Medication assisted treatment in correctional facilities. 1.
4 For purposes of this section "medication assisted treatment" means
5 treatment of chemical dependence or abuse and concomitant conditions
6 with medications requiring a prescription or order from an authorized
7 prescribing professional.

8 2. (a) The commissioner, in conjunction with the office of alcoholism
9 and substance abuse services, shall establish a program to be adminis-
10 tered at correctional facilities within the department in the state, for
11 the purpose of employing medication assisted treatment for inmates in
12 such facilities who are undergoing treatment for a substance use disorder.
13 Such program shall include all forms of medication assisted treat-
14 ments approved for the treatment of a substance use disorder by the
15 Federal Food and Drug Administration for the duration of an inmate's
16 incarceration and shall provide an individualized treatment plan for
17 each participant. After a medical screening, inmates who are determined
18 to suffer from a substance use disorder, for which FDA approved
19 addiction medications exist shall be offered placement in the medication
20 assisted treatment program. Placement in such program shall not be
21 mandatory. Each participating inmate shall work with an authorized
22 specialist to determine an individualized treatment plan, including an
23 appropriate level of counseling. Decisions regarding type, dosage, or
24 duration of any medication regimen shall be made by a qualified health
25 care professional licensed or certified under title eight of the educa-
26 tion law who is authorized to administer such medication in conjunction
27 with the inmate.

28 (b) i. Such program shall also include conditions for a reentry strat-
29 egy for inmates who have participated in medication assisted treatment.
30 Such strategy shall include, but not be limited to, providing each
31 participating inmate with information on available treatment facilities
32 in their area, information on available housing and employment
33 resources, and any other information that will assist the inmate in
34 continued recovery once released. Such program shall also assist the
35 inmate in Medicaid enrollment, prior to release.

36 ii. Such program shall provide participating inmates preparing for
37 release from prison with a one-week supply of any necessary medication,
38 where permissible under federal laws and regulations to continue their
39 medication assisted treatment in an effort to prevent relapse.

40 (c) Reentry planning and community supervision should include a colla-
41 borative relationship between clinical and parole staff including shar-
42 ing of accurate information regarding the inmate's participation in
43 medication assisted treatment to ensure that their medication is not
44 deemed illicit or illegal. Additionally, procedures shall be developed
45 to assist any reentrant who communicates a relapse with their parole
46 officer or who fails a drug test, to receive substance use disorder
47 support in lieu of arrest and/or incarceration.

48 3. The commissioner shall submit within one year of the effective date
49 of this section and annually thereafter, a report to the governor, the
50 temporary president of the senate and the speaker of the assembly on the
51 effectiveness of the program established pursuant to this section. Such
52 reports shall include an analysis of the impact of such program on the
53 participating inmates, including factors such as institutional adjust-
54 ment, behavior infractions, reentry rates, HIV and hepatitis C treat-
55 ment, and program participation, among related relevant factors. The
56 reports shall also include the impact on institutional safety and

1 performance and any recommendations for additional legislative enact-
2 ments that may be needed or required to improve or enhance the program
3 as determined to be appropriate by the commissioner.

4 4. Participation in the medication assisted treatment program shall
5 not be withheld from a qualified inmate. An inmate may enter into such
6 program at any time during his or her incarceration. An inmate using
7 medication assisted treatment prior to such inmate's incarceration shall
8 be eligible to, upon request by such inmate, continue such treatment in
9 the medication assisted treatment program for any period of time during
10 the duration of such inmate's incarceration. No person shall be denied
11 participation in the program on the basis of a positive drug screening
12 upon entering custody or upon intake into the program; nor shall any
13 person receive a disciplinary infraction for such positive drug screen-
14 ing. No person shall be removed from, or denied participation in the
15 program on the basis of having received any disciplinary infraction: (a)
16 before entry into the program; or (b) during participation in the
17 program.

18 § 2. Section 45 of the correction law is amended by adding a new
19 subdivision 18 to read as follows:

20 18. Establish standards and guidelines for a program of medication
21 assisted treatment for inmates in county jails and/or county correction-
22 al facilities equivalent to the program established in state correction-
23 al facilities pursuant to section six hundred twenty-six of this chapter
24 and submit an annual report consistent with the requirements of subdivi-
25 sion three of such section.

26 § 3. The mental hygiene law is amended by adding a new section
27 19.18-c to read as follows:

28 § 19.18-c Corrections-based substance use disorder treatment and transi-
29 tion services.

30 1. The commissioner, in consultation with local governmental units,
31 county sheriffs, the New York city department of corrections and other
32 stakeholders, shall implement a jail-based substance use disorder treat-
33 ment and transition services program that supports the initiation, oper-
34 ation and enhancement of substance use disorder treatment and transition
35 services for persons with substance use disorder who are incarcerated in
36 jails.

37 2. The services to be provided by such program shall be in accordance
38 with plans developed by participating local governmental units, in
39 collaboration with county sheriffs, taking into account local needs and
40 available resources. These plans must be approved by the commissioner
41 and shall include, but not be limited to, the following:

42 (a) Alcohol, benzodiazepine, heroin and opioid withdrawal management;
43 (b) At least one formulation of every form of medication assisted
44 treatments approved for the treatment of a substance use disorder by the
45 Federal Food and Drug Administration necessary to ensure that each indi-
46 vidual participating in the program receives the particular form found
47 to be the most effective at treating and meeting their individual needs.
48 The commissioner may allow jails a limited exemption to providing opioid
49 full agonist treatment medications where the commissioner determines
50 that no providers that have received the required accreditation are
51 located within a reasonable distance of the facility. Jails that do not
52 have the resources available to meet standards set forth herein may
53 apply to the commissioner for a limited exception allowing such jail to
54 enter into an agreement with a community- or jail-based program offering
55 substance use disorder treatment and transition services to provide such

1 services to individuals in such jails. Any such determination shall be
2 reviewed on a regular basis;

3 (c) Group and individual counseling and clinical support;

4 (d) Peer support;

5 (e) Discharge planning; and

6 (f) Re-entry and transitional supports.

7 3. (a) After a medical screening, incarcerated individuals who are
8 determined to suffer from a substance use disorder for which medication
9 assisted treatment exists shall be offered placement in the medication
10 assisted treatment program. Placement in such program shall not be
11 mandatory.

12 (b) Each participating incarcerated individual shall work with an
13 authorized specialist to develop an individualized treatment plan,
14 including an appropriate level of counseling and planning for continuity
15 of care upon return to the community.

16 (c) Decisions regarding type, dosage, or duration of any medication
17 regimen shall be made by a qualified health care professional licensed
18 or certified under title eight of the education law who is authorized to
19 administer such medication in conjunction with the incarcerated individ-
20 ual.

21 (d) Participation in the medication assisted treatment program shall
22 not be unreasonably withheld from a qualified incarcerated individual.
23 An incarcerated individual using medication assisted treatment prior to
24 such individual's incarceration shall be eligible to, upon request by
25 such individual, continue such treatment in the medication assisted
26 treatment program for any period of time during the duration of such
27 individual's incarceration.

28 (e) No person shall be denied participation in the program on the
29 basis of a positive drug screening upon entering custody or upon intake
30 into the program; nor shall any person receive a disciplinary infraction
31 for such positive drug screening. No person shall be removed from, or
32 denied participation in the program on the basis of having received any
33 disciplinary infraction: (1) before entry into the program; or (2)
34 during participation in the program.

35 4. Within amounts appropriated therefor, funding shall be made avail-
36 able pursuant to criteria established by the office of alcoholism and
37 substance abuse services in consultation with local governmental units,
38 which shall take into consideration the local needs and resources as
39 identified by local governmental units, the average daily jail popu-
40 lation, the average number of persons incarcerated in the jail that
41 require substance use disorder services and such other factors as may be
42 deemed necessary.

43 5. Any jail-based substance use disorder treatment and transition
44 services program that is already in operation at the time this act shall
45 have become law and meets or exceeds the standards set forth in this
46 section shall be deemed to have met the requirements of subdivisions one
47 and two of this section. Such programs shall certify annually in writing
48 to the commissioner that they have met or exceeded the standards set
49 forth herein.

50 § 4. This act shall take effect on the one hundred twentieth day after
51 it shall have become a law. Effective immediately, the addition, amend-
52 ment and/or repeal of any rule or regulation necessary for the implemen-
53 tation of this act on its effective date are authorized to be made on or
54 before such date.

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

4 (vi) Notwithstanding subparagraphs (i) and (v) of this paragraph,
5 within amounts appropriated in the state fiscal year commencing April
6 first, two thousand twenty-one, and annually thereafter, there shall be
7 apportioned and paid to each municipality a base level grant in an
8 amount equal to the base level grant received by such municipality in
9 the state fiscal year that commenced April first, two thousand eighteen;
10 provided, however, that in no case shall a municipality's base level
11 grant amount be lower than the base level grant it was scheduled to
12 receive in the state fiscal year commencing April first, two thousand
13 twenty, notwithstanding the authority granted to the budget director to
14 reduce such amounts as authorized by paragraph (f) of section one of
15 chapter fifty-three of the laws of two thousand twenty.

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

19 (3) However, the taxes, penalties and interest which (i) the county of
20 Nassau, (ii) the county of Erie, to the extent the county of Erie is
21 contractually or statutorily obligated to allocate and apply or pay net
22 collections to the city of Buffalo and to the extent that such county
23 has set aside net collections for educational purposes attributable to
24 the Buffalo school district, or the city of Buffalo or (iii) the county
25 of Erie is authorized to impose pursuant to section twelve hundred ten
26 of this article, other than such taxes in the amounts described, respec-
27 tively, in subdivisions one and two of section one thousand two hundred
28 sixty-two-e of this part, during the period that such section authorizes
29 Nassau county to establish special or local assistance programs there-
30 under, together with any penalties and interest related thereto, and
31 after the comptroller has reserved such refund fund and such costs,
32 shall, commencing on the next payment date after the effective date of
33 this sentence and of each month thereafter, until such date as (i) the
34 Nassau county interim finance authority shall have no obligations
35 outstanding, or (ii) the Buffalo fiscal stability authority shall cease
36 to exist, or (iii) the Erie county fiscal stability authority shall
37 cease to exist, be paid by the comptroller, respectively, to (i) the
38 Nassau county interim finance authority to be applied by the Nassau
39 county interim finance authority, or (ii) to the Buffalo fiscal stabili-
40 ty authority to be applied by the Buffalo fiscal stability authority, or
41 (iii) to the Erie county fiscal stability authority to be applied by the
42 Erie county fiscal stability authority, as the case may be, in the
43 following order of priority: first pursuant to the Nassau county interim
44 finance authority's contracts with bondholders or the Buffalo fiscal
45 stability authority's contracts with bondholders or the Erie county
46 fiscal stability authority's contracts with bondholders, respectively,
47 then to pay the Nassau county interim finance authority's operating
48 expenses not otherwise provided for or the Buffalo fiscal stability
49 authority's operating expenses not otherwise provided for or the Erie
50 county fiscal stability authority's operating expenses not otherwise
51 provided for, respectively, [~~then (i) for the Nassau county interim~~
52 ~~finance authority to pay to the state as soon as practicable in the~~
53 ~~months of May and December each year, the amount necessary to fulfill~~
54 ~~the town and village distribution requirement on behalf of Nassau county~~
55 ~~pursuant to paragraph five-a of this subdivision, or (ii) for the~~
56 ~~Buffalo fiscal stability authority to pay to the state as soon as prac-~~

~~1 ticable in the months of May and December each year, the percentage of
2 the amount necessary to fulfill the town and village distribution
3 requirement on behalf of Erie county pursuant to paragraph five-a of
4 this subdivision that equates to the percentage of the county net
5 collections that the city of Buffalo and the Buffalo city school
6 district, together, are due in the months of May and December each year,
7 or (iii) for the Erie county fiscal stability authority to pay to the
8 state as soon as practicable in the months of May and December each
9 year, the amount necessary to fulfill the town and village distribution
10 requirement on behalf of Erie county pursuant to paragraph five-a of
11 this subdivision, less the amount being paid to the state by the Buffalo
12 fiscal stability authority in each respective month,] and then (i)
13 pursuant to the Nassau county interim finance authority's agreements
14 with the county of Nassau, which agreements shall require the Nassau
15 county interim finance authority to transfer such taxes, penalties and
16 interest remaining after providing for contractual or other obligations
17 of the Nassau county interim finance authority, and subject to any
18 agreement between such authority and the county of Nassau, to the county
19 of Nassau as frequently as practicable; or (ii) pursuant to the Buffalo
20 fiscal stability authority's agreements with the city of Buffalo, which
21 agreements shall require the Buffalo fiscal stability authority to
22 transfer such taxes, penalties and interest remaining after providing
23 for contractual or other obligations of the Buffalo fiscal stability
24 authority, and subject to any agreement between such authority and the
25 city of Buffalo, to the city of Buffalo or the city of Buffalo school
26 district, as the case may be, as frequently as practicable; or (iii)
27 pursuant to the Erie county fiscal stability authority's agreements with
28 the county of Erie, which agreements shall require the Erie county
29 fiscal stability authority to transfer such taxes, penalties and inter-
30 est remaining after providing for contractual or other obligations of
31 the Erie county fiscal stability authority, and subject to any agreement
32 between such authority and the county of Erie, to the county of Erie as
33 frequently as practicable. During the period that the comptroller is
34 required to make payments to the Nassau county interim finance authority
35 described in the previous sentence, the county of Nassau shall have no
36 right, title or interest in or to such taxes, penalties and interest
37 required to be paid to the Nassau county interim finance authority,
38 except as provided in such authority's agreements with the county of
39 Nassau. During the period that the comptroller is required to make
40 payments to the Buffalo fiscal stability authority described in the
41 second previous sentence, the city of Buffalo and such school district
42 shall have no right, title or interest in or to such taxes, penalties
43 and interest required to be paid to the Buffalo fiscal stability author-
44 ity, except as provided in such authority's agreements with the city of
45 Buffalo. During the period that the comptroller is required to make
46 payments to the Erie county fiscal stability authority described in the
47 third previous sentence, the county of Erie shall have no right, title
48 or interest in or to such taxes, penalties and interest required to be
49 paid to the Erie county fiscal stability authority, except as provided
50 in such authority's agreements with the county of Erie.~~

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

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

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

10 obligations of the authority to the county as frequently as practicable.
11 § 5. Subdivision 5 of section 3865 of the public authorities law, as
12 amended by section 4 of part NN of chapter 55 of the laws of 2020, is
13 amended to read as follows:

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

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

32 5. Revenues of the authority shall be applied in the following order
33 of priority: first to pay debt service or for set asides to pay debt
34 service on the authority's bonds, notes, or other obligations and to
35 replenish any reserve funds securing such bonds, notes or other obli-
36 gations of the authority in accordance with the provision of indenture
37 or bond resolution of the authority; then to pay the authority's operat-
38 ing expenses not otherwise provided for; [~~then to pay to the state~~
39 ~~pursuant to paragraph three of subdivision (c) of section twelve hundred~~
40 ~~sixty one of the tax law,~~] and then, subject to the authority's agree-
41 ments with the county for itself or on behalf of any covered organiza-
42 tion to transfer as frequently as practicable the balance of revenues
43 not required to meet contractual or other obligations of the authority
44 to the county as provided in subdivision seven of this section.

45 § 7. This act shall take effect immediately.

46

PART ZZ

47 Section 1. Subdivision 1 of section 924-a of the real property tax
48 law, as amended by chapter 26 of the laws of 2003, is amended to read as
49 follows:

50 1. The amount of interest to be added on all taxes received after the
51 interest free period and all delinquent taxes shall be one-twelfth the
52 rate of interest as determined pursuant to subdivision two or two-a of
53 this section rounded to the nearest one-hundredth of a percentage point,
54 except as otherwise provided by a general or special law, or a local law

1 adopted by a city pursuant to the municipal home rule law or any special
2 law. Such interest shall be added for each month or fraction thereof
3 until such taxes are paid; provided however, that notwithstanding any
4 provision of general, special, or local law or resolution to the contra-
5 ry, in no case shall the interest rate exceed seven and one-half per
6 centum per annum of delinquent tax payments due on owner occupied resi-
7 dential real property containing three or fewer dwelling units; and
8 provided further that this limitation shall apply to units held in
9 condominium form; and provided further that such limitation shall apply
10 to all buildings held in cooperative form regardless of owner occupancy
11 status; and provided further that this limitation shall not apply to
12 real property that is vacant and abandoned, as defined in subdivision
13 two of section thirteen hundred nine of the real property actions and
14 proceedings law, which was listed on the statewide vacant and abandoned
15 property electronic registry, as defined in section thirteen hundred ten
16 of the real property actions and proceedings law, and remains on such
17 registry.

18 § 2. This act shall take effect immediately.

19 PART AAA

20 Section 1. Short title. This act shall be known and may be cited as
21 the "community violence intervention and prevention act".

22 § 2. The executive law is amended by adding a new article 22-A to read
23 as follows:

24 ARTICLE 22-A

25 COMMUNITY VIOLENCE INTERVENTION AND PREVENTION ACT

26 Section 637-a. Legislative findings.

27 637-b. Definitions.

28 637-c. Community violence intervention and prevention grants.

29 § 637-a. Legislative findings. The legislature hereby finds and
30 declares that gun violence and other forms of violence constitute a
31 crisis that poses a serious threat to the health and quality of life of
32 all residents of the state of New York. An epidemic of violence is tear-
33 ing at the fabric of life in many urban areas. The legislature further
34 finds that funds from the Victims of Crime Act should be used to support
35 hospital based violence intervention programs and community based
36 violence intervention programs.

37 § 637-b. Definitions. For the purposes of this article, the following
38 terms shall have the following meanings:

39 1. "Evidence-based health program" means a program or an initiative
40 that:

41 (a) is developed and evaluated through scientific research and data
42 collection;

43 (b) uses public health principles that demonstrate measurable positive
44 outcomes in preventing gun violence; and

45 (c) is implemented by a nonprofit organization or public agency.

46 2. "Evidence-informed health program" means a program, an approach, or
47 an initiative that is:

48 (a) based on public health principles;

49 (b) capable of being studied and evaluated through research and data
50 collection;

51 (c) for the purpose of reducing gun violence;

52 (d) directed to influence factors determined to affect gun violence;
53 and

54 (e) implemented by a nonprofit organization or public agency.

1 3. "Hospital-based violence intervention program" means a violence
2 intervention program that:

3 (a) is operated by:

4 (i) a hospital; or

5 (ii) an individual or entity in collaboration with a hospital; and

6 (b) provides intensive counseling, case management, and social
7 services to individuals who are recovering from injuries resulting from
8 violence or who were witnesses to acts of violence.

9 4. "Community-based violence intervention program" means a violence
10 intervention program that is operated by:

11 (a) a nonprofit organization; and

12 (b) provides intensive counseling, case management, and social
13 services to individuals who are recovering from injuries resulting from
14 violence or who were witnesses to acts of violence.

15 5. "Director" shall mean the head of the office of victim services as
16 set forth by section six hundred twenty-two of this chapter.

17 6. "Crime" shall mean:

18 (a) an act committed in New York state which would, if committed by a
19 mentally competent criminally responsible adult, who has no legal
20 exemption or defense, constitute a crime as defined in and proscribed by
21 law; or

22 (b) an act committed outside the state of New York against a resident
23 of the state of New York which would be compensable had it occurred
24 within the state of New York and which occurred in a state which does
25 not have an eligible crime victim compensation program as such term is
26 defined in the federal Victims of Crime Act of 1984; or

27 (c) an act of terrorism, as defined in section 2331 of title 18,
28 United States Code, committed outside of the United States against a
29 resident of New York state.

30 7. "Elderly victim" shall mean a person sixty years of age or older
31 who suffers loss or damage as a direct result of a crime.

32 § 637-c. Community violence intervention and prevention grants. 1.
33 The office of victim services shall promulgate regulations relating to
34 community violence intervention and prevention grants for hospital-based
35 violence intervention programs and community-based violence intervention
36 programs, which shall be funded from the community violence intervention
37 and prevention fund established by section ninety-seven-bbbbb of the
38 state finance law.

39 (a) These regulations shall be designed to promote:

40 (i) alternative funding sources other than the state, including local
41 government and private sources as well as funding from the federal
42 Victims of Crime Act of 1984;

43 (ii) coordination of public and private efforts to aid individuals who
44 are recovering from injuries resulting from violence or who were
45 witnesses to acts of violence; and

46 (iii) long range development of services to victims of violent crimes
47 in the community, to perpetrators of violent crimes and to witnesses of
48 violent crimes involved in criminal prosecutions.

49 (b) These regulations shall also provide for:

50 (i) clearly defined and measurable objectives;

51 (ii) evidence that the proposed evidence-based health programs or
52 evidence-informed health programs would likely reduce gun violence;

53 (iii) a description of how the local government or nonprofit organiza-
54 tion proposes to use the funding to reduce rates of gun violence by:

55 (A) establishing or enhancing evidence-based health programs or
56 evidence-informed health programs;

1 (B) enhancing coordination of existing violence intervention and
 2 prevention programs, if any, to minimize duplication of services; and
 3 (C) a plan for the collection of relevant data; and
 4 (iv) outreach to the community and education and training of law
 5 enforcement and other criminal justice officials to the needs of victims
 6 of violent crimes in the community, to perpetrators of violent crimes
 7 and to witnesses of violent crimes involved in criminal prosecutions.

8 § 3. The state finance law is amended by adding a new section 97-bbbbbb
 9 to read as follows:

10 § 97-bbbbbb. Community violence intervention and prevention fund. 1.
 11 There is hereby established in the joint custody of the state comp-
 12 troller and the commissioner of taxation and finance a fund to be known
 13 as the "community violence intervention and prevention fund".

14 2. The community violence intervention and prevention fund shall
 15 consist of at least ten million dollars or ten percent of all monies
 16 received under the federal victims of Crime Act of 1984, whichever is
 17 greater; and all monies appropriated, credited, or transferred thereto
 18 from any other fund or source pursuant to law.

19 3. Monies of the community violence intervention and prevention fund,
 20 following appropriation by the legislature shall be expended only:

21 (a) pursuant to article twenty-two-A of the executive law;
 22 (b) to support effective violence reduction strategies by providing
 23 grants to local governments and nonprofit organizations to fund
 24 evidence-based health programs or evidence-informed health programs; and
 25 (c) for the evaluation of the efficacy of evidence-based health
 26 programs or evidence-informed health programs awarded grants through the
 27 fund.

28 4. Monies shall be payable from the fund on the audit and warrant of
 29 the comptroller on vouchers approved and certified by the commissioner
 30 of taxation and finance.

31 § 4. If any provision or clause of this act or application thereof to
 32 any person or circumstances is held invalid, such invalidity shall not
 33 affect other provisions or applications of this act which can be given
 34 effect without the invalid provision or application, and to this end the
 35 provisions of this act are declared to be severable.

36 § 5. This act shall take effect immediately.

37 PART BBB

38 Section 1. Notwithstanding any provision contained herein or any other
 39 law to the contrary, the director of the budget may withhold all or some
 40 of the amounts appropriated herein in the 2021-22 adopted budget,
 41 including amounts that are to be paid on specific dates prescribed in
 42 law or regulation, from any local government entity which has a police
 43 agency operating with police officers as defined under section 1.20 of
 44 the criminal procedure law who, by April 1, 2021, fails to submit to the
 45 director of the budget the certification required by Executive Order 203
 46 issued on June 12, 2020 and titled "New York State Police Reform and
 47 Reinvention Collaborative". The director of the budget shall discontinue
 48 and reverse any withholds made pursuant to this provision upon receipt
 49 of the certification required by Executive Order 203. To the extent the
 50 state is obligated to make payment to any local government entity which
 51 has a police agency operating with police officers as defined under
 52 section 1.20 of the criminal procedure law pursuant to any appropri-
 53 ation contained herein, such obligation shall be reduced commensurate
 54 with the amount of payments withheld for the amount of time such

1 payments are withheld by the director of the budget pursuant to this
2 provision until such time that the certification is provided.
3 § 2. This act shall take effect immediately.

4 PART CCC

5 Section 1. This act enacts into law components of legislation that
6 would enable public employers to offer a temporary retirement incentive
7 to their employees, as well as to provide an age 55/25 years temporary
8 incentive for certain public employees. Each component is wholly
9 contained within a Subpart identified as Subparts A and B. The effective
10 date for each particular provision contained within such Subpart is set
11 forth in the last section of such Subpart. Any provision in any section
12 contained within a Subpart, including the effective date of the Subpart,
13 which makes reference to a section "of this act", when used in
14 connection with that particular component, shall be deemed to mean and
15 refer to the corresponding section of the Subpart in which it is found,
16 unless noted otherwise. The benefits of this act shall not be applicable
17 to anyone who first became a member of a public retirement system of the
18 state on or after January first, two thousand ten.

19 § 2. Legislative findings. The legislature finds and declares that the
20 retirement benefits provided for in this act are designed to achieve
21 cost-savings for public employers and to avoid layoffs of public employ-
22 ees in this time of fiscal need. Therefore, the retirement incentive
23 benefit provided for in Subpart A of this act and the age 55/25 years
24 retirement benefit provided for in Subpart B of this act are intended
25 only to be temporary in nature for employees who are eligible to receive
26 and qualify for the applicable benefit during the applicable time peri-
27 ods specified within each Subpart. Further, nothing in this act shall be
28 construed to create an expectation of a future or continuing retirement
29 benefit for any public employee who is not eligible to receive and qual-
30 ify for the retirement benefits in this act during the applicable time
31 periods.

32 SUBPART A

33 Section 1. Definitions. As used in this act, unless the context clear-
34 ly requires otherwise:

35 a. "Retirement system" means the New York state and local employees'
36 retirement system, the New York state teachers' retirement system, the
37 New York city teachers' retirement system, the New York city board of
38 education retirement system or the New York city employees' retirement
39 system, exclusive of the retirement plans established pursuant to
40 sections 13-156 and 13-157 of the administrative code of the city of New
41 York.

42 b. "Teachers' retirement system" means the New York state teachers'
43 retirement system or the New York city teachers' retirement system.

44 c. "Optional retirement program" means the programs established pursu-
45 ant to the provisions of section 181, 391 or 6251 of the education law;
46 or continued pursuant to section 3 of chapter 980 of the laws of 1962.

47 d. "State employer" means (a) the executive branch of the state, (b)
48 the state-operated institutions of the state university of New York, (c)
49 the statutory and contract colleges operated pursuant to section 357 of
50 the education law, (d) the state university construction fund (herein-
51 after referred to in this act as the "fund"), (e) a cooperative exten-
52 sion association (hereinafter referred to in this act as the "associ-

1 ation"), (f) the city university of New York as defined in subdivision 2
2 of section 6202 of the education law, (g) the unified court system, (h)
3 the senate, (i) the assembly, and (j) joint legislative employers.

4 e. (a) "Participating employer" means an employer, other than a state
5 employer, which participates in a retirement system; such term shall
6 include a community college operating under the program of the state
7 university of New York.

8 (b) "Educational employer" means a participating employer which is a
9 school district, a board of cooperative educational services, a voca-
10 tional education and extension board, an institution for the instruction
11 of the deaf and of the blind as enumerated in section 4201 of the educa-
12 tion law, or a school district as enumerated in section 1 of chapter 566
13 of the laws of 1967, as amended.

14 f. "Eligible employee" means a person who is a member of a retirement
15 system or a participant in an optional retirement program who is an
16 employee in the executive branch of a state employer or an employee of a
17 state employer or a participating employer which makes an election under
18 this section or section four of this act, but such term shall not
19 include the following persons:

20 (a) elected officials, judges or justices appointed to or serving in a
21 court of record and acting village justices;

22 (b) chief administrative officers of participating employers which
23 participate in a teachers' retirement system;

24 (c) officers described in sections 4, 41-a, 46, 61, 70, 70-a, 169
25 (including those officers whose salary is established pursuant to salary
26 plans under subdivision 3 of section 169), 180 and subdivision 1 of
27 section 41 of the executive law and any agency or department head
28 appointed by the governor, comptroller or attorney general;

29 (d) appointed members of boards or commissions any of whose members
30 are appointed by the governor or by another state officer or body;

31 (e) nonjudicial officers and employees of the unified court system
32 unless the chief administrator of the courts elects as provided herein,
33 which election shall cover only nonjudicial officers and employees hold-
34 ing positions in any title in the classified service of the unified
35 court system;

36 (f) officers or employees of the senate unless the senate adopts a
37 resolution authorizing the temporary president to file the election as
38 provided in this subdivision;

39 (g) officers or employees of the assembly unless the assembly adopts a
40 resolution authorizing the speaker of the assembly to file the election
41 as provided in this subdivision; and

42 (h) officers or employees of joint legislative employers unless:

43 (i) with respect to officers or employees of the legislative library,
44 legislative messenger service, legislative health service, legislative
45 ethics commission, the legislative bill drafting commission, and the
46 joint line of the legislative task force on demographic research and
47 reapportionment, the senate and assembly adopt a concurrent resolution
48 authorizing the temporary president of the senate and the speaker of the
49 assembly to jointly file an election as provided in this subdivision;

50 (ii) with respect to officers or employees of components of the senate
51 as identified pursuant to section 90 of the legislative law, the senate
52 adopts a resolution authorizing the temporary president to file an
53 election for officers or employees of those components designated in
54 such resolution; and

55 (iii) with respect to officers or employees of components of the
56 assembly as identified pursuant to section 90 of the legislative law,

1 the assembly adopts a resolution authorizing the speaker of the assembly
2 to file an election for officers or employees of those components desig-
3 nated in such resolution.

4 Any election under paragraphs (e) through (h) of this subdivision to
5 make available the retirement incentive program provided by this act
6 shall be in writing and filed with the state comptroller not later than
7 ninety days after the effective date of this act. Notwithstanding any
8 other provision of this act, each such filing shall specify the
9 commencement date and the length of the open period. Only one open peri-
10 od shall be made available for employees covered by elections under
11 paragraphs (e) through (h) of this subdivision.

12 For the purposes of such paragraphs (f), (g) or (h) of this subdivi-
13 sion, an employee of the legislature shall be as such term is defined in
14 section 7-a, 7-b or 7-d of the legislative law or by any other provision
15 of law which classifies employees of an entity to be legislative employ-
16 ees for all purposes, but shall not include senators or members of the
17 assembly. The term "joint legislative employer" shall mean legislative
18 commissions, committees, task forces, councils or similar bodies whose
19 membership is comprised of both senators and assembly members, or which
20 consist of commissioners, or the majority of whose membership is
21 appointed by one or more of the following: the temporary president of
22 the senate, the speaker of the assembly, the minority leader of the
23 senate, and/or the minority leader of the assembly. The temporary presi-
24 dent of the senate and the speaker of the assembly shall be the joint
25 legislative employer of the employees of the legislature referred to in
26 sections 7-a and 7-b of the legislative law.

27 g. "Eligible title" means any title where a certain number of posi-
28 tions in that title, as identified by agency, department, work location
29 or appointing authority, college or campus, as the case may be, would
30 otherwise be identified for layoff but for this act because of economy,
31 consolidation or abolition of functions, curtailment of activities or
32 otherwise. However, an eligible title can also include a title as iden-
33 tified by agency, department, work location or appointing authority in
34 which positions would not be eliminated but into which employees in
35 titles affected by layoff can be transferred or reassigned pursuant to
36 the civil service law, rule or regulation. The determination of eligible
37 titles shall be made by: (a) the appointing authority, subject to the
38 approval of the director of state operations for titles within the exec-
39 utive branch, (b) the board of trustees for the state university
40 (including the association) subject to the approval of the director of
41 state operations, the fund, the city university of New York and of each
42 community college operating under the program of the state university,
43 (c) the person or persons who elect under paragraphs (e) through (h) of
44 subdivision f of this section to offer the retirement incentive provided
45 by this act, and (d) the chief executive officer or other comparable
46 official for participating employers other than the community colleges.

47 h. "College faculty" means an employee, not in the classified service,
48 of a state employer described in paragraphs (b), (c), (d), (e) and (f)
49 of subdivision d of this section or of a community college who is a
50 member of a teachers' retirement system, the New York state and local
51 employees' retirement system or a participant in an optional retirement
52 program.

53 i. "Active service" means service while being paid on the payroll,
54 provided that (a) a leave of absence with pay shall be deemed active
55 service; (b) other approved leave without pay not to exceed twelve weeks
56 from February 1, 2021 and the commencement of the designated open peri-

1 od; and (c) the period of time subsequent to the June 2021 school term
2 and on or before August 31, 2021 for a teacher (or other employee
3 employed on a school-year basis) who is otherwise in active service on
4 February 1, 2021 shall be deemed active service.

5 j. "Open period" means the period beginning with the commencement date
6 as defined in subdivision k of this section and shall not be more than
7 ninety days nor less than thirty days in length, as specified by the
8 director of state operations or by a participating employer pursuant to
9 section four of this act, by the appropriate board of trustees for the
10 state university (including the association), the fund, the city univer-
11 sity of New York or a community college operating under a program of the
12 state university or by a state employer described in paragraphs (g),
13 (h), (i) and (j) of subdivision d of this section; provided however that
14 any such period shall not extend beyond September 30, 2021 for the exec-
15 utive branch of a state employer described in paragraphs (a) and (b) of
16 subdivision d of this section (except for college faculty), not beyond
17 December 31, 2021 for participating employers, college faculty for a
18 state employer described in paragraph (b) of subdivision d of this
19 section, state employers described in paragraphs (c), (d) and (e) of
20 subdivision d of this section, not beyond January 31, 2022 for college
21 faculty of an employer described in paragraph (f) of subdivision d of
22 this section, and not beyond August 31, 2021 for educational employers.
23 For the purposes of retirement pursuant to this act, a service retire-
24 ment application must be filed with the appropriate retirement system
25 not less than fourteen days prior to the effective date of retirement to
26 become effective, unless a shorter period of time is permitted under
27 law.

28 k. "Commencement date" means the first day the retirement incentive
29 authorized by this act shall be made available, which shall mean a date
30 on or after the effective date of this act to be determined by the
31 director of state operations for the executive branch of the state, and
32 which date shall occur no later than thirty days before September 30,
33 2021 or for any participating employer a date on or after the effective
34 date of this act. For any other state employer, such term shall mean a
35 date on or after the effective date of this act and shall occur no later
36 than thirty days before September 30, 2021. The director of state oper-
37 ations shall notify the head of the appropriate retirement system of the
38 date of each open period applicable to employees of the executive branch
39 or of a state employer prior to the commencement date.

40 § 2. The determination of whether a title shall be considered eligible
41 shall consider whether the reduction of a specific number of positions
42 within a title would unacceptably:

43 a. Directly result in a reduction of the level of service required or
44 mandated to protect and care for clients of the state or a participating
45 employer or to assure public health and safety;

46 b. Endanger the health or safety of employees of the state or a
47 participating employer; or

48 c. Clearly result in a loss of significant revenue to the state or a
49 participating employer or result in substantially increased overtime or
50 contractual costs. However, upon the determination of the director of
51 state operations, with respect to employees of the executive branch of a
52 state employer, any titles may be determined eligible if the vacancies
53 created can be controlled by the use of transfer or reassignment
54 provisions of the civil service law, rules or regulations or other
55 deployment of state employees.

1 § 3. a. Eligibility for inclusion in the retirement incentive provided
2 by section six of this act shall be determined: (a) by seniority: for
3 participating employers and for state employers described in paragraphs
4 (a), (b), (c), (d), (e) and (f) of subdivision d of section one of this
5 act, other than for college faculty; seniority shall mean the date of
6 original permanent appointment in the civil service of the state
7 adjusted to include veteran's credits for those entitled to receive such
8 credits pursuant to sections 80, 80-a and 85, if applicable, of the
9 civil service law, as established in the official records of the depart-
10 ment of civil service, regardless of the jurisdictional classification
11 of the position or the status of the incumbent; (b) by seniority, as
12 applicable for the unified court system; (c) for state employers
13 described in paragraphs (h), (i) and (j) of subdivision d of section one
14 of this act as determined by the person or persons who make the election
15 to offer the retirement incentive; and (d) for college faculty, by the
16 board of trustees of the state university, city university and of each
17 community college operating under the program of the state university.

18 b. All eligible employees serving in eligible titles desiring to avail
19 themselves of the retirement incentive provided by section six of this
20 act shall provide written notice to his or her employer on or before the
21 twenty-first day preceding the end of the open period, or before the end
22 of the applicable open period as such open period is determined by the
23 director of state operations. Failure to provide such written notice
24 shall render the employee ineligible for the retirement incentive
25 provided by this act.

26 § 4. a. On or before August 31, 2021, a participating employer or a
27 state employer described in paragraphs (b), (c), (d), (e) and (f) of
28 subdivision d of section one of this act may elect to provide its
29 employees the retirement incentive authorized by this act by (a) the
30 enactment of a local law or (b) in the case of a participating employer
31 which is not so empowered to act by local law or a state employer
32 described in paragraphs (b), (c), (d), (e) and (f) of subdivision d of
33 section one of this act, by the adoption of a resolution of its govern-
34 ing body; provided however, no local law or resolution enacted pursuant
35 to this section shall in any manner supersede any local charter,
36 provided further, that for an educational employer such election must be
37 made by July 30, 2021. The local law or resolution shall specify the
38 commencement date of the program and the length of the open period. For
39 a community college operating under the program of state university of
40 New York, such election shall be made by the board of trustees of such
41 community college subject to the approval of its sponsor. A copy of such
42 law or resolution shall be filed with the appropriate retirement system
43 or systems, and, if applicable, on forms provided by such system. The
44 local law or resolution shall be accompanied by the affidavit of the
45 chief executive officer or other comparable official certifying to the
46 information contained in subdivision b of this section.

47 b. Notwithstanding any other provision of law, the benefits provided
48 by this act shall not be made available to any person who (a) has
49 received any retirement incentive authorized by any provision of state
50 law, or (b) who receives, has received or is eligible to receive a
51 payment in a lump sum or in another form from a retirement incentive
52 pursuant to the provisions of a collective bargaining agreement or by
53 other arrangement with his or her employer, unless such person files a
54 written statement with his or her employer, a copy of which shall be
55 forwarded to the appropriate retirement system, that he or she agrees to
56 waive any right to such payment. A participating employer who makes an

1 election pursuant to this section and who offers or has offered a
2 retirement incentive pursuant to the provisions of a collective bargain-
3 ing agreement or by other arrangement shall prepare, and file with each
4 retirement system, a list containing the names and social security
5 numbers of all persons described in this subdivision. A participating
6 employer is authorized to exempt persons in its employ from the
7 provisions of paragraph (b) of this subdivision. Such exemption shall be
8 made part of the election made pursuant to this section.

9 c. Notwithstanding any other provision of this act to the contrary,
10 the mayor of the city of New York may declare employees of the community
11 colleges of the city university of New York ineligible for the retire-
12 ment incentive provided by this act by filing such notification with the
13 chancellor of the city university of New York, with copies to the chair
14 of the senate finance committee, the chair of the assembly ways and
15 means committee and the director of the budget, in writing, no later
16 than the thirtieth day next succeeding the effective date of this act.

17 § 5. Notwithstanding any other provision of law, any eligible employee
18 serving in an eligible title who:

19 a. has been continuously in the active service of a state employer or
20 of a participating employer from February 1, 2021 to the date immediate-
21 ly prior to the commencement date of the applicable open period;

22 b. files an application for service retirement (or files the appropri-
23 ate application and authorization form with the optional retirement
24 program and a duly acknowledged retirement incentive form for such
25 program with the appropriate personnel office) that is effective during
26 the open period; and

27 c. is otherwise eligible for a service retirement as of the effective
28 date of the application for retirement shall be entitled to the retire-
29 ment incentive provided in section six of this act. If not otherwise
30 eligible for a service retirement, the following person shall be deemed
31 to satisfy the eligibility condition of this section: a person who is at
32 least age fifty with ten or more years service as of the effective date
33 of retirement (other than a member of a retirement plan which provides
34 for half-pay pension upon completion of twenty-five years or less
35 service without regard to age); a member of a retirement plan which
36 provides for half-pay pension upon completion of twenty-five years of
37 service without regard to age who has not accrued, excluding additional
38 credit granted pursuant to this act, the minimum number of years of
39 service required to retire with an allowance equal to fifty percent of
40 final average salary under such plan, but has, with the inclusion of the
41 additional credit provided under this act, accrued such number of years
42 of credit; or a participant in an optional retirement plan at least
43 fifty years of age with ten years of service on an annual salary basis
44 with his or her employer as of the date of retirement.

45 § 6. Notwithstanding any other provision of law, an eligible employee
46 serving in an eligible title who is:

47 a. A member of a retirement system and who is entitled to a retirement
48 incentive pursuant to section five of this act shall receive a retire-
49 ment incentive of one-twelfth of a year of additional retirement credit
50 for each year of pension service credited as of the date of retirement,
51 up to a maximum of three years of retirement service credit at the time
52 of retirement, provided, however, that service credit provided under the
53 provisions of sections 902 and 911 of the retirement and social security
54 law shall not be included when calculating the additional retirement
55 credit awarded pursuant to this act. For the New York city teachers'
56 retirement system, the New York city employees' retirement system and

1 the New York city board of education retirement system such incentive
2 shall be available for all purposes, including fulfilling the qualifying
3 service requirements of plan A and C, if applicable.

4 An eligible employee who is covered by the provisions of article 15 of
5 the retirement and social security law shall retire under the provisions
6 of article 15 of the retirement and social security law. The amount of
7 such benefit for an eligible employee who is covered by article 15 of
8 the retirement and social security law and retires under the provisions
9 of this section (other than a member with thirty or more years of
10 service in the New York state and local employees' retirement system or
11 a teachers' retirement system) shall be reduced by six percent for each
12 of the first two years by which retirement precedes age sixty-two, plus
13 a further reduction of three percent for each year by which retirement
14 precedes age sixty, provided, however, the foregoing reductions shall
15 not apply: (i) in any case where an eligible employee can retire after
16 twenty-five years of service with immediate payability prior to the age
17 of sixty-two pursuant to section 604-b of the retirement and social
18 security law or (ii) to any time period subsequent to the point at which
19 an eligible employee can retire for service without reduction of his or
20 her service retirement allowance pursuant to article 16 of the retire-
21 ment and social security law. Such reduction shall be prorated for
22 partial years. The amount of such benefit for an eligible employee with
23 thirty or more years of service who is a member of the New York state
24 and local employees' retirement system or a teachers' retirement system
25 or an eligible employee who is a participant in the optional twenty-five
26 year early retirement program for certain New York city members governed
27 by section 604-c of the retirement and social security law, as added by
28 chapter 96 of the laws of 1995 or a twenty-five year participant in the
29 age fifty-five retirement program governed by section 604-i of the
30 retirement and social security law, with twenty-five or more years of
31 service and who is covered by article 15 of the retirement and social
32 security law shall be reduced by five percent for each year by which
33 retirement pursuant to this section precedes age fifty-five. The amount
34 of such benefit for an eligible New York city employee with five or more
35 years of service and who is a participant in the age fifty-seven retire-
36 ment program governed by section 604-d of the retirement and social
37 security law shall be reduced by one-thirtieth for the first two years
38 by which retirement precedes age fifty-seven plus a further reduction of
39 one-twentieth for each year by which retirement precedes age fifty-five.
40 Such reduction shall be prorated for partial years. There shall be no
41 reduction for an eligible New York city employee in a physically taxing
42 position with twenty-five or more years of service and who is a partic-
43 ipant (i) in the optional twenty-five year early retirement program for
44 certain members governed by section 604-c of the retirement and social
45 security law, as added by chapter 96 of the laws of 1995, or (ii) in the
46 age fifty-seven retirement program governed by section 604-d of the
47 retirement and social security law.

48 An eligible employee serving in an eligible title who is covered by
49 article 11 of the retirement and social security law shall retire under
50 the provisions of such article. The amount of such benefit for an eligi-
51 ble employee covered by article 11 of the retirement and social security
52 law other than a member of a teachers' retirement system or a member of
53 the New York state and local employees' retirement system with thirty or
54 more years of service, a participant in the optional age fifty-five
55 improved benefit retirement program for certain New York city employees
56 governed by section 445-d of the retirement and social security law, as

1 added by chapter 96 of the laws of 1995, with twenty-five or more years
2 of service, or a participant in the optional age fifty-five retirement
3 program for New York city teachers and certain other members governed by
4 section 445-i of the retirement and social security law, with twenty-
5 five or more years of service, shall be reduced by six percent for each
6 of the first two years by which retirement pursuant to this section
7 precedes age sixty-two, plus a further reduction of three percent for
8 each year by which retirement pursuant to this section precedes age
9 sixty, provided, however, the foregoing reductions shall not apply: (i)
10 in any case where an eligible employee can retire pursuant to a plan
11 which permits retirement for service with immediate payability, exclu-
12 sive of this act, prior to the age of fifty-five or (ii) to any time
13 period subsequent to the point at which an eligible employee can retire
14 for service without reduction of his or her service retirement allowance
15 pursuant to article 16 of the retirement and social security law. Such
16 reduction shall be prorated for partial years. The amount of such bene-
17 fit for an eligible employee who is a member of a teachers' retirement
18 system or a member of the New York state and local employees' retirement
19 system with thirty or more years of service, a participant in the
20 optional age fifty-five improved benefit retirement program for certain
21 New York city employees governed by section 445-d of the retirement and
22 social security law, as added by chapter 96 of the laws of 1995, with
23 twenty-five or more years of service, or a participant in the optional
24 age fifty-five retirement program for New York city teachers and certain
25 other members governed by section 445-i of the retirement and social
26 security law, with twenty-five or more years of service and who is
27 covered by article 11 of the retirement and social security law shall be
28 reduced by five percent for each year by which retirement pursuant to
29 this section precedes age fifty-five. Such reduction shall be prorated
30 for partial years. There shall be no reduction for an eligible New York
31 city employee in a physically taxing position and who is a participant
32 in the optional age fifty-five improved benefit retirement program for
33 certain New York city employees governed by section 445-d of the retire-
34 ment and social security law, as added by chapter 96 of the laws of
35 1995, with twenty-five or more years of service.

36 An eligible employee serving in an eligible title who is not covered
37 by article 11 or 15 of the retirement and social security law shall
38 retire under the provisions of the plan by which he or she is covered.
39 The amount of such benefit shall be reduced by five percent for each
40 year by which retirement pursuant to this section precedes age fifty-
41 five, provided, however, the foregoing reductions shall not apply: (i)
42 in any case where an eligible employee can retire pursuant to a plan
43 which permits retirement for service with immediate payability, exclu-
44 sive of this act, prior to the age of fifty-five or (ii) to any time
45 period subsequent to the point at which an eligible employee can retire
46 for service without reduction of his or her service retirement allowance
47 pursuant to article 16 of the retirement and social security law. Such
48 reduction shall be prorated for partial years.

49 An eligible employee serving in an eligible title who participates in
50 a retirement plan which provides for a retirement allowance equal to
51 fifty percent of final average salary upon the completion of twenty-five
52 years of service without regard to age and who is otherwise eligible to
53 retire shall retire under the provisions of such plan. Such employee
54 shall, at the time of retirement, be credited with one-twelfth of a year
55 of additional retirement service credit for each year of service credit-
56 ed under such plan as of the date of retirement, up to a maximum of

1 three years of retirement service credit, subject to the provisions of
2 subdivision b of this section. If such employee has not accrued, exclud-
3 ing additional credit granted pursuant to this act, the minimum number
4 of years of service required to retire with an allowance equal to fifty
5 percent of final average salary under such plan, but has, with the
6 inclusion of the additional credit provided under this act, accrued such
7 number of years of credit, the benefit payable shall be the percentage
8 of final average salary that would ordinarily be applicable to such
9 individual upon retirement with such amount of credit (including incen-
10 tive credit), reduced by five per centum per year for each year by which
11 the number of years of service otherwise required to retire with an
12 allowance equal to fifty percent of final average salary under such plan
13 exceeds the amount of service credited to such employee under such plan
14 at retirement (excluding the additional retirement incentive service
15 credit provided pursuant to this act). Such reduction shall be prorated
16 for partial years.

17 b. A participant in an optional retirement program who is entitled to
18 a retirement incentive pursuant to section five of this act shall
19 receive an additional employer contribution equal to an amount, which
20 shall be calculated as follows: (one-twelfth for each year of service)
21 multiplied by (fifteen percent) multiplied by (the employee's earnable
22 annual salary rate in effect on March 1, 2021 or the effective date of
23 this act if the employee retires prior to March 1, 2021), such amount
24 not to exceed forty-five percent of such salary rate. Such contribution
25 shall be made to the employee's retirement annuity under the optional
26 retirement program up to the maximum contribution allowable under
27 section 415 of the internal revenue code. Any contribution in excess of
28 that limit shall be contributed by the employer to an internal revenue
29 code section 403(b) contract on behalf of the employee to the extent it
30 can be contributed on a before-tax basis under the maximum limits
31 allowed under the internal revenue code. Contributions in excess of that
32 amount shall be paid in cash to the participant in three equal install-
33 ments during a twenty-four month period commencing on such eligible
34 employee's effective date of retirement. Provided, however, if the
35 employee is employed by the city university of New York and in the
36 active service of such employer on October 1, 2021 or the effective date
37 of this act if the employee retires prior to October 1, 2021, the
38 employee's earnable annual salary rate shall be the annual salary rate
39 in effect on such applicable date.

40 § 7. a. An employee of a state employer, other than the city universi-
41 ty of New York, who retires pursuant to this act may defer calculation
42 of the value of accumulated sick leave credits, if any, and partic-
43 ipation in the state health insurance plan.

44 b. Notwithstanding any other provision of law, any termination pay or
45 leave arising from accrued sick leave or accrued annual leave for an
46 eligible employee who has elected the retirement incentive provided by
47 this act and who is a member of the New York city teachers' retirement
48 system employed by the board of education of the city of New York shall
49 be paid in three equal installments during a twenty-four month period
50 commencing on such eligible employee's effective date of retirement.

51 c. An employee of the city of New York or the city university of New
52 York, as defined in subdivision 2 of section 6202 of the education law,
53 who retires under the retirement incentive provided by this act, who is
54 eligible for terminal leave pursuant to an applicable collective
55 bargaining agreement or a personnel policy or rule or retirement leave
56 pursuant to section 3107 of the education law or who has an accrued

1 annual leave balance on the effective date of retirement shall be paid
2 in three equal installments two months, fourteen months and twenty-four
3 months following such eligible employee's effective date of retirement.

4 § 8. a. With respect to employees of the executive branch of a state
5 employer, any position, other than a position supported by special
6 revenue funds, vacated as a result of an eligible employee in an eligi-
7 ble title receiving the retirement incentive provided by section six of
8 this act shall be eliminated unless such position is identified by the
9 director of state operations as one into which another state employee
10 can be appointed, transferred or reassigned pursuant to the civil
11 service law, rules or regulations, in which case the former position of
12 the state employee so appointed, transferred or reassigned shall be
13 eliminated.

14 b. The director of state operations shall direct the department of
15 civil service to prepare a report designating the title, grade level,
16 salary, and classification, according to appointing authority, (i) of
17 each position which is eliminated pursuant to subdivision a of this
18 section, (ii) of each position into which another state employee was
19 appointed, transferred, or reassigned and the former position of such
20 state employee, and (iii) of each position which is eliminated as a
21 result of an appointment, transfer or reassignment referred to in para-
22 graph (ii) of this subdivision. Such report shall be available no later
23 than ninety days after the last date of the open period related to such
24 positions.

25 § 9. Notwithstanding any inconsistent provision of section eight of
26 this act or any other provision of law:

27 a. A participating employer or a state employer described in para-
28 graphs (b) through (e) of subdivision d of section one of this act shall
29 not be required to eliminate the positions of eligible employees in
30 eligible titles receiving the retirement incentive provided by section
31 six of this act if such employer can demonstrate that it will achieve a
32 compensation savings such that the total amount of base salary paid for
33 the two-year period subsequent to the effective date of retirement for
34 such eligible employees in eligible titles to those new hires, if any,
35 who otherwise would not have been hired by such employer after the
36 effective date of this act but for the retirement incentive provided
37 herein shall be no more than one-half of the total amount of base salary
38 that would have been paid to such eligible employees from their date of
39 retirement for such two-year period. Each such employer shall make
40 available its plans for achieving these savings.

41 b. The city of New York or the city university of New York, as defined
42 in subdivision 2 of section 6202 of the education law, shall not be
43 required to eliminate the positions of eligible employees in eligible
44 titles receiving the retirement incentive provided by section six of
45 this act if such participating employer can demonstrate that it will
46 achieve a compensation or equivalent headcount savings such that the
47 total amount of compensation including benefits paid for the two-year
48 period subsequent to the effective date of retirement for such eligible
49 employees in eligible titles to those new hires, if any, who otherwise
50 would not have been hired by such employer after the effective date of
51 this act but for the retirement incentive provided herein shall be no
52 more than one-half of the total amount of base salary that would have
53 been paid to such eligible employees from their date of retirement for
54 such two-year period. For purposes of this subdivision, the "city of New
55 York" shall mean the city of New York or a participating employer a
56 majority of the members of whose governing body are: (a) appointed by

1 the mayor of the city of New York or other citywide elected official, a
2 borough president of the city of New York, or any combination thereof;
3 (b) designated by virtue of their city of New York office or position or
4 their office or position with a participating employer whose governing
5 board is described in paragraph (a) of this subdivision; or (c)
6 appointed or designated by any combination of the foregoing. Each such
7 employer shall make available its plans for achieving these savings.

8 c. To the extent any transfer of personnel between the state employer
9 described in paragraph (a) of subdivision d of section one of this act
10 and the state employer described in paragraph (b) of subdivision d of
11 section one of this act occurs pursuant to a voluntary transfer of state
12 personnel, or otherwise, the provisions of subdivision a of this section
13 with respect to achieving savings shall be applicable. Nothing herein
14 shall be construed to impair the authority of the director of state
15 operations pursuant to subdivision g of section one or section two of
16 this act.

17 § 10. Nothing in this act shall be used to provide benefits that shall
18 exceed the limits contained in section 415 of the internal revenue code.
19 Provided, however, any service retirement benefit which has been reduced
20 because of section 415 of the internal revenue code shall be increased
21 when (and consistent with) the dollar limits in section 415 of the
22 internal revenue code are adjusted by the internal revenue service for
23 cost of living increases. Such increases shall not increase the benefit
24 in excess of the service retirement benefit otherwise payable.

25 § 11. Any eligible employee who retires pursuant to the provisions of
26 this act and enters or reenters public service as defined in subdivision
27 e of section 210 of the retirement and social security law and joins or
28 rejoins any public retirement system of the state as defined in subdivi-
29 sion 6 of section 152 of the retirement and social security law or
30 elects to participate in an optional retirement program shall if the
31 additional benefit was provided pursuant to: (a) subdivision a of
32 section six of this act, forfeit the additional benefit authorized by
33 this act at the time of his or her subsequent retirement; or (b) subdivi-
34 sion b of section six of this act, repay to the state or participating
35 employer such additional contribution together with the appropriate
36 interest as determined by the state comptroller.

37 § 12. Notwithstanding any other provision of law, if the service
38 retirement benefit of a member of a retirement system is subject to a
39 maximum retirement benefit, the additional benefit authorized by this
40 act will be computed by multiplying the final average salary times the
41 number of years of service credit granted by section six of this act
42 times the benefit fraction of the plan under which such member retires.

43 § 13. The provisions of section 430 of the retirement and social secu-
44 rity law shall not apply to any benefit or benefit improvement provided
45 by this act.

46 § 14. The pension benefit costs of subdivision a of section six of
47 this act shall be paid by employers as provided by applicable law for
48 each retirement system covered by this act over a period not to exceed
49 five years commencing in the state fiscal year ending March 31, 2023.

50 § 15. Where an employee is eligible to receive the benefit authorized
51 under section six and the retirement benefit provided for under section
52 five of subpart B of part CCC of the chapter of the laws of 2021 which
53 added this subpart, such employee may elect a section under which he or
54 she will participate.

55 § 16. This act shall take effect immediately.

1

SUBPART B

2 Section 1. Definitions. As used in this act, unless the context clear-
3 ly requires otherwise:

4 a. "Retirement system" means the New York state and local employees'
5 retirement system, the New York state teachers' retirement system, the
6 New York city teachers' retirement system, the New York city board of
7 education retirement system or the New York city employees' retirement
8 system, exclusive of the retirement plans established pursuant to
9 sections 13-156 and 13-157 of the administrative code of the city of New
10 York.

11 b. "Teachers' retirement system" means the New York state teachers'
12 retirement system or the New York city teachers' retirement system.

13 c. "State employer" means (a) the executive branch of the state, (b)
14 the state-operated institutions of the state university of New York, (c)
15 the statutory and contract colleges operated pursuant to section 357 of
16 the education law, (d) the state university construction fund (herein-
17 after referred to in this act as the "fund"), (e) a cooperative exten-
18 sion association (hereinafter referred to in this act as the "associ-
19 ation"), and (f) the city university of New York as defined in
20 subdivision 2 of section 6202 of the education law, (g) the unified
21 court system, (h) the senate, (i) the assembly, and (j) joint legisla-
22 tive employers.

23 d. (a) "Participating employer" means an employer, other than a state
24 employer, which participates in a retirement system; such term shall
25 include a community college operating under the program of state univer-
26 sity of New York.

27 (b) "Educational employer" means a participating employer which is a
28 school district, a board of cooperative educational services, a voca-
29 tional education and extension board, an institution for the instruction
30 of the deaf and of the blind as enumerated in section 4201 of the educa-
31 tion law, or a school district as enumerated in section 1 of chapter 566
32 of the laws of 1967, as amended.

33 e. "Eligible employee" means a person who is a member of a retirement
34 system who is an employee in the executive branch of a state employer or
35 an employee of a state employer or a participating employer who has
36 attained age fifty-five and has at least twenty-five years of creditable
37 service in a retirement system, but such term shall not include the
38 following persons:

39 (a) elected officials, judges or justices appointed to or serving in
40 court of record and acting village justices;

41 (b) chief administrative officers of participating employers which
42 participate in a teachers' retirement system;

43 (c) officers described in sections 4, 41-a, 46, 61, 70, 70-a, 169
44 (including those officers whose salary is established pursuant to salary
45 plans under subdivision 3 of section 169), 180 and subdivision 1 of
46 section 41 of the executive law and any agency or department head
47 appointed by the governor, comptroller or attorney general;

48 (d) appointed members of boards or commissions any of whose members
49 are appointed by the governor or by another state officer or body;

50 (e) nonjudicial officers and employees of the unified court system
51 unless the chief administrator of the courts elects as provided herein,
52 which election shall cover only nonjudicial officers and employees hold-
53 ing positions in any title in the classified service of the unified
54 court system;

1 (f) officers or employees of the senate unless the senate adopts a
2 resolution authorizing the temporary president to file the election as
3 provided in this subdivision;

4 (g) officers or employees of the assembly unless the assembly adopts a
5 resolution authorizing the speaker of the assembly to file the election
6 as provided in this subdivision; and

7 (h) officers or employees of joint legislative employers unless:

8 (i) with respect to officers or employees of the legislative library,
9 legislative messenger service, legislative health service, legislative
10 ethics committee, the legislative bill drafting commission, and the
11 joint line of the legislative task force on demographic research and
12 reapportionment, the senate and assembly adopt a concurrent resolution
13 authorizing the temporary president of the senate and the speaker of the
14 assembly to jointly file an election as provided in this subdivision;

15 (ii) with respect to officers or employees of components of the senate
16 as identified pursuant to section 90 of the legislative law, the senate
17 adopts a resolution authorizing the temporary president to file an
18 election for officers or employees of those components designated in
19 such resolution; and

20 (iii) with respect to officers or employees of components of the
21 assembly as identified pursuant to section 90 of the legislative law,
22 the assembly adopts a resolution authorizing the speaker of the assembly
23 to file an election for officers or employees of those components desig-
24 nated in such resolution.

25 Any election under paragraphs (e) through (h) of this subdivision to
26 make available the retirement incentive provided by this act shall be in
27 writing and filed with the state comptroller not later than ninety days
28 after the effective date of this act. Notwithstanding any other
29 provision of this act, each such filing shall specify the commencement
30 date of the open period.

31 For the purposes of such paragraph (f), (g) or (h) of this subdivi-
32 sion, an employee of the legislature shall be as such term is defined in
33 section 7-a, 7-b or 7-d of the legislative law or by any other provision
34 of law which classifies employees of an entity to be legislative employ-
35 ees for all purposes, but shall not include senators or members of the
36 assembly. The term "joint legislative employer" shall mean legislative
37 commissions, committees, task forces, councils or similar bodies whose
38 membership is comprised of both senators and assembly members, or which
39 consist of commissioners, or the majority of whose membership is
40 appointed by one or more of the following: the temporary president of
41 the senate, the speaker of the assembly, the minority leader of the
42 senate, and/or the minority leader of the assembly. The temporary presi-
43 dent of the senate and the speaker of the assembly shall be the joint
44 legislative employer of the employees of the legislature referred to in
45 sections 7-a and 7-b of the legislative law.

46 f. "College faculty" means an employee, not in the classified service,
47 of a state employer described in paragraphs (b), (c), (d), (e) and (f)
48 of subdivision c of this section or of a community college who is a
49 member of a teachers' retirement system, or the New York state and local
50 employees' retirement system.

51 g. "Active service" means service while being paid on the payroll,
52 provided that (a) a leave of absence with pay shall be deemed active
53 service; (b) other approved leave without pay not to exceed twelve weeks
54 from February 1, 2021 and the commencement of the designated open peri-
55 od; and (c) the period of time subsequent to the June 2021 school term
56 and on or before August 31, 2021 for a teacher (or other employee

1 employed on a school-year basis) who is otherwise in active service on
2 the effective date of this act shall be deemed active service.

3 h. "Open period" means the period beginning with the commencement date
4 as defined in subdivision i of this section and shall be ninety days in
5 length; provided however that there shall be only one such open period
6 and any such period shall not extend beyond September 30, 2021 for a
7 state employer and December 31, 2021 for a participating employer. For
8 educational employers who make election after June 1, 2021, the open
9 period shall begin immediately after such election, and shall not extend
10 beyond August 31, 2021. For the purposes of retirement pursuant to this
11 act, a service retirement application must be filed with the appropriate
12 retirement system not less than fourteen days prior to the effective
13 date of retirement to become effective, unless a shorter period of time
14 is permitted under law.

15 i. "Commencement date" means the first day the retirement benefit
16 mandated by this act shall be made available, which shall mean a date or
17 dates on or after the effective date of this act to be determined by the
18 director of state operations for the executive branch of the state, or
19 for any other state employer or any participating employer which elects
20 to participate pursuant to section three of this act a date on or after
21 the effective date of this act; provided, however, that for an educa-
22 tional employer which elects to participate pursuant to section three of
23 this act, the commencement date shall be June 1, 2021; or immediately
24 after election of the retirement incentive for educational employers who
25 elect after June 1, 2021 and provided, further that for participating
26 employers which elect to participate pursuant to section three of this
27 act, except the city of New York and participating employers which are
28 not empowered to act by local law, the commencement date shall be Octo-
29 ber 1, 2021. The director of state operations shall notify the head of
30 the appropriate retirement system of the date of the open period appli-
31 cable to employees of the executive branch or of a state employer prior
32 to the commencement date.

33 § 2. a. A state employer which elects to participate pursuant to
34 section three of this act, participating employer which is not empowered
35 to act by local law which elects to participate pursuant to section
36 three of this act, or the city of New York, if it elects to participate
37 pursuant to section three of this act shall establish a commencement
38 date for the retirement benefit established under section five of this
39 act in the following manner: (a) for the executive branch, the director
40 of state operations shall establish the commencement date in writing to
41 the appropriate retirement system; (b) for state employers described in
42 paragraphs (b), (c), (d), (e) and (f) of subdivision c of section one of
43 this act and participating employers that are not empowered to act by
44 local law, its governing body shall adopt a resolution establishing a
45 commencement date; (c) for state employers described in paragraphs (g),
46 (h), (i) and (j) of subdivision c of section one of this act, the person
47 or persons who make the election to offer the retirement incentive
48 pursuant to subpart A of part CCC of the chapter of the laws of 2021
49 which added this subpart shall establish a commencement date in writing
50 to the appropriate retirement system; and (d) for the city of New York,
51 the chief executive officer shall issue an executive order establishing
52 the commencement date, provided, however, no executive order, in the
53 case of the city of New York issued pursuant to this section, shall in
54 any manner supersede any local charter. A copy of any such resolution or
55 executive order in the case of the city of New York establishing a
56 commencement date shall be filed with the appropriate retirement system

1 or systems, and, if applicable, on forms provided by such system. The
2 resolution or executive order in the case of the city of New York shall
3 be accompanied by the affidavit of the chief executive officer or other
4 comparable official certifying the commencement date.

5 b. A state employer, participating employer which is not empowered to
6 act by local law which elects to participate pursuant to section three
7 of this act, or the city of New York if it elects to participate pursu-
8 ant to section three of this act shall be required to establish a
9 commencement date under paragraph a of this subdivision for the retire-
10 ment benefit established under section five of this act. In the event
11 that a state employer, participating employer which is not empowered to
12 act by local law which elects to participate pursuant to section three
13 of this act, or the city of New York if it elects to participate pursu-
14 ant to section three of this act fails to establish a commencement date
15 for the retirement benefit established under section five of this act,
16 the commencement date for the eligible employees of a state employer
17 shall be July 1, 2021. The commencement date for the eligible employees
18 of all other employers referenced in this subdivision shall be September
19 1, 2021.

20 § 3. On or before September 1, 2021, a participating employer or a
21 state employer described in paragraphs (b), (c), (d), (e) and (f) of
22 subdivision c of section one of this act may elect to provide its
23 employees the retirement incentive authorized by this act by (a) the
24 enactment of a local law or (b) in the case of a participating employer
25 which is not so empowered to act by local law or a state employer
26 described in paragraphs (b), (c), (d), (e) and (f) of subdivision c of
27 section one of this act, by the adoption of a resolution of its govern-
28 ing body; provided however, no local law or resolution enacted pursuant
29 to this section shall in any manner supersede any local charter,
30 provided further, that for an educational employer such election must be
31 made by July 1, 2021. For a community college operating under the
32 program of state university of New York, such election shall be made by
33 the board of trustees of such community college subject to the approval
34 of its sponsor. A copy of such law or resolution shall be filed with the
35 appropriate retirement system or systems, and, if applicable, on forms
36 provided by such system. The local law or resolution shall be accompa-
37 nied by the affidavit of the chief executive officer or other comparable
38 official certifying the validity of such local law or resolution. The
39 executive branch of the state shall be deemed to have made an election
40 under this section upon its enactment.

41 § 4. Notwithstanding any other provision of law, any eligible employee
42 who (a) has been continuously in the active service of a state employer
43 or of a participating employer from February 1, 2021 to the date imme-
44 diately prior to the commencement date of the applicable open period,
45 (b) files an application for service retirement that is effective during
46 the open period, and (c) is otherwise eligible for a service retirement
47 as of the effective date of the application for retirement shall be
48 entitled to the retirement benefit provided in section five of this act.

49 § 5. a. Notwithstanding any other provision of law, an eligible
50 employee who is: (a) a member of a retirement system and (b) who is
51 entitled to a retirement benefit pursuant to section four of this act
52 may retire during the open period without the reduction of his or her
53 retirement benefit that would otherwise be imposed by article 11 or 15
54 of the retirement and social security law if he or she has attained the
55 age of fifty-five and has completed at least twenty-five or more years
56 of creditable service. An eligible employee who is covered by the

1 provisions of articles 11 and 15 of the retirement and social security
2 law shall retire under the provisions of articles 11 and 15 of the
3 retirement and social security law.

4 b. The director of state operations, the chief executive officer of
5 the city of New York, or chief executive officer or governing board, as
6 appropriate, of the participating employer may deny participation in the
7 retirement benefit provided by subdivision a of this section if the
8 director of state operations, the chief executive officer of New York
9 city or the chief executive officer or governing board of the partic-
10 ipating employer makes a determination that the employee holds a posi-
11 tion that is deemed critical to the maintenance of public health and
12 safety.

13 c. Where an employee is eligible for the retirement benefit under this
14 section and the retirement incentive authorized pursuant to section six
15 of subpart A of part CCC of the chapter of the laws of 2021 which added
16 this subpart, such employee shall elect a section under which he or she
17 will participate. The benefits provided by subdivision a of this section
18 shall not be conditioned upon a state or participating employer making
19 the benefits of section six of subpart A of this part available to
20 employees in their employ. Further, the benefits provided by subdivision
21 a of this section shall not be available in conjunction with the bene-
22 fits of section six of subpart A of part CCC of the chapter of the laws
23 of 2021 which added this subpart.

24 d. The action of the director of state operations, the chief executive
25 officer of the city of New York, or chief executive officer or governing
26 board, as appropriate, of the participating employer in denying the
27 retirement benefit provided for in subdivision a of this section to any
28 individual shall be subject to review in the manner provided for in
29 article 78 of the civil practice law and rules. Such action for review
30 pursuant to article seventy-eight of the civil practice law and rules
31 shall only be commenced by the individual that was denied the retirement
32 benefit provided by subdivision a of this section.

33 e. After making any such determination under subdivision b of this
34 section, the director of state operations, the chief executive officer
35 of the city of New York and the chief executive officer or governing
36 board, as appropriate, of the participating employer shall notify the
37 appropriate retirement system or teachers' retirement system of its
38 determination.

39 § 6. The pension benefit costs of section five of this act shall be
40 paid by employers as provided by applicable law for each retirement
41 system covered by this act over a period not to exceed five years
42 commencing in the state fiscal year ending March 31, 2023.

43 § 7. This act shall take effect immediately.

44 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
45 sion, section or subpart of this act shall be adjudged by any court of
46 competent jurisdiction to be invalid, such judgment shall not affect,
47 impair, or invalidate the remainder thereof, but shall be confined in
48 its operation to the clause, sentence, paragraph, subdivision, section
49 or subpart thereof directly involved in the controversy in which such
50 judgment shall have been rendered. It is hereby declared to be the
51 intent of the legislature that this act would have been enacted even if
52 such invalid provisions had not been included herein.

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

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would provide a temporary retirement incentive for fiscal year 2021-2022 for eligible members of the New York State Teachers' Retirement System (NYSTRS).

Subpart A of the retirement incentive would provide certain eligible employees of employers who elect to participate a retirement incentive of one-twelfth of a year of additional service credit per year of accrued service credit up to a maximum of three additional years. To be eligible, a member must be eligible to retire, or have attained age 50 or greater, with at least ten years of service. Members subject to an early retirement reduction and less than age 55 at retirement will have their benefit further reduced by 3% per year prior to age 55. Members not subject to an early retirement reduction and less than age 55 at retirement will have their benefit reduced by 5% per year prior to age 55.

Subpart B of the retirement incentive would permit eligible Tier 2, 3 and 4 members of employers who elect to participate to retire without early retirement reductions upon attainment of at least age 55 with 25 years of service. Currently 30 years of service are required.

In order to receive either the Subpart A or Subpart B benefit, an eligible member of an employer who has elected to participate must retire during the employer's designated open period. For Subpart A, such open period shall be at least 30 but not more than 90 days in length and for educational employers, shall not extend beyond August 31, 2021. For Subpart B, the open period shall begin immediately after the election to participate and shall not extend beyond August 31, 2021. Members may not receive a benefit under both Subpart A and Subpart B. Employers participating in Subpart A or Subpart B (or both) would pay the cost of the retirement incentive over a period not to exceed five years, beginning in the state fiscal year ending March 31, 2023.

It is not possible to accurately forecast the total cost to the New York State Teachers' Retirement System employers electing to participate in this retirement incentive because the number of eligible members electing to retire under the incentive, their ages and the amount of service credited cannot be readily estimated. The Subpart A cost, measured as the increase in the present value of benefit per participating member, however, will range from 5% to approximately 250% of final average salary, depending on the member's age, years of service, and tier at retirement. The Subpart B cost per participating member will range from 3% to approximately 200% of final average salary, depending on the member's age, years of service, and tier at retirement. The potential number of members eligible to benefit under Subpart A is much greater than under Subpart B.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-9 dated February 3, 2021 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2021 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would provide additional service credit (one-twelfth of a year for each year of non-sick leave, non-Article 19 service credited as of the date of retirement, up to a maximum of three years) for certain members of the New York State and Local Employees' Retirement System, New York State Teachers Retirement System, New York City Teachers Retirement System, New York City Board of Education and the New York City Employees' Retirement System. Further, for certain members who are not otherwise eligible for a service retirement benefit, this bill would provide the ability to retire with reductions. This benefit would be available to only targeted positions.

In addition, this bill would eliminate the early retirement reductions at 25 years of service instead of at 30 years of service for retirement during a specified 90 day period for Tier 2, 3 and 4 members of the New York State and Local Employees' Retirement System, New York State Teachers Retirement System, New York City Teachers Retirement System, New York City Board of Education and the New York City Employees' Retirement System. Employers electing this provision can declare health and safety positions to be ineligible.

Retiring members may not receive both the additional service credit and the elimination of the early retirement reductions at 25 years of service instead of at 30 years of service.

If this bill is enacted, insofar as it affects the New York State and Local Employees' Retirement System (ERS), the additional cost for each member who receives these benefits will vary depending on the member's age, years of service, retirement plan and final average salary.

We anticipate that the per-member cost (at retirement) of the additional service credit benefit will average approximately 65% of a member's final average salary. This cost will be borne by each employer electing the incentive over a period not to exceed five years commencing with a payment in the State fiscal year ending March 31, 2023.

We anticipate that the per-member cost (at retirement) of the elimination of the early retirement reductions at 25 years of service instead of at 30 years of service will average approximately 115% of a member's final average salary. This cost will be borne by each employer electing the incentive over a period not to exceed five years commencing with a payment in the State fiscal year ending March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2020 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated December 30, 2020, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-7, prepared by the Actuary for the New York State and Local Retirement System.

1 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
2 sion, section or part of this act shall be adjudged by any court of
3 competent jurisdiction to be invalid, such judgment shall not affect,
4 impair, or invalidate the remainder thereof, but shall be confined in
5 its operation to the clause, sentence, paragraph, subdivision, section
6 or part thereof directly involved in the controversy in which such judg-
7 ment shall have been rendered. It is hereby declared to be the intent of
8 the legislature that this act would have been enacted even if such
9 invalid provisions had not been included herein.

10 § 3. This act shall take effect immediately provided, however, that
11 the applicable effective date of Parts A through CCC of this act shall
12 be as specifically set forth in the last section of such Parts.