

STATE OF NEW YORK

S. 8005--A

A. 9005--A

SENATE - ASSEMBLY

January 19, 2022

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

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

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

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

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of domestic violence (Part H); to amend the executive law, in relation to awarding reimbursement for certain items of essential personal property (Part I); to amend chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, in relation to extending the effectiveness thereof (Part J); to amend the alcoholic beverage control law, in relation to allowing a municipality to elect to receive notice by email (Part K); to amend the alcoholic beverage control law, in relation to requiring certain information to be requested in applications for licenses; and to repeal certain provisions of such law relating thereto (Part L); to amend chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part M); to amend the election law, in relation to voter registration (Part N); to amend the election law, in relation to the boundaries of election districts and the designation of polling places (Part O); to amend the alcoholic beverage control law, in relation to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption (Part P); to amend the general municipal law, in relation to prohibiting nepotism and certain gifts and conflicts of interest (Part Q); to amend the civil service law, in relation to establishing continuing eligible lists (Part R); to amend the civil service law, in relation to promotional examination eligibility (Part S); to amend the civil service law, in relation to the transfer of civil service sections 55-b and 55-c employees (Part T); to amend the civil service law, in relation to eligibility for shift pay differentials (Part U); to amend the civil practice law and rules and the state finance law, in relation to the rate of interest to be paid on judgment and accrued claims (Part V); to amend the general municipal law, in relation to streamlining the county-wide shared services initiative (Part W); to amend the state finance law, the tax law, and the public authorities law, in relation to providing aid and incentives for municipalities to towns and villages; and providing for the repeal of certain provisions of the tax law relating thereto (Part X); to provide for the administration of certain funds and accounts related to the 2022-2023 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and accounts; to amend part D of chapter 389 of the laws of 1997 relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of certain bonds or notes; to amend chapter 81 of the laws of 2002 relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of certain bonds & notes; to amend part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state medical care facilities finance agency act, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issu-

ance of certain bonds or notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the New York state urban development corporation act, in relation to the nonprofit infrastructure capital investment program; to amend the New York state urban development corporation act, in relation to personal income tax notes for 2022, in relation to authorizing the dormitory authority of the state of New York and the urban development corporation to enter into line of credit facilities for 2022, and in relation to state-supported debt issued during the 2022 fiscal year; to amend the state finance law, in relation to payments of bonds; to amend the state finance law, in relation to the mental health services fund; to amend the state finance law, in relation to the issuance of revenue bonds; to repeal subdivisions 4 and 5 of section 16 of part T of chapter 57 of the laws of 2007, relating to providing for the administration of certain funds and accounts related to the 2007-2008 budget; and providing for the repeal of certain provisions upon expiration thereof (Part Y); to establish the "independent ethics commission reform act of 2022"; to amend the executive law, in relation to creating the independent commission on ethics and lobbying in government, and to repeal certain provisions of such law relating thereto; and to amend the legislative law, the public officers law, and the executive law, in relation to making technical corrections thereto (Part Z); to amend the criminal procedure law and the correction law, in relation to automatic sealing of certain convictions (Part AA); and to amend the correction law, in relation to employment by a private sector entity or as part of a prison industries certification program authorized by the United States (Part BB)

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

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 2022-2023 state fiscal year. Each component is whol-
4 ly contained within a Part identified as Parts A through BB. 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 3 of part E of chapter 55 of the laws of 2020,
14 amending the state finance law relating to establishing the criminal
15 justice discovery compensation fund; amending the criminal procedure law
16 relating to monies recovered by county district attorneys before the
17 filing of an accusatory instrument; and providing for the repeal of

1 certain provisions upon expiration thereof, is amended to read as
2 follows:

3 § 3. This act shall take effect immediately; provided, however, [~~that~~
4 ~~subdivision 2 of section 99-hh of the state finance law, as added by~~
5 ~~section one of this act, shall expire and be deemed repealed March 31,~~
6 ~~2022, and provided, further~~] that the amendments to section 95.00 of the
7 criminal procedure law made by section two of this act shall not affect
8 the repeal of such section and shall be deemed repealed therewith.

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

11 PART B

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

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

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

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

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

42 (b) If an incarcerated individual raises concerns for their health or
43 safety at any time, or if their placement raises safety, security or
44 health concerns at any time, their housing and placement shall be reas-
45 sessed.

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

50 (i) If granted, such request shall be effectuated as soon as practica-
51 ble.

52 (ii) Any incarcerated individual who has a gender identity that
53 differs from their assigned sex at birth, has a diagnosis of gender
54 dysphoria, who identifies as transgender, gender nonconforming, or

1 nonbinary, or who is intersex who has declined to be housed in a facili-
2 ty consistent with the individual's gender identity, or who has
3 requested to leave such a placement, may request to have their placement
4 reassessed in accordance with procedures established by the commission-
5 er.

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

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

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

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

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

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

26 (b) No employee of the department shall misgender any individual in
27 the care or custody of the department by intentionally referring to
28 someone, including but not limited to, a transgender, gender nonconform-
29 ing, nonbinary or intersex person, using a word, pronoun or form of
30 address that does not correctly reflect the gender with which they iden-
31 tify.

32 (c) Employees of the department shall only use information pertaining
33 to an incarcerated individual's gender identity and expression as neces-
34 sary for the performance of their official duties and shall not reveal
35 any information related to an incarcerated individual's gender identity
36 and expression other than to the extent necessary for legitimate opera-
37 tional functions of the facility or the department.

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

40 (e) The commissioner shall implement procedures for incarcerated indi-
41 viduals who have a gender identity that differs from their assigned sex
42 at birth, have a diagnosis of gender dysphoria, who identify as trans-
43 gender, gender nonconforming, or nonbinary, or who are intersex to
44 designate their gender preference for personal searches.

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

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

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

55 14. Notwithstanding any other provision, incarcerated individuals who
56 have a gender identity that differs from their assigned sex at birth,

1 have a diagnosis of gender dysphoria, who identify as transgender,
2 gender nonconforming, or nonbinary, or who are intersex may request to
3 be placed in a housing unit designated for individuals of the gender
4 that most closely aligns with such individuals' gender identity.

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

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

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

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

25 (ii) An individual who has declined to be housed in a housing unit
26 consistent with the individual's gender identity, or who has requested
27 to leave such a placement, may request to have their placement reas-
28 essed in accordance with procedures established by the chief adminis-
29 trative officer or their designee.

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

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

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

52 (a) Whenever an incarcerated individual shall be delivered to the
53 superintendent of a state correctional facility pursuant to an indeter-
54 minate or determinate sentence, the officer so delivering such incarcer-
55 ated individual shall deliver to such superintendent, the sentence and
56 commitment or certificate of conviction, or a certified copy thereof,

1 and a copy of any order of protection pursuant to section 380.65 of the
2 criminal procedure law received by such officer from the clerk of the
3 court by which such incarcerated individual shall have been sentenced, a
4 copy of the report of the probation officer's investigation and report
5 or a detailed statement covering the facts relative to the crime and
6 previous history certified by the district attorney, a copy of the
7 incarcerated individual's fingerprint records, a detailed summary of
8 available medical records, psychiatric records and reports relating to
9 assaults, or other violent acts, attempts at suicide or escape by the
10 incarcerated individual while in the custody of the local correctional
11 facility, a copy of records reflecting the individual's gender identity
12 and gender-related housing requests; any such medical or psychiatric
13 records in the possession of a health care provider other than the local
14 correctional facility shall be summarized in detail and forwarded by
15 such health care provider to the medical director of the appropriate
16 state correctional facility upon request; the superintendent shall pres-
17 ent to such officer a certificate of the delivery of such incarcerated
18 individual, and the fees of such officer for transporting such incarcer-
19 ated individual shall be paid from the treasury upon the audit and
20 warrant of the comptroller. Whenever an incarcerated individual of the
21 state is delivered to a local facility, the superintendent shall forward
22 summaries of such records to the local facility with the incarcerated
23 individual.

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

27 (a) Whenever an incarcerated individual shall be delivered to the
28 superintendent of a state correctional facility pursuant to an indeter-
29 minate or determinate sentence, the officer so delivering such incarcer-
30 ated individual shall deliver to such superintendent, the sentence and
31 commitment or certificate of conviction, or a certified copy thereof,
32 and a copy of any order of protection pursuant to section 380.65 of the
33 criminal procedure law received by such officer from the clerk of the
34 court by which such incarcerated individual shall have been sentenced, a
35 copy of the report of the probation officer's investigation and report
36 or a detailed statement covering the facts relative to the crime and
37 previous history certified by the district attorney, a copy of the
38 incarcerated individual's fingerprint records, a detailed summary of
39 available medical records, psychiatric records and reports relating to
40 assaults, or other violent acts, attempts at suicide or escape by the
41 incarcerated individual while in the custody of the local correctional
42 facility, a copy of records reflecting the individual's gender identity
43 and gender-related housing requests; any such medical or psychiatric
44 records in the possession of a health care provider other than the local
45 correctional facility shall be summarized in detail and forwarded by
46 such health care provider to the medical director of the appropriate
47 state correctional facility upon request; the superintendent shall pres-
48 ent to such officer a certificate of the delivery of such incarcerated
49 individual, and the fees of such officer for transporting such incarcer-
50 ated individual shall be paid from the treasury upon the audit and
51 warrant of the comptroller. Whenever an incarcerated individual of the
52 state is delivered to a local facility, the superintendent shall forward
53 summaries of such records to the local facility with the incarcerated
54 individual.

55 § 8. This act shall take effect immediately; provided, however, that
56 section five of this act shall take effect on the same date and in the

1 same manner as section 13 of chapter 93 of the laws of 2021, takes
2 effect; provided, further, that the amendments to section 500-b of the
3 correction law made by section four of this act shall not affect the
4 repeal of such section and shall be deemed repealed therewith; and
5 provided, further, that the amendments to subdivision (a) of section 601
6 of the correction law made by section six of this act shall be subject
7 to the expiration and reversion of such subdivision pursuant to subdivi-
8 sion d of section 74 of chapter 3 of the laws of 1995, as amended when
9 upon such date the provisions of section seven of this act shall take
10 effect.

11

PART C

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

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

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

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

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

52 § 3. This act shall take effect on April 1, 2022; provided, however,
53 that the amendments to subdivisions 4 and 7 of section 851 of the

1 correction law made by section two of this act shall not affect the
2 expiration of such section and shall be deemed expired therewith.

3 PART D

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

6 § 2. This act shall take effect immediately.

7 PART E

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

11 (a) Whenever an incarcerated individual shall be delivered to the
12 superintendent of a state correctional facility pursuant to an indeter-
13 minate or determinate sentence, the officer so delivering such incarcer-
14 ated individual shall deliver to such superintendent, the sentence and
15 commitment or certificate of conviction, or a certified copy thereof,
16 and a copy of any order of protection pursuant to section 380.65 of the
17 criminal procedure law received by such officer from the clerk of the
18 court by which such incarcerated individual shall have been sentenced, a
19 copy of the report of the probation officer's investigation and report
20 or a detailed statement covering the facts relative to the crime and
21 previous history certified by the district attorney, a copy of the
22 incarcerated individual's fingerprint records, a detailed summary of
23 available medical records, psychiatric records and reports relating to
24 assaults, or other violent acts, attempts at suicide or escape by the
25 incarcerated individual while in the custody of the local correctional
26 facility; any such medical or psychiatric records in the possession of a
27 health care provider other than the local correctional facility shall be
28 summarized in detail and forwarded by such health care provider to the
29 medical director of the appropriate state correctional facility upon
30 request; the superintendent shall present to such officer a certificate
31 of the delivery of such incarcerated individual, and the fees of such
32 officer for transporting such incarcerated individual shall be paid from
33 the treasury upon the audit and warrant of the comptroller. The
34 sentence and commitment or certificate of conviction shall be deemed to
35 grant authorization to the department of corrections and community
36 supervision to request a certified copy or certified transcript of birth
37 on behalf of an incarcerated individual, when such request is made
38 pursuant to subdivision four of section four thousand one hundred seven-
39 ty-four of the public health law or section four thousand one hundred
40 seventy-nine of such law. Whenever an incarcerated individual of the
41 state is delivered to a local facility, the superintendent shall forward
42 summaries of such records to the local facility with the incarcerated
43 individual.

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

47 4. No fee shall be charged for a search, certification, certificate,
48 certified copy or certified transcript of a record to be used for school
49 entrance, employment certificate or for purposes of public relief or
50 when required by the veterans administration to be used in determining
51 the eligibility of any person to participate in the benefits made avail-
52 able by the veterans administration or when required by a board of

1 elections for the purposes of determining voter eligibility or when
2 requested by the department of corrections and community supervision or
3 a local correctional facility as defined in subdivision sixteen of
4 section two of the correction law for the purpose of providing a certi-
5 fied copy or certified transcript of birth to an incarcerated individual
6 in anticipation of such incarcerated individual's release from custody
7 or to obtain a death certificate to be used for administrative purposes
8 for an incarcerated individual who has died under custody or when
9 requested by the office of children and family services or an authorized
10 agency for the purpose of providing a certified copy or certified tran-
11 script of birth to a youth placed in the care and custody or custody and
12 guardianship of the local commissioner of social services or the care
13 and custody or custody and guardianship of the office of children and
14 family services in anticipation of such youth's discharge from placement
15 or foster care. Whenever a request is made by the department of
16 corrections and community supervision for a certified copy or certified
17 transcript of birth on behalf of an incarcerated individual pursuant to
18 this section, a certified copy of the sentence and commitment or certifi-
19 cate of conviction shall be deemed to grant authorization by the incar-
20 cerated individual to the department to submit such request on their
21 behalf, and no other authorization shall be required.

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

24 § 4179. Vital records; fees; city of New York. Notwithstanding the
25 provisions of paragraph one of subdivision a of section 207.13 of the
26 health code of the city of New York, the department of health shall
27 charge, and the applicant shall pay, for a search of two consecutive
28 calendar years under one name and the issuance of a certificate of
29 birth, death or termination of pregnancy, or a certification of birth or
30 death, or a certification that the record cannot be found, a fee of
31 fifteen dollars for each copy. Provided, however, that no such fee shall
32 be charged when the department of corrections and community supervision
33 or a local correctional facility as defined in subdivision sixteen of
34 section two of the correction law requests a certificate of birth or
35 certification of birth for the purpose of providing such certificate of
36 birth or certification of birth to an incarcerated individual in antic-
37 ipation of such incarcerated individual's release from custody or to
38 obtain a death certificate to be used for administrative purposes for an
39 incarcerated individual who has died under custody or when the office of
40 children and family services or an authorized agency requests a certi-
41 fied copy or certified transcript of birth for a youth placed in the
42 custody of the local commissioner of social services or the custody of
43 the office of children and family services pursuant to article three of
44 the family court act for the purpose of providing such certified copy or
45 certified transcript of birth to such youth in anticipation of discharge
46 from placement. Whenever a request is made by the department of
47 corrections and community supervision for a certified copy or certified
48 transcript of birth on behalf of an incarcerated individual pursuant to
49 this section, a certified copy of the sentence and commitment or certifi-
50 cate of conviction shall be deemed to grant authorization by the incar-
51 cerated individual to the department to submit such request on their
52 behalf, and no other authorization shall be required.

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

1

PART F

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

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

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

9

PART G

10 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
11 law, as amended by section 1 of part I of chapter 55 of the laws of
12 2020, is amended to read as follows:

13 (b) The sum of one million five hundred thousand dollars must be
14 deposited into the New York state emergency services revolving loan fund
15 annually; provided, however, that such sums shall not be deposited for
16 state fiscal years two thousand eleven--two thousand twelve, two thou-
17 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
18 fifteen, two thousand fifteen--two thousand sixteen, two thousand
19 sixteen--two thousand seventeen, two thousand seventeen--two thousand
20 eighteen, two thousand eighteen--two thousand nineteen, two thousand
21 nineteen--two thousand twenty, two thousand twenty--two thousand twen-
22 ty-one [~~and~~], two thousand twenty-one--two thousand twenty-two, two
23 thousand twenty-two--two thousand twenty-three, and two thousand twen-
24 ty-three--two thousand twenty-four;

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

26

PART H

27 Section 1. Paragraphs 4 and 5 of subdivision (a) of section 4510 of
28 the civil practice law and rules, as added by chapter 309 of the laws of
29 2021, are amended to read as follows:

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

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

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

47 11. Domestic violence advocate certification. (a) The office shall, in
48 coordination with the office of children and family services, the office
49 for victim services, and the department of health, and in consultation
50 with the New York state coalition against domestic violence, the New
51 York state coalition against sexual assault, and state advocacy organ-

1 izations for the prevention of domestic and gender-based violence,
2 promulgate rules and regulations which establish:

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

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

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

15 (i) client-counselor confidentiality requirements;

16 (ii) child abuse and maltreatment identification and reporting respon-
17 sibilities;

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

19 (iv) crisis intervention techniques;

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

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

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

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

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

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

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

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

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

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

51 § 3. The office of children and family services and the New York state
52 department of health shall review all rules and regulations related to
53 training of domestic violence advocates, rape crisis counselors, and
54 staff of licensed and approved domestic violence programs and rape
55 crisis programs, and ensure such rules and regulations are updated

1 consistent with the provisions of section two of this act no later than
 2 one year after it shall have become a law.
 3 § 4. This act shall take effect immediately; provided that section one
 4 of this act shall take effect one year after it shall have become a law.

5 PART I

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

8 8. "Essential personal property" shall mean articles of personal prop-
 9 erty necessary and essential to the health[~~welfare~~] or safety of the
 10 victim.

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

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

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

24 PART J

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

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

31 § 2. This act shall take effect immediately.

32 PART K

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

35 6-a. Such notification may be made by email, provided the municipality
 36 in which the premises is located elects to take service in such form.
 37 Such an election shall be in a writing signed by the authorized agent or
 38 clerk of the municipality. Proof of email service shall be provided to
 39 the authority in the form of an email from the municipality that reason-
 40 ably identifies the applicant, or by other such forms of proof as deter-
 41 mined by the authority.

42 § 2. This act shall take effect immediately.

43 PART L

44 Section 1. Subdivision one of Section 110 of the alcoholic beverage
 45 control law is REPEALED and new subdivisions one and one-a are added to
 46 read as follows:

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

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

4 1-a. The following information for each principal of the applicant:

5 (a) name;

6 (b) date and place of birth;

7 (c) permanent home address;

8 (d) telephone number and email address;

9 (e) social security number;

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

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

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

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

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

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

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

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

35 (n) a statement explaining how the applicant has control of the prem-
36 ises, either by: ownership of a fee interest; a lease; a management or
37 other agreement giving the applicant control over the food and beverage
38 operations at the premises; or a binding agreement to obtain such owner-
39 ship, lease or agreement;

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

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

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

47 For purposes of this subdivision, principal means: if the applicant is
48 an individual, that individual; if the applicant is a partnership, any
49 individual owning, directly or indirectly, ten percent or more of the
50 partnership; if the applicant is a corporation, the officers and direc-
51 tors of the corporation and any individual owning, directly or indirect-
52 ly, ten percent or more of the corporation; if the applicant is a limit-
53 ed liability company, the managing members and any individual owning,
54 directly or indirectly, ten percent or more of the limited liability
55 company.

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

5 PART M

6 Section 1. Section 5 of chapter 396 of the laws of 2010 amending the
7 alcoholic beverage control law relating to liquidator's permits and
8 temporary retail permits, as amended by chapter 375 of the laws of 2021,
9 is amended to read as follows:

10 § 5. This act shall take effect on the sixtieth day after it shall
11 have become a law[~~, provided that paragraph (b) of subdivision 1 of~~
12 ~~section 97-a of the alcoholic beverage control law as added by section~~
13 ~~two of this act shall expire and be deemed repealed October 12, 2022~~].

14 § 2. This act shall take effect immediately.

15 PART N

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

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

37 § 2. This act shall take effect immediately.

38 PART O

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

41 5-a. Whenever a contiguous property of a college or university
42 contains three hundred or more registrants who are registered to vote at
43 an address on such contiguous property, the polling place designated for
44 such registrants shall be on such contiguous property or at a nearby
45 location recommended by the college or university and agreed to by the
46 board of elections.

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

1 a. Each election district shall be in compact form and may not be
2 partly within and partly without a ward, town, city, a village which has
3 five thousand or more inhabitants and is wholly within one town, the
4 contiguous property of a college or university which contains three
5 hundred or more registrants who are registered to vote at an address on
6 such contiguous property, or a county legislative, assembly, senatorial
7 or congressional district. Except as provided in paragraph b of this
8 subdivision, election district boundaries, other than those boundaries
9 which are coterminous with the boundaries of those political subdivi-
10 sions and college or university properties mentioned in this paragraph,
11 must be streets, rivers, railroad lines or other permanent character-
12 istics of the landscape which are clearly visible to any person without
13 the need to use any technical or mechanical device. An election district
14 shall contain not more than nine hundred fifty registrants (excluding
15 registrants in inactive status) or, with the approval of the county
16 board of elections, not more than two thousand registrants (excluding
17 registrants in inactive status), but any election district may be
18 divided for the convenience of the voters.
19 § 3. This act shall take effect January 1, 2024.

20

PART P

21 Section 1. Section 106 of the alcoholic beverage control law is
22 amended by adding a new subdivision 2-a to read as follows:
23 2-a. Notwithstanding any provision of law to the contrary, in addition
24 to any other privilege provided under this chapter, any retail license
25 that allows for liquor and/or wine sale for on-premises consumption
26 shall also include the privilege to sell for take-out and delivery, any
27 product it may otherwise sell at retail, in sealed original, unsealed
28 original, and non-original containers, subject to and upon adoption of
29 rules and regulations of the authority which may include, but need not
30 be limited to, any reasonable limitation on: quantity and volume, food
31 required at time of purchase, hours of sale, and the sealing of open
32 containers.
33 § 2. This act shall take effect immediately.

34

PART Q

35 Section 1. Paragraph (a) of subdivision 3 of section 800 of the gener-
36 al municipal law, as amended by chapter 1043 of the laws of 1965, is
37 amended to read as follows:
38 (a) his [~~spouse, minor children and dependents~~] or her familial member
39 where such familial member is any person living in the same household as
40 the municipal officer or employee, any person who is a direct descendant
41 of such municipal officer or employee's grandparents or the spouse of
42 such descendant, and where such contract is entered into after the
43 effective date of the chapter of the laws of two thousand twenty-two
44 that amends this paragraph, except a contract of employment with the
45 municipality which such officer or employee serves,
46 § 2. Subdivision 1 of section 803 of the general municipal law, as
47 amended by chapter 499 of the laws of 2005, is amended to read as
48 follows:
49 1. Any municipal officer or employee who has, will have, or later
50 acquires an interest in or whose [~~spouse~~] familial member, as that term
51 is used in section eight hundred of this article, has, will have, or
52 later acquires an interest in any actual or proposed contract, purchase

1 agreement, lease agreement or other agreement, including oral agree-
2 ments, with the municipality of which he or she is an officer or employ-
3 ee, shall publicly disclose the nature and extent of such interest in
4 writing to his or her immediate supervisor and to the governing body
5 thereof as soon as he or she has knowledge of such actual or prospective
6 interest. Such written disclosure shall be made part of and set forth in
7 the official record of the proceedings of such body.

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

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

19 § 4. This act shall take effect immediately.

20

PART R

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

23 § 57. Continuous recruitment for certain positions. Notwithstanding
24 any other provisions of this chapter or any other law, the civil service
25 department or a municipal commission may establish a continuing eligible
26 list for any class of positions [~~for which it finds inadequate numbers~~
27 ~~of well qualified persons available for recruitment~~]. Names of eligi-
28 bles shall be inserted in such list from time to time as applicants are
29 tested and found qualified in examinations held at such intervals as may
30 be prescribed by the civil service department or municipal commission
31 having jurisdiction. Such successive examinations shall, so far as prac-
32 ticable, be constructed and rated so as to be equivalent tests of the
33 merit and fitness of candidates. The name of any candidate who passes
34 any such examination and who is otherwise qualified shall be placed on
35 the continuing eligible list in the rank corresponding to [~~his~~] the
36 candidate's final rating on such examination. The period of eligibility
37 of successful candidates for certification and appointment from such
38 continuing eligible list, as a result of any such examination, shall be
39 fixed by the civil service department or municipal commission but,
40 except as a list may reach an announced terminal date, such period shall
41 not be less than one year; nor shall such period of eligibility exceed
42 four years. Subject to such conditions and limitations as the civil
43 service department or municipal commission may prescribe, a candidate
44 may take more than one such examination; provided, however, that no such
45 candidate shall be certified simultaneously with more than one rank on
46 the continuing eligible list. With respect to any candidate who applies
47 for and is granted additional credit in any such examination as a dis-
48 abled or non-disabled veteran, and for the limited purpose of granting
49 such additional credit, the eligible list shall be deemed to be estab-
50 lished on the date on which [~~his~~] the candidate's name is added thereto.

51 § 2. This act shall take effect immediately.

52

PART S

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

4 11. Notwithstanding any other provision of law, the state department
5 of civil service may, for titles designated by it, extend to employees
6 in the state service who are holding or who have held a position in the
7 non-competitive or labor class of such service the same opportunity as
8 employees in the competitive class to take promotion examinations [~~if~~
9 ~~such examinations are to be held in conjunction with open competitive~~
10 ~~examinations~~].

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

13 12. Notwithstanding any other provisions of law, a municipal commis-
14 sion may, for entrance level titles as defined and designated by it,
15 extend to employees in the service of a civil division who are holding
16 or who have held a position in the non-competitive class of such service
17 for a period of two years the same opportunity as employees in the
18 competitive class to take promotion examinations for which such non-com-
19 petitive class service is determined by the municipal commission to be
20 appropriate preparation [~~if such examinations are to be held in conjunc-~~
21 ~~tion with open competitive examinations~~].

22 § 3. This act shall take effect immediately.

23 PART T

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

26 3. Those employees hired under subdivision one of this section, shall
27 be afforded the opportunity to transfer into competitive class posi-
28 tions, provided that they meet the requirements for competitive examina-
29 tion; and possess the requisite credentials, licenses, and certifi-
30 fications as necessary.

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

33 4. Those employees hired under subdivision one of this section, shall
34 be afforded the opportunity to transfer into competitive class posi-
35 tions, provided that they meet the requirements for competitive examina-
36 tion; and possess the requisite credentials, licenses, and certifi-
37 fications as necessary.

38 § 3. This act shall take effect immediately.

39 PART U

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

43 6. Shift pay differentials. Whenever the director finds that under
44 prevailing wage practices in private or other public employment in the
45 state, employees in a given occupation receive a higher rate of pay or
46 wage differential for a work shift other [~~than a normal day shift~~] than
47 that which is paid to employees in the same occupation [~~for a normal day~~
48 ~~shift~~], [~~he~~] the director may, subject to the approval of the director
49 of the budget, authorize a pay differential to be paid to those employ-
50 ees in positions in the same or related occupations in the state service
51 and who are [~~regularly~~] assigned to an equivalent or substantially
52 equivalent work shift, on a statewide basis, provided however, where the

1 director finds that in a particular geographical area or areas wage
2 practices would warrant a shift differential for employees in a partic-
3 ular occupation then the director may grant a work shift pay differen-
4 tial for such employees, subject to the approval of the director of the
5 budget. In determining whether to authorize a pay differential the
6 director shall consider the various duties on each shift, [~~other than~~
7 ~~the normal day shift,~~] in relation to the normal day shift. A pay
8 differential under this subdivision shall be a percentage of basic sala-
9 ry, an hourly rate, an annual rate, or a fixed dollar amount per pay
10 period, as prescribed in each case by the director of the classification
11 and compensation division subject to approval of the director of the
12 budget. Such differential shall be paid in addition to and shall not be
13 part of an employee's basic annual salary, and shall not affect or
14 impair any performance advancement payments, performance awards, longev-
15 ity payments or other rights or benefits to which an employee may be
16 entitled under the provisions of this chapter, provided, however, that
17 any differential payable pursuant to this subdivision shall be included
18 as compensation for retirement purposes. A pay differential shall be
19 terminated for any employee when [~~he~~] the employee ceases to be employed
20 in the work shift or position for which such pay differential was
21 authorized. A pay differential shall remain in effect until terminated
22 by the director of the classification and compensation division with the
23 consent of the director of the budget or until a new pay differential is
24 authorized pursuant to this subdivision. The director of the budget may
25 adopt such regulations as [~~he may deem~~] necessary to carry out the
26 provisions of this subdivision.

27 § 2. This act shall take effect immediately.

28

PART V

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

32 § 5004. Rate of interest. [~~Interest shall be at the rate of nine per~~
33 ~~centum per annum, except where otherwise provided by statute.~~] Notwith-
34 standing any other provision of law or regulation to the contrary,
35 including any law or regulation that limits the annual rate of interest
36 to be paid on a judgment or accrued claim, the annual rate of interest
37 to be paid on a judgment or accrued claim shall be calculated at the
38 one-year United States treasury bill rate. For the purposes of this
39 section, the "one-year United States treasury bill rate" means the week-
40 ly average one-year constant maturity treasury yield, as published by
41 the board of governors of the federal reserve system, for the calendar
42 week preceding the date of the entry of the judgment awarding damages.
43 Provided however, that this section shall not apply to any provision of
44 the tax law which provides for the annual rate of interest to be paid on
45 a judgment or accrued claim.

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

49 (a) [~~Interest shall be at the rate of nine per centum per annum,~~
50 ~~except where otherwise provided by statute, provided~~] Notwith-
51 standing any other provision of law or regulation to the contrary, including any
52 law or regulation that limits the annual rate of interest to be paid on
53 a judgment or accrued claim, the annual rate of interest to be paid on a
54 judgment or accrued claim shall be calculated at the one-year United

1 States treasury bill rate. For purposes of this section, the "one-year
 2 United States treasury bill rate" means the weekly average one-year
 3 constant maturity treasury yield, as published by the board of governors
 4 of the federal reserve system, for the calendar week preceding the date
 5 of the entry of the judgment awarding damages; provided however, that
 6 this section shall not apply to any provision of the tax law which
 7 provides for the annual rate of interest to be paid on a judgment or
 8 accrued claim. Provided, however, the annual rate of interest to be paid
 9 in an action arising out of a consumer debt where a natural person is a
 10 defendant shall be two per centum per annum (i) on a judgment or accrued
 11 claim for judgments entered on or after the effective date of the chap-
 12 ter of the laws of two thousand twenty-one which amended this section,
 13 and (ii) for interest upon a judgment pursuant to section five thousand
 14 three of this article from the date of the entry of judgment on any part
 15 of a judgment entered before the effective date of the chapter of the
 16 laws of two thousand twenty-one which amended this section that is
 17 unpaid as of such effective date.

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

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

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

36 PART W

37 Section 1. Subdivision 8 of section 239-bb of the general municipal
 38 law, as amended by chapter 294 of the laws of 2021, is amended to read
 39 as follows:

40 8. For each county, new shared services actions [~~not included~~] in [~~a~~
 41 ~~previously~~] an approved and submitted plan pursuant to this section or
 42 part BBB of chapter fifty-nine of the laws of two thousand seventeen,
 43 may be eligible for funding to match savings from such action, subject
 44 to available appropriation. Savings that are actually and demonstrably
 45 realized by the participating local governments are eligible for match-
 46 ing funding. For actions that are part of an approved plan transmitted
 47 to the secretary of state in accordance with paragraph b of subdivision
 48 seven of this section, savings achieved during either: (i) January first
 49 through December thirty-first from new actions implemented on or after
 50 January first through December thirty-first of the year immediately
 51 following an approved and transmitted plan, or (ii) July first of the
 52 year immediately following an approved and transmitted plan through June
 53 thirtieth of the subsequent year from new actions implemented July first
 54 of the year immediately following an approved plan through June thirti-

1 eth of the subsequent year may be eligible for matching funding. Only
2 net savings between local governments for each action would be eligible
3 for matching funding. Savings from internal efficiencies or any other
4 action taken by a local government without the participation of another
5 local government are not eligible for matching funding. Each county and
6 all of the local governments within the county that are part of any
7 action to be implemented as part of an approved plan must collectively
8 apply for the matching funding by submitting one consolidated applica-
9 tion per plan, and agree on the distribution and use of any matching
10 funding in order to qualify for matching funding. Any such consolidated
11 application shall be submitted to the department of state in such form
12 and manner as directed by the department no later than December thirty-
13 first of the second calendar year following plan adoption; provided,
14 however, that for plans adopted prior to calendar year two thousand
15 twenty, for which no application for matching funding has been submit-
16 ted, one consolidated application per plan year may be submitted to the
17 department no later than December thirty-first, two thousand twenty-two.

18 § 2. This act shall take effect immediately.

19

PART X

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

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

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

41 (3) However, the taxes, penalties and interest which (i) the county of
42 Nassau, (ii) the county of Erie, to the extent the county of Erie is
43 contractually or statutorily obligated to allocate and apply or pay net
44 collections to the city of Buffalo and to the extent that such county
45 has set aside net collections for educational purposes attributable to
46 the Buffalo school district, or the city of Buffalo or (iii) the county
47 of Erie is authorized to impose pursuant to section twelve hundred ten
48 of this article, other than such taxes in the amounts described, respec-
49 tively, in subdivisions one and two of section one thousand two hundred
50 sixty-two-e of this part, during the period that such section authorizes
51 Nassau county to establish special or local assistance programs there-
52 under, together with any penalties and interest related thereto, and
53 after the comptroller has reserved such refund fund and such costs,
54 shall, commencing on the next payment date after the effective date of

1 this sentence and of each month thereafter, until such date as (i) the
2 Nassau county interim finance authority shall have no obligations
3 outstanding, or (ii) the Buffalo fiscal stability authority shall cease
4 to exist, or (iii) the Erie county fiscal stability authority shall
5 cease to exist, be paid by the comptroller, respectively, to (i) the
6 Nassau county interim finance authority to be applied by the Nassau
7 county interim finance authority, or (ii) to the Buffalo fiscal stabili-
8 ty authority to be applied by the Buffalo fiscal stability authority, or
9 (iii) to the Erie county fiscal stability authority to be applied by the
10 Erie county fiscal stability authority, as the case may be, in the
11 following order of priority: first pursuant to the Nassau county interim
12 finance authority's contracts with bondholders or the Buffalo fiscal
13 stability authority's contracts with bondholders or the Erie county
14 fiscal stability authority's contracts with bondholders, respectively,
15 then to pay the Nassau county interim finance authority's operating
16 expenses not otherwise provided for or the Buffalo fiscal stability
17 authority's operating expenses not otherwise provided for or the Erie
18 county fiscal stability authority's operating expenses not otherwise
19 provided for, respectively, [~~then (i) for the Nassau county interim
20 finance authority to pay to the state as soon as practicable in the
21 months of May and December each year, the amount necessary to fulfill
22 the town and village distribution requirement on behalf of Nassau county
23 pursuant to paragraph five a of this subdivision, or (ii) for the
24 Buffalo fiscal stability authority to pay to the state as soon as prac-
25 ticable in the months of May and December each year, the percentage of
26 the amount necessary to fulfill the town and village distribution
27 requirement on behalf of Erie county pursuant to paragraph five a of
28 this subdivision that equates to the percentage of the county net
29 collections that the city of Buffalo and the Buffalo city school
30 district, together, are due in the months of May and December each year,
31 or (iii) for the Erie county fiscal stability authority to pay to the
32 state as soon as practicable in the months of May and December each
33 year, the amount necessary to fulfill the town and village distribution
34 requirement on behalf of Erie county pursuant to paragraph five a of
35 this subdivision, less the amount being paid to the state by the Buffalo
36 fiscal stability authority in each respective month,~~] and then (i)
37 pursuant to the Nassau county interim finance authority's agreements
38 with the county of Nassau, which agreements shall require the Nassau
39 county interim finance authority to transfer such taxes, penalties and
40 interest remaining after providing for contractual or other obligations
41 of the Nassau county interim finance authority, and subject to any
42 agreement between such authority and the county of Nassau, to the county
43 of Nassau as frequently as practicable; or (ii) pursuant to the Buffalo
44 fiscal stability authority's agreements with the city of Buffalo, which
45 agreements shall require the Buffalo fiscal stability authority to
46 transfer such taxes, penalties and interest remaining after providing
47 for contractual or other obligations of the Buffalo fiscal stability
48 authority, and subject to any agreement between such authority and the
49 city of Buffalo, to the city of Buffalo or the city of Buffalo school
50 district, as the case may be, as frequently as practicable; or (iii)
51 pursuant to the Erie county fiscal stability authority's agreements with
52 the county of Erie, which agreements shall require the Erie county
53 fiscal stability authority to transfer such taxes, penalties and inter-
54 est remaining after providing for contractual or other obligations of
55 the Erie county fiscal stability authority, and subject to any agreement
56 between such authority and the county of Erie, to the county of Erie as

1 frequently as practicable. During the period that the comptroller is
2 required to make payments to the Nassau county interim finance authority
3 described in the previous sentence, the county of Nassau shall have no
4 right, title or interest in or to such taxes, penalties and interest
5 required to be paid to the Nassau county interim finance authority,
6 except as provided in such authority's agreements with the county of
7 Nassau. During the period that the comptroller is required to make
8 payments to the Buffalo fiscal stability authority described in the
9 second previous sentence, the city of Buffalo and such school district
10 shall have no right, title or interest in or to such taxes, penalties
11 and interest required to be paid to the Buffalo fiscal stability author-
12 ity, except as provided in such authority's agreements with the city of
13 Buffalo. During the period that the comptroller is required to make
14 payments to the Erie county fiscal stability authority described in the
15 third previous sentence, the county of Erie shall have no right, title
16 or interest in or to such taxes, penalties and interest required to be
17 paid to the Erie county fiscal stability authority, except as provided
18 in such authority's agreements with the county of Erie.

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

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

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

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

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

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

53 5. Revenues of the authority shall be applied in the following order
54 of priority: first to pay debt service or for set asides to pay debt
55 service on the authority's bonds, notes, or other obligations and to
56 replenish any reserve funds securing such bonds, notes or other obli-

1 gations of the authority, in accordance with the provision of any inden-
2 ture or bond resolution of the authority; then to pay the authority's
3 operating expenses not otherwise provided for; [~~then to pay to the state~~
4 ~~pursuant to paragraph three of subdivision (c) of section twelve hundred~~
5 ~~sixty-one of the tax law;~~] and then, subject to the authority's agree-
6 ment with the city, for itself or on behalf of the city's dependent
7 school district and any other covered organization, to transfer as
8 frequently as practicable the balance of revenues not required to meet
9 contractual or other obligations of the authority to the city or the
10 city's dependent school district as provided in subdivision seven of
11 this section.

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

13 PART Y

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

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

- 1 36. Bell jar collection account (22003).
- 2 37. Industry and utility service account (22004).
- 3 38. Real property disposition account (22006).
- 4 39. Parking account (22007).
- 5 40. Courts special grants (22008).
- 6 41. Asbestos safety training program account (22009).
- 7 42. Camp Smith billeting account (22017).
- 8 43. Batavia school for the blind account (22032).
- 9 44. Investment services account (22034).
- 10 45. Surplus property account (22036).
- 11 46. Financial oversight account (22039).
- 12 47. Regulation of Indian gaming account (22046).
- 13 48. Rome school for the deaf account (22053).
- 14 49. Seized assets account (22054).
- 15 50. Administrative adjudication account (22055).
- 16 51. New York City assessment account (22062).
- 17 52. Cultural education account (22063).
- 18 53. Local services account (22078).
- 19 54. DHCR mortgage servicing account (22085).
- 20 55. Housing indirect cost recovery account (22090).
- 21 56. DHCR-HCA application fee account (22100).
- 22 57. Low income housing monitoring account (22130).
- 23 58. Corporation administration account (22135).
- 24 59. New York State Home for Veterans in the Lower-Hudson Valley
- 25 account (22144).
- 26 60. Deferred compensation administration account (22151).
- 27 61. Rent revenue other New York City account (22156).
- 28 62. Rent revenue account (22158).
- 29 63. Transportation aviation account (22165).
- 30 64. Tax revenue arrearage account (22168).
- 31 65. New York state medical indemnity fund account (22240).
- 32 66. Behavioral health parity compliance fund (22246).
- 33 67. State university general income offset account (22654).
- 34 68. Lake George park trust fund account (22751).
- 35 69. State police motor vehicle law enforcement account (22802).
- 36 70. Highway safety program account (23001).
- 37 71. DOH drinking water program account (23102).
- 38 72. NYCCC operating offset account (23151).
- 39 73. Commercial gaming regulation account (23702).
- 40 74. Highway use tax administration account (23801).
- 41 75. New York state secure choice administrative account (23806).
- 42 76. New York state cannabis revenue fund (24800).
- 43 77. Fantasy sports administration account (24951).
- 44 78. Highway and bridge capital account (30051).
- 45 79. Aviation purpose account (30053).
- 46 80. State university residence hall rehabilitation fund (30100).
- 47 81. State parks infrastructure account (30351).
- 48 82. Clean water/clean air implementation fund (30500).
- 49 83. Hazardous waste remedial cleanup account (31506).
- 50 84. Youth facilities improvement account (31701).
- 51 85. Housing assistance fund (31800).
- 52 86. Housing program fund (31850).
- 53 87. Highway facility purpose account (31951).
- 54 88. New York racing account (32213).
- 55 89. Capital miscellaneous gifts account (32214).
- 56 90. Information technology capital financing account (32215).

1 91. New York environmental protection and spill remediation account
2 (32219).
3 92. Mental hygiene facilities capital improvement fund (32300).
4 93. Correctional facilities capital improvement fund (32350).
5 94. New York State Storm Recovery Capital Fund (33000).
6 95. OGS convention center account (50318).
7 96. Empire Plaza Gift Shop (50327).
8 97. Centralized services fund (55000).
9 98. Archives records management account (55052).
10 99. Federal single audit account (55053).
11 100. Civil service administration account (55055).
12 101. Civil service EHS occupational health program account (55056).
13 102. Banking services account (55057).
14 103. Cultural resources survey account (55058).
15 104. Neighborhood work project account (55059).
16 105. Automation & printing chargeback account (55060).
17 106. OFT NYT account (55061).
18 107. Data center account (55062).
19 108. Intrusion detection account (55066).
20 109. Domestic violence grant account (55067).
21 110. Centralized technology services account (55069).
22 111. Labor contact center account (55071).
23 112. Human services contact center account (55072).
24 113. Tax contact center account (55073).
25 114. Department of law civil recoveries account (55074).
26 115. Executive direction internal audit account (55251).
27 116. CIO Information technology centralized services account (55252).
28 117. Health insurance internal service account (55300).
29 118. Civil service employee benefits division administrative account
30 (55301).
31 119. Correctional industries revolving fund (55350).
32 120. Employees health insurance account (60201).
33 121. Medicaid management information system escrow fund (60900).
34 § 1-a. The state comptroller is hereby authorized and directed to loan
35 money in accordance with the provisions set forth in subdivision 5 of
36 section 4 of the state finance law to any account within the following
37 federal funds, provided the comptroller has made a determination that
38 sufficient federal grant award authority is available to reimburse such
39 loans:
40 1. Federal USDA-food and nutrition services fund (25000).
41 2. Federal health and human services fund (25100).
42 3. Federal education fund (25200).
43 4. Federal block grant fund (25250).
44 5. Federal miscellaneous operating grants fund (25300).
45 6. Federal unemployment insurance administration fund (25900).
46 7. Federal unemployment insurance occupational training fund (25950).
47 8. Federal emergency employment act fund (26000).
48 9. Federal capital projects fund (31350).
49 § 2. Notwithstanding any law to the contrary, and in accordance with
50 section 4 of the state finance law, the comptroller is hereby authorized
51 and directed to transfer, upon request of the director of the budget, on
52 or before March 31, 2023, up to the unencumbered balance or the follow-
53 ing amounts:
54 Economic Development and Public Authorities:
55 1. \$1,175,000 from the miscellaneous special revenue fund, underground
56 facilities safety training account (22172), to the general fund.

- 1 2. An amount up to the unencumbered balance from the miscellaneous
2 special revenue fund, business and licensing services account (21977),
3 to the general fund.
- 4 3. \$14,810,000 from the miscellaneous special revenue fund, code
5 enforcement account (21904), to the general fund.
- 6 4. \$3,000,000 from the general fund to the miscellaneous special
7 revenue fund, tax revenue arrearage account (22168).
- 8 Education:
- 9 1. \$2,653,000,000 from the general fund to the state lottery fund,
10 education account (20901), as reimbursement for disbursements made from
11 such fund for supplemental aid to education pursuant to section 92-c of
12 the state finance law that are in excess of the amounts deposited in
13 such fund for such purposes pursuant to section 1612 of the tax law.
- 14 2. \$1,237,000,000 from the general fund to the state lottery fund, VLT
15 education account (20904), as reimbursement for disbursements made from
16 such fund for supplemental aid to education pursuant to section 92-c of
17 the state finance law that are in excess of the amounts deposited in
18 such fund for such purposes pursuant to section 1612 of the tax law.
- 19 3. \$139,200,000 from the general fund to the New York state commercial
20 gaming fund, commercial gaming revenue account (23701), as reimbursement
21 for disbursements made from such fund for supplemental aid to education
22 pursuant to section 97-nnnn of the state finance law that are in excess
23 of the amounts deposited in such fund for purposes pursuant to section
24 1352 of the racing, pari-mutuel wagering and breeding law.
- 25 4. \$496,000,000 from the general fund to the mobile sports wagering
26 fund, education account (24955), as reimbursement for disbursements made
27 from such fund for supplemental aid to education pursuant to section
28 92-c of the state finance law that are in excess of the amounts deposit-
29 ed in such fund for such purposes pursuant to section 1367 of the
30 racing, pari-mutuel wagering and breeding law.
- 31 5. \$7,000,000 from the interactive fantasy sports fund, fantasy sports
32 education account (24950), to the state lottery fund, education account
33 (20901), as reimbursement for disbursements made from such fund for
34 supplemental aid to education pursuant to section 92-c of the state
35 finance law.
- 36 6. An amount up to the unencumbered balance in the fund on March 31,
37 2023 from the charitable gifts trust fund, elementary and secondary
38 education account (24901), to the general fund, for payment of general
39 support for public schools pursuant to section 3609-a of the education
40 law.
- 41 7. Moneys from the state lottery fund (20900) up to an amount deposit-
42 ed in such fund pursuant to section 1612 of the tax law in excess of the
43 current year appropriation for supplemental aid to education pursuant to
44 section 92-c of the state finance law.
- 45 8. \$300,000 from the New York state local government records manage-
46 ment improvement fund, local government records management account
47 (20501), to the New York state archives partnership trust fund, archives
48 partnership trust maintenance account (20351).
- 49 9. \$900,000 from the general fund to the miscellaneous special revenue
50 fund, Batavia school for the blind account (22032).
- 51 10. \$900,000 from the general fund to the miscellaneous special reven-
52 ue fund, Rome school for the deaf account (22053).
- 53 11. \$343,400,000 from the state university dormitory income fund
54 (40350) to the miscellaneous special revenue fund, state university
55 dormitory income reimbursable account (21937).

1 12. \$8,318,000 from the general fund to the state university income
2 fund, state university income offset account (22654), for the state's
3 share of repayment of the STIP loan.

4 13. \$68,000,000 from the state university income fund, state universi-
5 ty hospitals income reimbursable account (22656) to the general fund for
6 hospital debt service for the period April 1, 2022 through March 31,
7 2023.

8 14. \$7,790,000 from the miscellaneous special revenue fund, office of
9 the professions account (22051), to the miscellaneous capital projects
10 fund, office of the professions electronic licensing account (32222).

11 15. \$24,000,000 from any of the state education department's special
12 revenue and internal service funds to the miscellaneous special revenue
13 fund, indirect cost recovery account (21978).

14 16. \$4,200,000 from any of the state education department's special
15 revenue or internal service funds to the capital projects fund (30000).

16 Environmental Affairs:

17 1. \$16,000,000 from any of the department of environmental conserva-
18 tion's special revenue federal funds, and/or federal capital funds, to
19 the environmental conservation special revenue fund, federal indirect
20 recovery account (21065).

21 2. \$5,000,000 from any of the department of environmental conserva-
22 tion's special revenue federal funds, and/or federal capital funds, to
23 the conservation fund (21150) or Marine Resources Account (21151) as
24 necessary to avoid diversion of conservation funds.

25 3. \$3,000,000 from any of the office of parks, recreation and historic
26 preservation capital projects federal funds and special revenue federal
27 funds to the miscellaneous special revenue fund, federal grant indirect
28 cost recovery account (22188).

29 4. \$1,000,000 from any of the office of parks, recreation and historic
30 preservation special revenue federal funds to the miscellaneous capital
31 projects fund, I love NY water account (32212).

32 5. \$100,000,000 from the general fund to the environmental protection
33 fund, environmental protection fund transfer account (30451).

34 6. \$6,000,000 from the general fund to the hazardous waste remedial
35 fund, hazardous waste oversight and assistance account (31505).

36 7. An amount up to or equal to the cash balance within the special
37 revenue-other waste management & cleanup account (21053) to the capital
38 projects fund (30000) for services and capital expenses related to the
39 management and cleanup program as put forth in section 27-1915 of the
40 environmental conservation law.

41 8. \$1,800,000 from the miscellaneous special revenue fund, public
42 service account (22011) to the miscellaneous special revenue fund, util-
43 ity environmental regulatory account (21064).

44 9. \$7,000,000 from the general fund to the enterprise fund, state fair
45 account (50051).

46 10. \$4,000,000 from the waste management & cleanup account (21053) to
47 the general fund.

48 11. \$3,000,000 from the waste management & cleanup account (21053) to
49 the environmental protection fund transfer account (30451).

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

52 Family Assistance:

53 1. \$7,000,000 from any of the office of children and family services,
54 office of temporary and disability assistance, or department of health
55 special revenue federal funds and the general fund, in accordance with
56 agreements with social services districts, to the miscellaneous special

1 revenue fund, office of human resources development state match account
2 (21967).

3 2. \$4,000,000 from any of the office of children and family services
4 or office of temporary and disability assistance special revenue federal
5 funds to the miscellaneous special revenue fund, family preservation and
6 support services and family violence services account (22082).

7 3. \$18,670,000 from any of the office of children and family services,
8 office of temporary and disability assistance, or department of health
9 special revenue federal funds and any other miscellaneous revenues
10 generated from the operation of office of children and family services
11 programs to the general fund.

12 4. \$175,000,000 from any of the office of temporary and disability
13 assistance or department of health special revenue funds to the general
14 fund.

15 5. \$2,500,000 from any of the office of temporary and disability
16 assistance special revenue funds to the miscellaneous special revenue
17 fund, office of temporary and disability assistance program account
18 (21980).

19 6. \$35,000,000 from any of the office of children and family services,
20 office of temporary and disability assistance, department of labor, and
21 department of health special revenue federal funds to the office of
22 children and family services miscellaneous special revenue fund, multi-
23 agency training contract account (21989).

24 7. \$205,000,000 from the miscellaneous special revenue fund, youth
25 facility per diem account (22186), to the general fund.

26 8. \$621,850 from the general fund to the combined gifts, grants, and
27 bequests fund, WB Hoyt Memorial account (20128).

28 9. \$5,000,000 from the miscellaneous special revenue fund, state
29 central registry (22028), to the general fund.

30 10. \$900,000 from the general fund to the Veterans' Remembrance and
31 Cemetery Maintenance and Operation account (20201).

32 11. \$505,000,000 from the general fund to the housing program fund
33 (31850).

34 General Government:

35 1. \$12,000,000 from the general fund to the health insurance revolving
36 fund (55300).

37 2. \$292,400,000 from the health insurance reserve receipts fund
38 (60550) to the general fund.

39 3. \$150,000 from the general fund to the not-for-profit revolving loan
40 fund (20650).

41 4. \$150,000 from the not-for-profit revolving loan fund (20650) to the
42 general fund.

43 5. \$3,000,000 from the miscellaneous special revenue fund, surplus
44 property account (22036), to the general fund.

45 6. \$19,000,000 from the miscellaneous special revenue fund, revenue
46 arrearage account (22024), to the general fund.

47 7. \$1,826,000 from the miscellaneous special revenue fund, revenue
48 arrearage account (22024), to the miscellaneous special revenue fund,
49 authority budget office account (22138).

50 8. \$1,000,000 from the miscellaneous special revenue fund, parking
51 account (22007), to the general fund, for the purpose of reimbursing the
52 costs of debt service related to state parking facilities.

53 9. \$11,460,000 from the general fund to the agencies internal service
54 fund, central technology services account (55069), for the purpose of
55 enterprise technology projects.

- 1 10. \$10,000,000 from the general fund to the agencies internal service
2 fund, state data center account (55062).
- 3 11. \$12,000,000 from the miscellaneous special revenue fund, parking
4 account (22007), to the centralized services, building support services
5 account (55018).
- 6 12. \$30,000,000 from the general fund to the internal service fund,
7 business services center account (55022).
- 8 13. \$8,000,000 from the general fund to the internal service fund,
9 building support services account (55018).
- 10 14. \$1,500,000 from the combined expendable trust fund, plaza special
11 events account (20120), to the general fund.
- 12 15. \$50,000,000 from the general fund to the New York State cannabis
13 revenue fund (24800).
- 14 16. \$50,000,000 from the New York State cannabis revenue fund (24800)
15 to the general fund.
- 16 Health:
- 17 1. A transfer from the general fund to the combined gifts, grants and
18 bequests fund, breast cancer research and education account (20155), up
19 to an amount equal to the monies collected and deposited into that
20 account in the previous fiscal year.
- 21 2. A transfer from the general fund to the combined gifts, grants and
22 bequests fund, prostate cancer research, detection, and education
23 account (20183), up to an amount equal to the moneys collected and
24 deposited into that account in the previous fiscal year.
- 25 3. A transfer from the general fund to the combined gifts, grants and
26 bequests fund, Alzheimer's disease research and assistance account
27 (20143), up to an amount equal to the moneys collected and deposited
28 into that account in the previous fiscal year.
- 29 4. \$8,750,000 from the HCRA resources fund (20800) to the miscella-
30 neous special revenue fund, empire state stem cell trust fund account
31 (22161).
- 32 5. \$2,000,000 from the miscellaneous special revenue fund, certificate
33 of need account (21920), to the miscellaneous capital projects fund,
34 healthcare IT capital subfund (32216).
- 35 6. \$2,000,000 from the miscellaneous special revenue fund, vital
36 health records account (22103), to the miscellaneous capital projects
37 fund, healthcare IT capital subfund (32216).
- 38 7. \$6,000,000 from the miscellaneous special revenue fund, profes-
39 sional medical conduct account (22088), to the miscellaneous capital
40 projects fund, healthcare IT capital subfund (32216).
- 41 8. \$112,500,000 from the HCRA resources fund (20800) to the capital
42 projects fund (30000).
- 43 9. \$6,550,000 from the general fund to the medical marihuana trust
44 fund, health operation and oversight account (23755).
- 45 10. An amount up to the unencumbered balance from the charitable gifts
46 trust fund, health charitable account (24900), to the general fund, for
47 payment of general support for primary, preventive, and inpatient health
48 care, dental and vision care, hunger prevention and nutritional assist-
49 ance, and other services for New York state residents with the overall
50 goal of ensuring that New York state residents have access to quality
51 health care and other related services.
- 52 11. \$500,000 from the miscellaneous special revenue fund, New York
53 State cannabis revenue fund, to the miscellaneous special revenue fund,
54 environmental laboratory fee account (21959).
- 55 12. An amount up to the unencumbered balance from the public health
56 emergency charitable gifts trust fund to the general fund, for payment

1 of goods and services necessary to respond to a public health disaster
2 emergency or to assist or aid in responding to such a disaster.

3 13. \$1,000,000,000 from the general fund to the health care transfor-
4 mation fund (24850).

5 Labor:

6 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and
7 penalty account (21923), to the child performer's protection fund, child
8 performer protection account (20401).

9 2. \$11,700,000 from the unemployment insurance interest and penalty
10 fund, unemployment insurance special interest and penalty account
11 (23601), to the general fund.

12 3. \$50,000,000 from the DOL fee and penalty account (21923), unemploy-
13 ment insurance special interest and penalty account (23601), and public
14 work enforcement account (21998), to the general fund.

15 4. \$850,000 from the miscellaneous special revenue fund, DOL elevator
16 safety program fund (22252) to the miscellaneous special revenue fund,
17 DOL fee and penalty account (21923).

18 Mental Hygiene:

19 1. \$3,800,000 from the general fund, to the agencies internal service
20 fund, civil service EHS occupational health program account (55056).

21 2. \$2,000,000 from the general fund, to the mental hygiene facilities
22 capital improvement fund (32300).

23 3. \$20,000,000 from the opioid settlement fund (23817) to the miscel-
24 laneous capital projects fund, opioid settlement capital account.

25 4. \$20,000,000 from the miscellaneous capital projects fund, opioid
26 settlement capital account to the opioid settlement fund (23817).

27 Public Protection:

28 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
29 management account (21944), to the general fund.

30 2. \$2,587,000 from the general fund to the miscellaneous special
31 revenue fund, recruitment incentive account (22171).

32 3. \$22,773,000 from the general fund to the correctional industries
33 revolving fund, correctional industries internal service account
34 (55350).

35 4. \$2,000,000,000 from any of the division of homeland security and
36 emergency services special revenue federal funds to the general fund.

37 5. \$115,420,000 from the state police motor vehicle law enforcement
38 and motor vehicle theft and insurance fraud prevention fund, state
39 police motor vehicle enforcement account (22802), to the general fund
40 for state operation expenses of the division of state police.

41 6. \$136,130,000 from the general fund to the correctional facilities
42 capital improvement fund (32350).

43 7. \$5,000,000 from the general fund to the dedicated highway and
44 bridge trust fund (30050) for the purpose of work zone safety activities
45 provided by the division of state police for the department of transpor-
46 tation.

47 8. \$10,000,000 from the miscellaneous special revenue fund, statewide
48 public safety communications account (22123), to the capital projects
49 fund (30000).

50 9. \$9,830,000 from the miscellaneous special revenue fund, legal
51 services assistance account (22096), to the general fund.

52 10. \$1,000,000 from the general fund to the agencies internal service
53 fund, neighborhood work project account (55059).

54 11. \$7,980,000 from the miscellaneous special revenue fund, finger-
55 print identification & technology account (21950), to the general fund.

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

4 13. \$14,400,000 from the general fund to the miscellaneous special
5 revenue fund, criminal justice improvement account (21945).

6 Transportation:

7 1. \$20,000,000 from the general fund to the mass transportation oper-
8 ating assistance fund, public transportation systems operating assist-
9 ance account (21401), of which \$12,000,000 constitutes the base need for
10 operations.

11 2. \$727,500,000 from the general fund to the dedicated highway and
12 bridge trust fund (30050).

13 3. \$244,250,000 from the general fund to the MTA financial assistance
14 fund, mobility tax trust account (23651).

15 4. \$5,000,000 from the miscellaneous special revenue fund, transporta-
16 tion regulation account (22067) to the dedicated highway and bridge
17 trust fund (30050), for disbursements made from such fund for motor
18 carrier safety that are in excess of the amounts deposited in the dedi-
19 cated highway and bridge trust fund (30050) for such purpose pursuant to
20 section 94 of the transportation law.

21 5. \$3,000,000 from the miscellaneous special revenue fund, traffic
22 adjudication account (22055), to the general fund.

23 6. \$5,000,000 from the miscellaneous special revenue fund, transporta-
24 tion regulation account (22067) to the general fund, for disbursements
25 made from such fund for motor carrier safety that are in excess of the
26 amounts deposited in the general fund for such purpose pursuant to
27 section 94 of the transportation law.

28 Miscellaneous:

29 1. \$750,000,000 from the general fund to any funds or accounts for the
30 purpose of reimbursing certain outstanding accounts receivable balances.

31 2. \$500,000,000 from the general fund to the debt reduction reserve
32 fund (40000).

33 3. \$450,000,000 from the New York state storm recovery capital fund
34 (33000) to the revenue bond tax fund (40152).

35 4. \$15,500,000 from the general fund, community projects account GG
36 (10256), to the general fund, state purposes account (10050).

37 5. \$100,000,000 from any special revenue federal fund to the general
38 fund, state purposes account (10050).

39 6. \$12,750,000,000 from the special revenue federal fund, ARPA-Fiscal
40 Recovery Fund (25546) to the general fund, state purposes account
41 (10050) to cover eligible costs incurred by the state.

42 § 3. Notwithstanding any law to the contrary, and in accordance with
43 section 4 of the state finance law, the comptroller is hereby authorized
44 and directed to transfer, on or before March 31, 2023:

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

51 2. Upon request of the commissioner of agriculture and markets, up to
52 \$3,000,000 from any special revenue fund or enterprise fund within the
53 department of agriculture and markets to the general fund, to pay appro-
54 priate administrative expenses.

55 3. Upon request of the commissioner of agriculture and markets, up to
56 \$2,000,000 from the state exposition special fund, state fair receipts

1 account (50051) to the miscellaneous capital projects fund, state fair
2 capital improvement account (32208).

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

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

12 6. Upon request of the commissioner of health up to \$13,694,000 from
13 revenues credited to any of the department of health's special revenue
14 funds, to the miscellaneous special revenue fund, administration account
15 (21982).

16 7. Upon the request of the attorney general, up to \$4,000,000 from
17 revenues credited to the federal health and human services fund, federal
18 health and human services account (25117) or the miscellaneous special
19 revenue fund, recoveries and revenue account (22041), to the miscella-
20 neous special revenue fund, litigation settlement and civil recovery
21 account (22117).

22 8. Upon the request of the commission of agriculture and markets, up
23 to \$3,000,000 from any special revenue fund or enterprise fund within
24 the department of agriculture and markets to the general fund, to pay
25 appropriate administrative expenses.

26 9. Upon the request of the commission of agriculture and markets, up
27 to \$2,000,000 from the state exposition special fund, state fair
28 receipts account (50051) to the miscellaneous capital projects fund,
29 state fair capital improvement account (32208).

30 § 4. On or before March 31, 2023, the comptroller is hereby authorized
31 and directed to deposit earnings that would otherwise accrue to the
32 general fund that are attributable to the operation of section 98-a of
33 the state finance law, to the agencies internal service fund, banking
34 services account (55057), for the purpose of meeting direct payments
35 from such account.

36 § 5. Notwithstanding any law to the contrary, upon the direction of
37 the director of the budget and upon requisition by the state university
38 of New York, the dormitory authority of the state of New York is
39 directed to transfer, up to \$22,000,000 in revenues generated from the
40 sale of notes or bonds, the state university income fund general revenue
41 account (22653) for reimbursement of bondable equipment for further
42 transfer to the state's general fund.

43 § 6. Notwithstanding any law to the contrary, and in accordance with
44 section 4 of the state finance law, the comptroller is hereby authorized
45 and directed to transfer, upon request of the director of the budget and
46 upon consultation with the state university chancellor or his or her
47 designee, on or before March 31, 2023, up to \$16,000,000 from the state
48 university income fund general revenue account (22653) to the state
49 general fund for debt service costs related to campus supported capital
50 project costs for the NY-SUNY 2020 challenge grant program at the
51 University at Buffalo.

52 § 7. Notwithstanding any law to the contrary, and in accordance with
53 section 4 of the state finance law, the comptroller is hereby authorized
54 and directed to transfer, upon request of the director of the budget and
55 upon consultation with the state university chancellor or his or her
56 designee, on or before March 31, 2023, up to \$6,500,000 from the state

1 university income fund general revenue account (22653) to the state
2 general fund for debt service costs related to campus supported capital
3 project costs for the NY-SUNY 2020 challenge grant program at the
4 University at Albany.

5 § 8. Notwithstanding any law to the contrary, the state university
6 chancellor or his or her designee is authorized and directed to transfer
7 estimated tuition revenue balances from the state university collection
8 fund (61000) to the state university income fund, state university
9 general revenue offset account (22655) on or before March 31, 2023.

10 § 9. Notwithstanding any law to the contrary, and in accordance with
11 section 4 of the state finance law, the comptroller is hereby authorized
12 and directed to transfer, upon request of the director of the budget, up
13 to \$1,100,384,416 from the general fund to the state university income
14 fund, state university general revenue offset account (22655) during the
15 period of July 1, 2022 through June 30, 2023 to support operations at
16 the state university.

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

25 § 11. Notwithstanding any law to the contrary, and in accordance with
26 section 4 of the state finance law, the comptroller is hereby authorized
27 and directed to transfer, upon request of the director of the budget, up
28 to \$20,000,000 from the general fund to the state university income
29 fund, state university general revenue offset account (22655) during the
30 period of July 1, 2022 to June 30, 2023 to support operations at the
31 state university in accordance with the maintenance of effort pursuant
32 to subparagraph (4) of paragraph h of subdivision 2 of section 355 of
33 the education law.

34 § 12. Notwithstanding any law to the contrary, and in accordance with
35 section 4 of the state finance law, the comptroller is hereby authorized
36 and directed to transfer, upon request of the state university chancel-
37 lor or his or her designee, up to \$55,000,000 from the state university
38 income fund, state university hospitals income reimbursable account
39 (22656), for services and expenses of hospital operations and capital
40 expenditures at the state university hospitals; and the state university
41 income fund, Long Island veterans' home account (22652) to the state
42 university capital projects fund (32400) on or before June 30, 2023.

43 § 13. Notwithstanding any law to the contrary, and in accordance with
44 section 4 of the state finance law, the comptroller, after consultation
45 with the state university chancellor or his or her designee, is hereby
46 authorized and directed to transfer moneys, in the first instance, from
47 the state university collection fund, Stony Brook hospital collection
48 account (61006), Brooklyn hospital collection account (61007), and Syra-
49 cuse hospital collection account (61008) to the state university income
50 fund, state university hospitals income reimbursable account (22656) in
51 the event insufficient funds are available in the state university
52 income fund, state university hospitals income reimbursable account
53 (22656) to permit the full transfer of moneys authorized for transfer,
54 to the general fund for payment of debt service related to the SUNY
55 hospitals. Notwithstanding any law to the contrary, the comptroller is
56 also hereby authorized and directed, after consultation with the state

1 university chancellor or his or her designee, to transfer moneys from
2 the state university income fund to the state university income fund,
3 state university hospitals income reimbursable account (22656) in the
4 event insufficient funds are available in the state university income
5 fund, state university hospitals income reimbursable account (22656) to
6 pay hospital operating costs or to permit the full transfer of moneys
7 authorized for transfer, to the general fund for payment of debt service
8 related to the SUNY hospitals on or before March 31, 2023.

9 § 14. Notwithstanding any law to the contrary, upon the direction of
10 the director of the budget and the chancellor of the state university of
11 New York or his or her designee, and in accordance with section 4 of the
12 state finance law, the comptroller is hereby authorized and directed to
13 transfer monies from the state university dormitory income fund (40350)
14 to the state university residence hall rehabilitation fund (30100), and
15 from the state university residence hall rehabilitation fund (30100) to
16 the state university dormitory income fund (40350), in an amount not to
17 exceed \$100 million from each fund.

18 § 15. Notwithstanding any law to the contrary, and in accordance with
19 section 4 of the state finance law, the comptroller is hereby authorized
20 and directed to transfer, at the request of the director of the budget,
21 up to \$700 million from the unencumbered balance of any special revenue
22 fund or account, agency fund or account, internal service fund or
23 account, enterprise fund or account, or any combination of such funds
24 and accounts, to the general fund. The amounts transferred pursuant to
25 this authorization shall be in addition to any other transfers expressly
26 authorized in the 2022-23 budget. Transfers from federal funds, debt
27 service funds, capital projects funds, the community projects fund, or
28 funds that would result in the loss of eligibility for federal benefits
29 or federal funds pursuant to federal law, rule, or regulation as assent-
30 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
31 1951 are not permitted pursuant to this authorization.

32 § 16. Notwithstanding any law to the contrary, and in accordance with
33 section 4 of the state finance law, the comptroller is hereby authorized
34 and directed to transfer, at the request of the director of the budget,
35 up to \$100 million from any non-general fund or account, or combination
36 of funds and accounts, to the miscellaneous special revenue fund, tech-
37 nology financing account (22207), the miscellaneous capital projects
38 fund, the federal capital projects account (31350), information technol-
39 ogy capital financing account (32215), or the centralized technology
40 services account (55069), for the purpose of consolidating technology
41 procurement and services. The amounts transferred to the miscellaneous
42 special revenue fund, technology financing account (22207) pursuant to
43 this authorization shall be equal to or less than the amount of such
44 monies intended to support information technology costs which are
45 attributable, according to a plan, to such account made in pursuance to
46 an appropriation by law. Transfers to the technology financing account
47 shall be completed from amounts collected by non-general funds or
48 accounts pursuant to a fund deposit schedule or permanent statute, and
49 shall be transferred to the technology financing account pursuant to a
50 schedule agreed upon by the affected agency commissioner. Transfers from
51 funds that would result in the loss of eligibility for federal benefits
52 or federal funds pursuant to federal law, rule, or regulation as assent-
53 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
54 1951 are not permitted pursuant to this authorization.

55 § 17. Notwithstanding any law to the contrary, and in accordance with
56 section 4 of the state finance law, the comptroller is hereby authorized

1 and directed to transfer, at the request of the director of the budget,
2 up to \$400 million from any non-general fund or account, or combination
3 of funds and accounts, to the general fund for the purpose of consol-
4 idating technology procurement and services. The amounts transferred
5 pursuant to this authorization shall be equal to or less than the amount
6 of such monies intended to support information technology costs which
7 are attributable, according to a plan, to such account made in pursuance
8 to an appropriation by law. Transfers to the general fund shall be
9 completed from amounts collected by non-general funds or accounts pursu-
10 ant to a fund deposit schedule. Transfers from funds that would result
11 in the loss of eligibility for federal benefits or federal funds pursu-
12 ant to federal law, rule, or regulation as assented to in chapter 683 of
13 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
14 pursuant to this authorization.

15 § 18. Notwithstanding any provision of law to the contrary, as deemed
16 feasible and advisable by its trustees, the power authority of the state
17 of New York is authorized and directed to transfer to the state treasury
18 to the credit of the general fund up to \$20,000,000 for the state fiscal
19 year commencing April 1, 2022, the proceeds of which will be utilized to
20 support energy-related state activities.

21 § 19. Notwithstanding any provision of law, rule or regulation to the
22 contrary, the New York state energy research and development authority
23 is authorized and directed to make the following contributions to the
24 state treasury to the credit of the general fund on or before March 31,
25 2023: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the
26 authority from the auction or sale of carbon dioxide emission allowances
27 allocated by the department of environmental conservation.

28 § 20. Notwithstanding any provision of law, rule or regulation to the
29 contrary, the New York state energy research and development authority
30 is authorized and directed to transfer five million dollars to the cred-
31 it of the Environmental Protection Fund on or before March 31, 2023 from
32 proceeds collected by the authority from the auction or sale of carbon
33 dioxide emission allowances allocated by the department of environmental
34 conservation.

35 § 21. Subdivision 5 of section 97-rrr of the state finance law, as
36 amended by section 20 of part JJJ of chapter 59 of the laws of 2021, is
37 amended to read as follows:

38 5. Notwithstanding the provisions of section one hundred seventy-one-a
39 of the tax law, as separately amended by chapters four hundred eighty-
40 one and four hundred eighty-four of the laws of nineteen hundred eight-
41 y-one, and notwithstanding the provisions of chapter ninety-four of the
42 laws of two thousand eleven, or any other provisions of law to the
43 contrary, during the fiscal year beginning April first, two thousand
44 [~~twenty-one~~] twenty-two, the state comptroller is hereby authorized and
45 directed to deposit to the fund created pursuant to this section from
46 amounts collected pursuant to article twenty-two of the tax law and
47 pursuant to a schedule submitted by the director of the budget, up to
48 [~~\$1,979,457,000~~] \$1,830,985,000, as may be certified in such schedule as
49 necessary to meet the purposes of such fund for the fiscal year begin-
50 ning April first, two thousand [~~twenty-one~~] twenty-two.

51 § 22. Notwithstanding any law to the contrary, the comptroller is
52 hereby authorized and directed to transfer, upon request of the director
53 of the budget, on or before March 31, 2023, the following amounts from
54 the following special revenue accounts to the capital projects fund
55 (30000), for the purposes of reimbursement to such fund for expenses
56 related to the maintenance and preservation of state assets:

- 1 1. \$43,000 from the miscellaneous special revenue fund, administrative
2 program account (21982).
- 3 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
4 hospital account (22140).
- 5 3. \$456,000 from the miscellaneous special revenue fund, New York city
6 veterans' home account (22141).
- 7 4. \$570,000 from the miscellaneous special revenue fund, New York
8 state home for veterans' and their dependents at oxford account (22142).
- 9 5. \$170,000 from the miscellaneous special revenue fund, western New
10 York veterans' home account (22143).
- 11 6. \$323,000 from the miscellaneous special revenue fund, New York
12 state for veterans in the lower-hudson valley account (22144).
- 13 7. \$2,550,000 from the miscellaneous special revenue fund, patron
14 services account (22163).
- 15 8. \$7,502,241 from the miscellaneous special revenue fund, state
16 university general income reimbursable account (22653).
- 17 9. \$135,656,957 from the miscellaneous special revenue fund, state
18 university revenue offset account (22655).
- 19 10. \$49,329,802 from the state university dormitory income fund, state
20 university dormitory income fund (40350).
- 21 11. \$1,000,000 from the miscellaneous special revenue fund, litigation
22 settlement and civil recovery account (22117).

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

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

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

32 (2) the speaker of the assembly or the [~~chairman~~] chair of the assem-
33 bly ways and means committee (the "assembly").

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

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

41 6. Notwithstanding any law to the contrary, at the beginning of the
42 state fiscal year, the state comptroller is hereby authorized and
43 directed to receive for deposit to the credit of a fund and/or an
44 account such monies as are identified by the director of the budget as
45 having been intended for such deposit to support disbursements from such
46 fund and/or account made in pursuance of an appropriation by law. As
47 soon as practicable upon enactment of the budget, the director of the
48 budget shall, but not less than three days following preliminary
49 submission to the chairs of the senate finance committee and the assem-
50 bly ways and means committee, file with the state comptroller an iden-
51 tification of specific monies to be so deposited. Any subsequent change
52 regarding the monies to be so deposited shall be filed by the director
53 of the budget, as soon as practicable, but not less than three days
54 following preliminary submission to the chairs of the senate finance
55 committee and the assembly ways and means committee.

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

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

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

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

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

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

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

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

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

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

49 4. The moneys of the medical cannabis trust fund, following appropri-
50 ation by the legislature, shall be allocated upon a certificate of
51 approval of availability by the director of the budget as follows: (a)
52 Twenty-two and five-tenths percent of the monies shall be transferred to
53 the counties in New York state in which the medical cannabis was manu-
54 factured and allocated in proportion to the gross sales originating from
55 medical cannabis manufactured in each such county; (b) twenty-two and
56 five-tenths percent of the moneys shall be transferred to the counties

1 in New York state in which the medical cannabis was dispensed and allo-
2 cated in proportion to the gross sales occurring in each such county;
3 (c) five percent of the monies shall be transferred to the office of
4 addiction services and supports, which shall use that revenue for addi-
5 tional drug abuse prevention, counseling and treatment services; (d)
6 five percent of the revenue received by the department shall be trans-
7 ferred to the division of criminal justice services, which shall use
8 that revenue for a program of discretionary grants to state and local
9 law enforcement agencies that demonstrate a need relating to article
10 three of the cannabis law; said grants could be used for personnel costs
11 of state and local law enforcement agencies; and (e) forty-five percent
12 of the monies shall be [~~transferred~~] deposited to the New York state
13 cannabis revenue fund. For purposes of this subdivision, the city of New
14 York shall be deemed to be a county.

15 § 29. Notwithstanding any other law, rule, or regulation to the
16 contrary, the state comptroller is hereby authorized and directed to use
17 any balance remaining in the mental health services fund debt service
18 appropriation, after payment by the state comptroller of all obligations
19 required pursuant to any lease, sublease, or other financing arrangement
20 between the dormitory authority of the state of New York as successor to
21 the New York state medical care facilities finance agency, and the
22 facilities development corporation pursuant to chapter 83 of the laws of
23 1995 and the department of mental hygiene for the purpose of making
24 payments to the dormitory authority of the state of New York for the
25 amount of the earnings for the investment of monies deposited in the
26 mental health services fund that such agency determines will or may have
27 to be rebated to the federal government pursuant to the provisions of
28 the internal revenue code of 1986, as amended, in order to enable such
29 agency to maintain the exemption from federal income taxation on the
30 interest paid to the holders of such agency's mental services facilities
31 improvement revenue bonds. Annually on or before each June 30th, such
32 agency shall certify to the state comptroller its determination of the
33 amounts received in the mental health services fund as a result of the
34 investment of monies deposited therein that will or may have to be
35 rebated to the federal government pursuant to the provisions of the
36 internal revenue code of 1986, as amended.

37 § 30. Subdivision 1 of section 16 of part D of chapter 389 of the laws
38 of 1997, relating to the financing of the correctional facilities
39 improvement fund and the youth facility improvement fund, as amended by
40 section 25 of part JJJ of chapter 59 of the laws of 2021, is amended to
41 read as follows:

42 1. Subject to the provisions of chapter 59 of the laws of 2000, but
43 notwithstanding the provisions of section 18 of section 1 of chapter 174
44 of the laws of 1968, the New York state urban development corporation is
45 hereby authorized to issue bonds, notes and other obligations in an
46 aggregate principal amount not to exceed [~~nine billion one hundred thir-~~
47 ~~ty nine million six hundred nineteen thousand dollars \$9,139,619,000~~]
48 nine billion five hundred two million seven hundred thirty-nine thousand
49 dollars \$9,502,739,000, and shall include all bonds, notes and other
50 obligations issued pursuant to chapter 56 of the laws of 1983, as
51 amended or supplemented. The proceeds of such bonds, notes or other
52 obligations shall be paid to the state, for deposit in the correctional
53 facilities capital improvement fund to pay for all or any portion of the
54 amount or amounts paid by the state from appropriations or reappropri-
55 ations made to the department of corrections and community supervision
56 from the correctional facilities capital improvement fund for capital

1 projects. The aggregate amount of bonds, notes or other obligations
2 authorized to be issued pursuant to this section shall exclude bonds,
3 notes or other obligations issued to refund or otherwise repay bonds,
4 notes or other obligations theretofore issued, the proceeds of which
5 were paid to the state for all or a portion of the amounts expended by
6 the state from appropriations or reappropriations made to the department
7 of corrections and community supervision; provided, however, that upon
8 any such refunding or repayment the total aggregate principal amount of
9 outstanding bonds, notes or other obligations may be greater than [~~nine~~
10 ~~billion one hundred thirty-nine million six hundred nineteen thousand~~
11 ~~dollars \$9,139,619,000~~] nine billion five hundred two million seven
12 hundred thirty-nine thousand dollars \$9,502,739,000, only if the present
13 value of the aggregate debt service of the refunding or repayment bonds,
14 notes or other obligations to be issued shall not exceed the present
15 value of the aggregate debt service of the bonds, notes or other obli-
16 gations so to be refunded or repaid. For the purposes hereof, the pres-
17 ent value of the aggregate debt service of the refunding or repayment
18 bonds, notes or other obligations and of the aggregate debt service of
19 the bonds, notes or other obligations so refunded or repaid, shall be
20 calculated by utilizing the effective interest rate of the refunding or
21 repayment bonds, notes or other obligations, which shall be that rate
22 arrived at by doubling the semi-annual interest rate (compounded semi-
23 annually) necessary to discount the debt service payments on the refund-
24 ing or repayment bonds, notes or other obligations from the payment
25 dates thereof to the date of issue of the refunding or repayment bonds,
26 notes or other obligations and to the price bid including estimated
27 accrued interest or proceeds received by the corporation including esti-
28 mated accrued interest from the sale thereof.

29 § 31. Subdivision (a) of section 27 of part Y of chapter 61 of the
30 laws of 2005, relating to providing for the administration of certain
31 funds and accounts related to the 2005-2006 budget, as amended by
32 section 26 of part JJJ of chapter 59 of the laws of 2021, is amended to
33 read as follows:

34 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
35 notwithstanding any provisions of law to the contrary, the urban devel-
36 opment corporation is hereby authorized to issue bonds or notes in one
37 or more series in an aggregate principal amount not to exceed [~~three~~
38 ~~hundred seventy-four million six hundred thousand dollars \$374,600,000~~]
39 four hundred twenty-six million one hundred thousand dollars
40 \$426,100,000, excluding bonds issued to finance one or more debt service
41 reserve funds, to pay costs of issuance of such bonds, and bonds or
42 notes issued to refund or otherwise repay such bonds or notes previously
43 issued, for the purpose of financing capital projects including IT
44 initiatives for the division of state police, debt service and leases;
45 and to reimburse the state general fund for disbursements made therefor.
46 Such bonds and notes of such authorized issuer shall not be a debt of
47 the state, and the state shall not be liable thereon, nor shall they be
48 payable out of any funds other than those appropriated by the state to
49 such authorized issuer for debt service and related expenses pursuant to
50 any service contract executed pursuant to subdivision (b) of this
51 section and such bonds and notes shall contain on the face thereof a
52 statement to such effect. Except for purposes of complying with the
53 internal revenue code, any interest income earned on bond proceeds shall
54 only be used to pay debt service on such bonds.

1 § 32. Subdivision 3 of section 1285-p of the public authorities law,
2 as amended by section 27 of part JJJ of chapter 59 of the laws of 2021,
3 is amended to read as follows:

4 3. The maximum amount of bonds that may be issued for the purpose of
5 financing environmental infrastructure projects authorized by this
6 section shall be [~~seven billion one hundred thirty million ten thousand~~
7 ~~dollars \$7,130,010,000~~] eight billion eighty-nine million one hundred
8 ten thousand dollars \$8,089,110,000, exclusive of bonds issued to fund
9 any debt service reserve funds, pay costs of issuance of such bonds, and
10 bonds or notes issued to refund or otherwise repay bonds or notes previ-
11 ously issued. Such bonds and notes of the corporation shall not be a
12 debt of the state, and the state shall not be liable thereon, nor shall
13 they be payable out of any funds other than those appropriated by the
14 state to the corporation for debt service and related expenses pursuant
15 to any service contracts executed pursuant to subdivision one of this
16 section, and such bonds and notes shall contain on the face thereof a
17 statement to such effect.

18 § 33. Subdivision (a) of section 48 of part K of chapter 81 of the
19 laws of 2002, relating to providing for the administration of certain
20 funds and accounts related to the 2002-2003 budget, as amended by
21 section 28 of part JJJ of chapter 59 of the laws of 2021, is amended to
22 read as follows:

23 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
24 notwithstanding the provisions of section 18 of the urban development
25 corporation act, the corporation is hereby authorized to issue bonds or
26 notes in one or more series in an aggregate principal amount not to
27 exceed [~~three hundred forty seven million five hundred thousand dollars~~
28 ~~\$347,500,000~~] three hundred eighty-three million five hundred thousand
29 dollars \$383,500,000, excluding bonds issued to fund one or more debt
30 service reserve funds, to pay costs of issuance of such bonds, and bonds
31 or notes issued to refund or otherwise repay such bonds or notes previ-
32 ously issued, for the purpose of financing capital costs related to
33 homeland security and training facilities for the division of state
34 police, the division of military and naval affairs, and any other state
35 agency, including the reimbursement of any disbursements made from the
36 state capital projects fund, and is hereby authorized to issue bonds or
37 notes in one or more series in an aggregate principal amount not to
38 exceed [~~one billion three hundred eight million six hundred eighty six~~
39 ~~thousand dollars \$1,308,686,000~~] one billion five hundred ninety-one
40 million nine hundred eighty-six thousand dollars \$1,591,986,000, exclud-
41 ing bonds issued to fund one or more debt service reserve funds, to pay
42 costs of issuance of such bonds, and bonds or notes issued to refund or
43 otherwise repay such bonds or notes previously issued, for the purpose
44 of financing improvements to State office buildings and other facilities
45 located statewide, including the reimbursement of any disbursements made
46 from the state capital projects fund. Such bonds and notes of the corpo-
47 ration shall not be a debt of the state, and the state shall not be
48 liable thereon, nor shall they be payable out of any funds other than
49 those appropriated by the state to the corporation for debt service and
50 related expenses pursuant to any service contracts executed pursuant to
51 subdivision (b) of this section, and such bonds and notes shall contain
52 on the face thereof a statement to such effect.

53 § 34. Paragraph (c) of subdivision 19 of section 1680 of the public
54 authorities law, as amended by section 29 of part JJJ of chapter 59 of
55 the laws of 2021, is amended to read as follows:

1 (c) Subject to the provisions of chapter fifty-nine of the laws of two
2 thousand, the dormitory authority shall not issue any bonds for state
3 university educational facilities purposes if the principal amount of
4 bonds to be issued when added to the aggregate principal amount of bonds
5 issued by the dormitory authority on and after July first, nineteen
6 hundred eighty-eight for state university educational facilities will
7 exceed [~~fifteen billion five hundred fifty-five million eight hundred~~
8 ~~sixty-four thousand dollars \$15,555,864,000~~] sixteen billion three
9 hundred seventy-one million eight hundred sixty-four thousand dollars
10 \$16,371,864,000; provided, however, that bonds issued or to be issued
11 shall be excluded from such limitation if: (1) such bonds are issued to
12 refund state university construction bonds and state university
13 construction notes previously issued by the housing finance agency; or
14 (2) such bonds are issued to refund bonds of the authority or other
15 obligations issued for state university educational facilities purposes
16 and the present value of the aggregate debt service on the refunding
17 bonds does not exceed the present value of the aggregate debt service on
18 the bonds refunded thereby; provided, further that upon certification by
19 the director of the budget that the issuance of refunding bonds or other
20 obligations issued between April first, nineteen hundred ninety-two and
21 March thirty-first, nineteen hundred ninety-three will generate long
22 term economic benefits to the state, as assessed on a present value
23 basis, such issuance will be deemed to have met the present value test
24 noted above. For purposes of this subdivision, the present value of the
25 aggregate debt service of the refunding bonds and the aggregate debt
26 service of the bonds refunded, shall be calculated by utilizing the true
27 interest cost of the refunding bonds, which shall be that rate arrived
28 at by doubling the semi-annual interest rate (compounded semi-annually)
29 necessary to discount the debt service payments on the refunding bonds
30 from the payment dates thereof to the date of issue of the refunding
31 bonds to the purchase price of the refunding bonds, including interest
32 accrued thereon prior to the issuance thereof. The maturity of such
33 bonds, other than bonds issued to refund outstanding bonds, shall not
34 exceed the weighted average economic life, as certified by the state
35 university construction fund, of the facilities in connection with which
36 the bonds are issued, and in any case not later than the earlier of
37 thirty years or the expiration of the term of any lease, sublease or
38 other agreement relating thereto; provided that no note, including
39 renewals thereof, shall mature later than five years after the date of
40 issuance of such note. The legislature reserves the right to amend or
41 repeal such limit, and the state of New York, the dormitory authority,
42 the state university of New York, and the state university construction
43 fund are prohibited from covenanting or making any other agreements with
44 or for the benefit of bondholders which might in any way affect such
45 right.

46 § 35. Paragraph (c) of subdivision 14 of section 1680 of the public
47 authorities law, as amended by section 30 of part JJJ of chapter 59 of
48 the laws of 2021, is amended to read as follows:

49 (c) Subject to the provisions of chapter fifty-nine of the laws of two
50 thousand, (i) the dormitory authority shall not deliver a series of
51 bonds for city university community college facilities, except to refund
52 or to be substituted for or in lieu of other bonds in relation to city
53 university community college facilities pursuant to a resolution of the
54 dormitory authority adopted before July first, nineteen hundred eighty-
55 five or any resolution supplemental thereto, if the principal amount of
56 bonds so to be issued when added to all principal amounts of bonds

1 previously issued by the dormitory authority for city university commu-
2 nity college facilities, except to refund or to be substituted in lieu
3 of other bonds in relation to city university community college facili-
4 ties will exceed the sum of four hundred twenty-five million dollars and
5 (ii) the dormitory authority shall not deliver a series of bonds issued
6 for city university facilities, including community college facilities,
7 pursuant to a resolution of the dormitory authority adopted on or after
8 July first, nineteen hundred eighty-five, except to refund or to be
9 substituted for or in lieu of other bonds in relation to city university
10 facilities and except for bonds issued pursuant to a resolution supple-
11 mental to a resolution of the dormitory authority adopted prior to July
12 first, nineteen hundred eighty-five, if the principal amount of bonds so
13 to be issued when added to the principal amount of bonds previously
14 issued pursuant to any such resolution, except bonds issued to refund or
15 to be substituted for or in lieu of other bonds in relation to city
16 university facilities, will exceed [~~nine billion six hundred sixty one~~
17 ~~million thirty thousand dollars \$9,661,030,000~~] ten billion ninety-eight
18 million six hundred twenty-six thousand dollars \$10,098,626,000. The
19 legislature reserves the right to amend or repeal such limit, and the
20 state of New York, the dormitory authority, the city university, and the
21 fund are prohibited from covenanting or making any other agreements with
22 or for the benefit of bondholders which might in any way affect such
23 right.

24 § 36. Subdivision 10-a of section 1680 of the public authorities law,
25 as amended by section 31 of part JJJ of chapter 59 of the laws of 2021,
26 is amended to read as follows:

27 10-a. Subject to the provisions of chapter fifty-nine of the laws of
28 two thousand, but notwithstanding any other provision of the law to the
29 contrary, the maximum amount of bonds and notes to be issued after March
30 thirty-first, two thousand two, on behalf of the state, in relation to
31 any locally sponsored community college, shall be [~~one billion sixty six~~
32 ~~million two hundred fifty seven thousand dollars \$1,066,257,000~~] one
33 billion one hundred twenty-three million one hundred forty thousand
34 dollars \$1,123,140,000. Such amount shall be exclusive of bonds and
35 notes issued to fund any reserve fund or funds, costs of issuance and to
36 refund any outstanding bonds and notes, issued on behalf of the state,
37 relating to a locally sponsored community college.

38 § 37. Subdivision 1 of section 17 of part D of chapter 389 of the laws
39 of 1997, relating to the financing of the correctional facilities
40 improvement fund and the youth facility improvement fund, as amended by
41 section 32 of part JJJ of chapter 59 of the laws of 2021, is amended to
42 read as follows:

43 1. Subject to the provisions of chapter 59 of the laws of 2000, but
44 notwithstanding the provisions of section 18 of section 1 of chapter 174
45 of the laws of 1968, the New York state urban development corporation is
46 hereby authorized to issue bonds, notes and other obligations in an
47 aggregate principal amount not to exceed [~~eight hundred seventy six~~
48 ~~million fifteen thousand dollars \$876,015,000~~] nine hundred eleven
49 million seven hundred fifteen thousand dollars \$911,715,000, which
50 authorization increases the aggregate principal amount of bonds, notes
51 and other obligations authorized by section 40 of chapter 309 of the
52 laws of 1996, and shall include all bonds, notes and other obligations
53 issued pursuant to chapter 211 of the laws of 1990, as amended or
54 supplemented. The proceeds of such bonds, notes or other obligations
55 shall be paid to the state, for deposit in the youth facilities improve-
56 ment fund, to pay for all or any portion of the amount or amounts paid

1 by the state from appropriations or reappropriations made to the office
2 of children and family services from the youth facilities improvement
3 fund for capital projects. The aggregate amount of bonds, notes and
4 other obligations authorized to be issued pursuant to this section shall
5 exclude bonds, notes or other obligations issued to refund or otherwise
6 repay bonds, notes or other obligations theretofore issued, the proceeds
7 of which were paid to the state for all or a portion of the amounts
8 expended by the state from appropriations or reappropriations made to
9 the office of children and family services; provided, however, that upon
10 any such refunding or repayment the total aggregate principal amount of
11 outstanding bonds, notes or other obligations may be greater than [~~eight~~
12 ~~hundred seventy six million fifteen thousand dollars \$876,015,000~~] nine
13 hundred eleven million seven hundred fifteen thousand dollars
14 \$911,715,000, only if the present value of the aggregate debt service of
15 the refunding or repayment bonds, notes or other obligations to be
16 issued shall not exceed the present value of the aggregate debt service
17 of the bonds, notes or other obligations so to be refunded or repaid.
18 For the purposes hereof, the present value of the aggregate debt service
19 of the refunding or repayment bonds, notes or other obligations and of
20 the aggregate debt service of the bonds, notes or other obligations so
21 refunded or repaid, shall be calculated by utilizing the effective
22 interest rate of the refunding or repayment bonds, notes or other obli-
23 gations, which shall be that rate arrived at by doubling the semi-annual
24 interest rate (compounded semi-annually) necessary to discount the debt
25 service payments on the refunding or repayment bonds, notes or other
26 obligations from the payment dates thereof to the date of issue of the
27 refunding or repayment bonds, notes or other obligations and to the
28 price bid including estimated accrued interest or proceeds received by
29 the corporation including estimated accrued interest from the sale ther-
30 eof.

31 § 38. Paragraph b of subdivision 2 of section 9-a of section 1 of
32 chapter 392 of the laws of 1973, constituting the New York state medical
33 care facilities finance agency act, as amended by section 33 of part JJJ
34 of chapter 59 of the laws of 2021, is amended to read as follows:

35 b. The agency shall have power and is hereby authorized from time to
36 time to issue negotiable bonds and notes in conformity with applicable
37 provisions of the uniform commercial code in such principal amount as,
38 in the opinion of the agency, shall be necessary, after taking into
39 account other moneys which may be available for the purpose, to provide
40 sufficient funds to the facilities development corporation, or any
41 successor agency, for the financing or refinancing of or for the design,
42 construction, acquisition, reconstruction, rehabilitation or improvement
43 of mental health services facilities pursuant to paragraph a of this
44 subdivision, the payment of interest on mental health services improve-
45 ment bonds and mental health services improvement notes issued for such
46 purposes, the establishment of reserves to secure such bonds and notes,
47 the cost or premium of bond insurance or the costs of any financial
48 mechanisms which may be used to reduce the debt service that would be
49 payable by the agency on its mental health services facilities improve-
50 ment bonds and notes and all other expenditures of the agency incident
51 to and necessary or convenient to providing the facilities development
52 corporation, or any successor agency, with funds for the financing or
53 refinancing of or for any such design, construction, acquisition, recon-
54 struction, rehabilitation or improvement and for the refunding of mental
55 hygiene improvement bonds issued pursuant to section 47-b of the private
56 housing finance law; provided, however, that the agency shall not issue

1 mental health services facilities improvement bonds and mental health
2 services facilities improvement notes in an aggregate principal amount
3 exceeding [~~ten billion four hundred seventy-six million seven hundred~~
4 ~~seventy-three thousand dollars \$10,476,773,000~~] ten billion nine hundred
5 thirty-two million six hundred thirty-three thousand dollars
6 \$10,932,633,000, excluding mental health services facilities improvement
7 bonds and mental health services facilities improvement notes issued to
8 refund outstanding mental health services facilities improvement bonds
9 and mental health services facilities improvement notes; provided,
10 however, that upon any such refunding or repayment of mental health
11 services facilities improvement bonds and/or mental health services
12 facilities improvement notes the total aggregate principal amount of
13 outstanding mental health services facilities improvement bonds and
14 mental health facilities improvement notes may be greater than [~~ten~~
15 ~~billion four hundred seventy-six million seven hundred seventy-three~~
16 ~~thousand dollars \$10,476,773,000~~] ten billion nine hundred thirty-two
17 million six hundred thirty-three thousand dollars \$10,932,633,000, only
18 if, except as hereinafter provided with respect to mental health
19 services facilities bonds and mental health services facilities notes
20 issued to refund mental hygiene improvement bonds authorized to be
21 issued pursuant to the provisions of section 47-b of the private housing
22 finance law, the present value of the aggregate debt service of the
23 refunding or repayment bonds to be issued shall not exceed the present
24 value of the aggregate debt service of the bonds to be refunded or
25 repaid. For purposes hereof, the present values of the aggregate debt
26 service of the refunding or repayment bonds, notes or other obligations
27 and of the aggregate debt service of the bonds, notes or other obli-
28 gations so refunded or repaid, shall be calculated by utilizing the
29 effective interest rate of the refunding or repayment bonds, notes or
30 other obligations, which shall be that rate arrived at by doubling the
31 semi-annual interest rate (compounded semi-annually) necessary to
32 discount the debt service payments on the refunding or repayment bonds,
33 notes or other obligations from the payment dates thereof to the date of
34 issue of the refunding or repayment bonds, notes or other obligations
35 and to the price bid including estimated accrued interest or proceeds
36 received by the authority including estimated accrued interest from the
37 sale thereof. Such bonds, other than bonds issued to refund outstanding
38 bonds, shall be scheduled to mature over a term not to exceed the aver-
39 age useful life, as certified by the facilities development corporation,
40 of the projects for which the bonds are issued, and in any case shall
41 not exceed thirty years and the maximum maturity of notes or any
42 renewals thereof shall not exceed five years from the date of the
43 original issue of such notes. Notwithstanding the provisions of this
44 section, the agency shall have the power and is hereby authorized to
45 issue mental health services facilities improvement bonds and/or mental
46 health services facilities improvement notes to refund outstanding
47 mental hygiene improvement bonds authorized to be issued pursuant to the
48 provisions of section 47-b of the private housing finance law and the
49 amount of bonds issued or outstanding for such purposes shall not be
50 included for purposes of determining the amount of bonds issued pursuant
51 to this section. The director of the budget shall allocate the aggregate
52 principal authorized to be issued by the agency among the office of
53 mental health, office for people with developmental disabilities, and
54 the office of addiction services and supports, in consultation with
55 their respective commissioners to finance bondable appropriations previ-
56 ously approved by the legislature.

1 § 39. Subdivision (a) of section 28 of part Y of chapter 61 of the
2 laws of 2005, relating to providing for the administration of certain
3 funds and accounts related to the 2005-2006 budget, as amended by
4 section 34 of part JJJ of chapter 59 of the laws of 2021, is amended to
5 read as follows:

6 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
7 notwithstanding any provisions of law to the contrary, one or more
8 authorized issuers as defined by section 68-a of the state finance law
9 are hereby authorized to issue bonds or notes in one or more series in
10 an aggregate principal amount not to exceed [~~one hundred seventy-two~~
11 ~~million dollars \$172,000,000~~] one hundred ninety-seven million dollars
12 \$197,000,000, excluding bonds issued to finance one or more debt service
13 reserve funds, to pay costs of issuance of such bonds, and bonds or
14 notes issued to refund or otherwise repay such bonds or notes previously
15 issued, for the purpose of financing capital projects for public
16 protection facilities in the Division of Military and Naval Affairs,
17 debt service and leases; and to reimburse the state general fund for
18 disbursements made therefor. Such bonds and notes of such authorized
19 issuer shall not be a debt of the state, and the state shall not be
20 liable thereon, nor shall they be payable out of any funds other than
21 those appropriated by the state to such authorized issuer for debt
22 service and related expenses pursuant to any service contract executed
23 pursuant to subdivision (b) of this section and such bonds and notes
24 shall contain on the face thereof a statement to such effect. Except for
25 purposes of complying with the internal revenue code, any interest
26 income earned on bond proceeds shall only be used to pay debt service on
27 such bonds.

28 § 40. Section 53 of section 1 of chapter 174 of the laws of 1968,
29 constituting the New York state urban development corporation act, as
30 amended by section 35 of part JJJ of chapter 59 of the laws of 2021, is
31 amended to read as follows:

32 § 53. 1. Notwithstanding the provisions of any other law to the
33 contrary, the dormitory authority and the urban development corporation
34 are hereby authorized to issue bonds or notes in one or more series for
35 the purpose of funding project costs for the acquisition of equipment,
36 including but not limited to the creation or modernization of informa-
37 tion technology systems and related research and development equipment,
38 health and safety equipment, heavy equipment and machinery, the creation
39 or improvement of security systems, and laboratory equipment and other
40 state costs associated with such capital projects. The aggregate princi-
41 pal amount of bonds authorized to be issued pursuant to this section
42 shall not exceed [~~two hundred ninety-three million dollars \$293,000,000~~]
43 three hundred ninety-three million dollars \$393,000,000, excluding bonds
44 issued to fund one or more debt service reserve funds, to pay costs of
45 issuance of such bonds, and bonds or notes issued to refund or otherwise
46 repay such bonds or notes previously issued. Such bonds and notes of the
47 dormitory authority and the urban development corporation shall not be a
48 debt of the state, and the state shall not be liable thereon, nor shall
49 they be payable out of any funds other than those appropriated by the
50 state to the dormitory authority and the urban development corporation
51 for principal, interest, and related expenses pursuant to a service
52 contract and such bonds and notes shall contain on the face thereof a
53 statement to such effect. Except for purposes of complying with the
54 internal revenue code, any interest income earned on bond proceeds shall
55 only be used to pay debt service on such bonds.

1 2. Notwithstanding any other provision of law to the contrary, in
2 order to assist the dormitory authority and the urban development corpo-
3 ration in undertaking the financing for project costs for the acquisi-
4 tion of equipment, including but not limited to the creation or modern-
5 ization of information technology systems and related research and
6 development equipment, health and safety equipment, heavy equipment and
7 machinery, the creation or improvement of security systems, and labora-
8 tory equipment and other state costs associated with such capital
9 projects, the director of the budget is hereby authorized to enter into
10 one or more service contracts with the dormitory authority and the urban
11 development corporation, none of which shall exceed thirty years in
12 duration, upon such terms and conditions as the director of the budget
13 and the dormitory authority and the urban development corporation agree,
14 so as to annually provide to the dormitory authority and the urban
15 development corporation, in the aggregate, a sum not to exceed the prin-
16 cipal, interest, and related expenses required for such bonds and notes.
17 Any service contract entered into pursuant to this section shall provide
18 that the obligation of the state to pay the amount therein provided
19 shall not constitute a debt of the state within the meaning of any
20 constitutional or statutory provision and shall be deemed executory only
21 to the extent of monies available and that no liability shall be
22 incurred by the state beyond the monies available for such purpose,
23 subject to annual appropriation by the legislature. Any such contract or
24 any payments made or to be made thereunder may be assigned and pledged
25 by the dormitory authority and the urban development corporation as
26 security for its bonds and notes, as authorized by this section.

27 § 41. Subdivision (b) of section 11 of chapter 329 of the laws of
28 1991, amending the state finance law and other laws relating to the
29 establishment of the dedicated highway and bridge trust fund, as amended
30 by section 36 of part JJJ of chapter 59 of the laws of 2021, is amended
31 to read as follows:

32 (b) Any service contract or contracts for projects authorized pursuant
33 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
34 14-k of the transportation law, and entered into pursuant to subdivision
35 (a) of this section, shall provide for state commitments to provide
36 annually to the thruway authority a sum or sums, upon such terms and
37 conditions as shall be deemed appropriate by the director of the budget,
38 to fund, or fund the debt service requirements of any bonds or any obli-
39 gations of the thruway authority issued to fund or to reimburse the
40 state for funding such projects having a cost not in excess of [~~twelve~~
41 ~~billion two hundred sixty million five hundred twenty eight thousand~~
42 ~~dollars \$12,260,528,000~~] thirteen billion fifty-three million eight
43 hundred eighty-one thousand dollars \$13,053,881,000 cumulatively by the
44 end of fiscal year [~~2021-22~~] 2022-23. For purposes of this subdivision,
45 such projects shall be deemed to include capital grants to cities, towns
46 and villages for the reimbursement of eligible capital costs of local
47 highway and bridge projects within such municipality, where allocations
48 to cities, towns and villages are based on the total number of New York
49 or United States or interstate signed touring route miles for which such
50 municipality has capital maintenance responsibility, and where such
51 eligible capital costs include the costs of construction and repair of
52 highways, bridges, highway-railroad crossings, and other transportation
53 facilities for projects with a service life of ten years or more.

54 § 42. Subdivision 1 of section 1689-i of the public authorities law,
55 as amended by section 37 of part JJJ of chapter 59 of the laws of 2021,
56 is amended to read as follows:

1 1. The dormitory authority is authorized to issue bonds, at the
2 request of the commissioner of education, to finance eligible library
3 construction projects pursuant to section two hundred seventy-three-a of
4 the education law, in amounts certified by such commissioner not to
5 exceed a total principal amount of [~~two hundred ninety-nine million~~
6 ~~dollars~~ ~~\$299,000,000~~] three hundred thirteen million dollars
7 \$313,000,000.

8 § 43. Section 44 of section 1 of chapter 174 of the laws of 1968,
9 constituting the New York state urban development corporation act, as
10 amended by section 38 of part JJJ of chapter 59 of the laws of 2021, is
11 amended to read as follows:

12 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
13 provisions of any other law to the contrary, the dormitory authority and
14 the corporation are hereby authorized to issue bonds or notes in one or
15 more series for the purpose of funding project costs for the regional
16 economic development council initiative, the economic transformation
17 program, state university of New York college for nanoscale and science
18 engineering, projects within the city of Buffalo or surrounding envi-
19 rons, the New York works economic development fund, projects for the
20 retention of professional football in western New York, the empire state
21 economic development fund, the clarkson-trudeau partnership, the New
22 York genome center, the cornell university college of veterinary medi-
23 cine, the olympic regional development authority, projects at nano
24 Utica, onondaga county revitalization projects, Binghamton university
25 school of pharmacy, New York power electronics manufacturing consortium,
26 regional infrastructure projects, high tech innovation and economic
27 development infrastructure program, high technology manufacturing
28 projects in Chautauqua and Erie county, an industrial scale research and
29 development facility in Clinton county, upstate revitalization initi-
30 ative projects, downstate revitalization initiative, market New York
31 projects, fairground buildings, equipment or facilities used to house
32 and promote agriculture, the state fair, the empire state trail, the
33 moynihan station development project, the Kingsbridge armory project,
34 strategic economic development projects, the cultural, arts and public
35 spaces fund, water infrastructure in the city of Auburn and town of
36 Owasco, a life sciences laboratory public health initiative, not-for-
37 profit pounds, shelters and humane societies, arts and cultural facili-
38 ties improvement program, restore New York's communities initiative,
39 heavy equipment, economic development and infrastructure projects,
40 Roosevelt Island operating corporation capital projects, Lake Ontario
41 regional projects, Pennsylvania station and other transit projects and
42 other state costs associated with such projects. The aggregate principal
43 amount of bonds authorized to be issued pursuant to this section shall
44 not exceed [~~eleven billion two hundred seventy-nine million two hundred~~
45 ~~two thousand dollars~~ ~~\$11,279,202,000~~] thirteen billion nine hundred
46 thirty-eight million four hundred two thousand dollars \$13,938,402,000,
47 excluding bonds issued to fund one or more debt service reserve funds,
48 to pay costs of issuance of such bonds, and bonds or notes issued to
49 refund or otherwise repay such bonds or notes previously issued. Such
50 bonds and notes of the dormitory authority and the corporation shall not
51 be a debt of the state, and the state shall not be liable thereon, nor
52 shall they be payable out of any funds other than those appropriated by
53 the state to the dormitory authority and the corporation for principal,
54 interest, and related expenses pursuant to a service contract and such
55 bonds and notes shall contain on the face thereof a statement to such
56 effect. Except for purposes of complying with the internal revenue code,

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

3 2. Notwithstanding any other provision of law to the contrary, in
4 order to assist the dormitory authority and the corporation in undertak-
5 ing the financing for project costs for the regional economic develop-
6 ment council initiative, the economic transformation program, state
7 university of New York college for nanoscale and science engineering,
8 projects within the city of Buffalo or surrounding environs, the New
9 York works economic development fund, projects for the retention of
10 professional football in western New York, the empire state economic
11 development fund, the clarkson-trudeau partnership, the New York genome
12 center, the cornell university college of veterinary medicine, the olym-
13 pic regional development authority, projects at nano Utica, onondaga
14 county revitalization projects, Binghamton university school of pharma-
15 cy, New York power electronics manufacturing consortium, regional
16 infrastructure projects, New York State Capital Assistance Program for
17 Transportation, infrastructure, and economic development, high tech
18 innovation and economic development infrastructure program, high tech-
19 nology manufacturing projects in Chautauqua and Erie county, an indus-
20 trial scale research and development facility in Clinton county, upstate
21 revitalization initiative projects, downstate revitalization initiative,
22 market New York projects, fairground buildings, equipment or facilities
23 used to house and promote agriculture, the state fair, the empire state
24 trail, the moynihan station development project, the Kingsbridge armory
25 project, strategic economic development projects, the cultural, arts and
26 public spaces fund, water infrastructure in the city of Auburn and town
27 of Owasco, a life sciences laboratory public health initiative, not-for-
28 profit pounds, shelters and humane societies, arts and cultural facili-
29 ties improvement program, restore New York's communities initiative,
30 heavy equipment, economic development and infrastructure projects,
31 Roosevelt Island operating corporation capital projects, Lake Ontario
32 regional projects, Pennsylvania station and other transit projects and
33 other state costs associated with such projects the director of the
34 budget is hereby authorized to enter into one or more service contracts
35 with the dormitory authority and the corporation, none of which shall
36 exceed thirty years in duration, upon such terms and conditions as the
37 director of the budget and the dormitory authority and the corporation
38 agree, so as to annually provide to the dormitory authority and the
39 corporation, in the aggregate, a sum not to exceed the principal, inter-
40 est, and related expenses required for such bonds and notes. Any service
41 contract entered into pursuant to this section shall provide that the
42 obligation of the state to pay the amount therein provided shall not
43 constitute a debt of the state within the meaning of any constitutional
44 or statutory provision and shall be deemed executory only to the extent
45 of monies available and that no liability shall be incurred by the state
46 beyond the monies available for such purpose, subject to annual appro-
47 priation by the legislature. Any such contract or any payments made or
48 to be made thereunder may be assigned and pledged by the dormitory
49 authority and the corporation as security for its bonds and notes, as
50 authorized by this section.

51 § 44. Subdivision 1 of section 386-b of the public authorities law, as
52 amended by section 39 of part JJJ of chapter 59 of the laws of 2021, is
53 amended to read as follows:

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

1 the purpose of financing peace bridge projects and capital costs of
2 state and local highways, parkways, bridges, the New York state thruway,
3 Indian reservation roads, and facilities, and transportation infrastruc-
4 ture projects including aviation projects, non-MTA mass transit
5 projects, and rail service preservation projects, including work appur-
6 tenant and ancillary thereto. The aggregate principal amount of bonds
7 authorized to be issued pursuant to this section shall not exceed [~~eight~~
8 ~~billion eight hundred thirty-nine million nine hundred sixty-three thou-~~
9 ~~sand dollars \$8,839,963,000~~] ten billion one hundred forty-seven million
10 eight hundred sixty-three thousand dollars \$10,147,863,000, excluding
11 bonds issued to fund one or more debt service reserve funds, to pay
12 costs of issuance of such bonds, and to refund or otherwise repay such
13 bonds or notes previously issued. Such bonds and notes of the authori-
14 ty, the dormitory authority and the urban development corporation shall
15 not be a debt of the state, and the state shall not be liable thereon,
16 nor shall they be payable out of any funds other than those appropriated
17 by the state to the authority, the dormitory authority and the urban
18 development corporation for principal, interest, and related expenses
19 pursuant to a service contract and such bonds and notes shall contain on
20 the face thereof a statement to such effect. Except for purposes of
21 complying with the internal revenue code, any interest income earned on
22 bond proceeds shall only be used to pay debt service on such bonds.

23 § 45. Paragraph (a) of subdivision 2 of section 47-e of the private
24 housing finance law, as amended by section 40 of part JJJ of chapter 59
25 of the laws of 2021, is amended to read as follows:

26 (a) Subject to the provisions of chapter fifty-nine of the laws of two
27 thousand, in order to enhance and encourage the promotion of housing
28 programs and thereby achieve the stated purposes and objectives of such
29 housing programs, the agency shall have the power and is hereby author-
30 ized from time to time to issue negotiable housing program bonds and
31 notes in such principal amount as shall be necessary to provide suffi-
32 cient funds for the repayment of amounts disbursed (and not previously
33 reimbursed) pursuant to law or any prior year making capital appropri-
34 ations or reappropriations for the purposes of the housing program;
35 provided, however, that the agency may issue such bonds and notes in an
36 aggregate principal amount not exceeding [~~seven billion five hundred~~
37 ~~forty-five million one hundred seven thousand dollars \$7,545,107,000~~]
38 twelve billion four hundred fifty-one million five hundred eleven thou-
39 sand dollars \$12,451,511,000, plus a principal amount of bonds issued to
40 fund the debt service reserve fund in accordance with the debt service
41 reserve fund requirement established by the agency and to fund any other
42 reserves that the agency reasonably deems necessary for the security or
43 marketability of such bonds and to provide for the payment of fees and
44 other charges and expenses, including underwriters' discount, trustee
45 and rating agency fees, bond insurance, credit enhancement and liquidity
46 enhancement related to the issuance of such bonds and notes. No reserve
47 fund securing the housing program bonds shall be entitled or eligible to
48 receive state funds apportioned or appropriated to maintain or restore
49 such reserve fund at or to a particular level, except to the extent of
50 any deficiency resulting directly or indirectly from a failure of the
51 state to appropriate or pay the agreed amount under any of the contracts
52 provided for in subdivision four of this section.

53 § 46. Subdivision 1 of section 50 of section 1 of chapter 174 of the
54 laws of 1968, constituting the New York state urban development corpo-
55 ration act, as amended by section 41 of part JJJ of chapter 59 of the
56 laws of 2021, is amended to read as follows:

1 1. Notwithstanding the provisions of any other law to the contrary,
2 the dormitory authority and the urban development corporation are hereby
3 authorized to issue bonds or notes in one or more series for the purpose
4 of funding project costs undertaken by or on behalf of the state educa-
5 tion department, special act school districts, state-supported schools
6 for the blind and deaf, approved private special education schools,
7 non-public schools, community centers, day care facilities, residential
8 camps, day camps, Native American Indian Nation schools, and other state
9 costs associated with such capital projects. The aggregate principal
10 amount of bonds authorized to be issued pursuant to this section shall
11 not exceed [~~two hundred thirty six million dollars \$236,000,000~~] three
12 hundred one million seven hundred thousand dollars \$301,700,000, exclud-
13 ing bonds issued to fund one or more debt service reserve funds, to pay
14 costs of issuance of such bonds, and bonds or notes issued to refund or
15 otherwise repay such bonds or notes previously issued. Such bonds and
16 notes of the dormitory authority and the urban development corporation
17 shall not be a debt of the state, and the state shall not be liable
18 thereon, nor shall they be payable out of any funds other than those
19 appropriated by the state to the dormitory authority and the urban
20 development corporation for principal, interest, and related expenses
21 pursuant to a service contract and such bonds and notes shall contain on
22 the face thereof a statement to such effect. Except for purposes of
23 complying with the internal revenue code, any interest income earned on
24 bond proceeds shall only be used to pay debt service on such bonds.

25 § 47. Subdivision 1 of section 47 of section 1 of chapter 174 of the
26 laws of 1968, constituting the New York state urban development corpo-
27 ration act, as amended by section 42 of part JJJ of chapter 59 of the
28 laws of 2021, is amended to read as follows:

29 1. Notwithstanding the provisions of any other law to the contrary,
30 the dormitory authority and the corporation are hereby authorized to
31 issue bonds or notes in one or more series for the purpose of funding
32 project costs for the office of information technology services, depart-
33 ment of law, 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 [~~nine hundred seventy-~~
36 ~~four million two hundred fifty four thousand dollars \$974,254,000~~] one
37 billion one hundred twenty-five million sixty-six thousand dollars
38 \$1,125,066,000 excluding bonds issued to fund one or more debt service
39 reserve funds, to pay costs of issuance of such bonds, and bonds or
40 notes issued to refund or otherwise repay such bonds or notes previously
41 issued. Such bonds and notes of the dormitory authority and the corpo-
42 ration shall not be a debt of the state, and the state shall not be
43 liable thereon, nor shall they be payable out of any funds other than
44 those appropriated by the state to the dormitory authority and the
45 corporation for principal, interest, and related expenses pursuant to a
46 service contract and such bonds and notes shall contain on the face
47 thereof a statement to such effect. Except for purposes of complying
48 with the internal revenue code, any interest income earned on bond
49 proceeds shall only be used to pay debt service on such bonds.

50 § 48. Paragraph (b) of subdivision 1 of section 385 of the public
51 authorities law, as amended by section 43 of part JJJ of chapter 59 of
52 the laws of 2021, is amended to read as follows:

53 (b) The authority is hereby authorized, as additional corporate
54 purposes thereof solely upon the request of the director of the budget:
55 (i) to issue special emergency highway and bridge trust fund bonds and
56 notes for a term not to exceed thirty years and to incur obligations

1 secured by the moneys appropriated from the dedicated highway and bridge
2 trust fund established in section eighty-nine-b of the state finance
3 law; (ii) to make available the proceeds in accordance with instructions
4 provided by the director of the budget from the sale of such special
5 emergency highway and bridge trust fund bonds, notes or other obli-
6 gations, net of all costs to the authority in connection therewith, for
7 the purposes of financing all or a portion of the costs of activities
8 for which moneys in the dedicated highway and bridge trust fund estab-
9 lished in section eighty-nine-b of the state finance law are authorized
10 to be utilized or for the financing of disbursements made by the state
11 for the activities authorized pursuant to section eighty-nine-b of the
12 state finance law; and (iii) to enter into agreements with the commis-
13 sioner of transportation pursuant to section ten-e of the highway law
14 with respect to financing for any activities authorized pursuant to
15 section eighty-nine-b of the state finance law, or agreements with the
16 commissioner of transportation pursuant to sections ten-f and ten-g of
17 the highway law in connection with activities on state highways pursuant
18 to these sections, and (iv) to enter into service contracts, contracts,
19 agreements, deeds and leases with the director of the budget or the
20 commissioner of transportation and project sponsors and others to
21 provide for the financing by the authority of activities authorized
22 pursuant to section eighty-nine-b of the state finance law, and each of
23 the director of the budget and the commissioner of transportation are
24 hereby authorized to enter into service contracts, contracts, agree-
25 ments, deeds and leases with the authority, project sponsors or others
26 to provide for such financing. The authority shall not issue any bonds
27 or notes in an amount in excess of [~~eighteen billion one hundred fifty~~
28 ~~million dollars \$18,150,000,000~~] nineteen billion seven hundred seven-
29 ty-six million nine hundred twenty thousand dollars \$19,776,920,000,
30 plus a principal amount of bonds or notes: (A) to fund capital reserve
31 funds; (B) to provide capitalized interest; and, (C) to fund other costs
32 of issuance. In computing for the purposes of this subdivision, the
33 aggregate amount of indebtedness evidenced by bonds and notes of the
34 authority issued pursuant to this section, as amended by a chapter of
35 the laws of nineteen hundred ninety-six, there shall be excluded the
36 amount of bonds or notes issued that would constitute interest under the
37 United States Internal Revenue Code of 1986, as amended, and the amount
38 of indebtedness issued to refund or otherwise repay bonds or notes.

39 § 49. Subdivision 1 of section 386-a of the public authorities law, as
40 amended by section 44 of part JJJ of chapter 59 of the laws of 2021, is
41 amended to read as follows:

42 1. Notwithstanding any other provision of law to the contrary, the
43 authority, the dormitory authority and the urban development corporation
44 are hereby authorized to issue bonds or notes in one or more series for
45 the purpose of assisting the metropolitan transportation authority in
46 the financing of transportation facilities as defined in subdivision
47 seventeen of section twelve hundred sixty-one of this chapter or other
48 capital projects. The aggregate principal amount of bonds authorized to
49 be issued pursuant to this section shall not exceed twelve billion five
50 hundred fifteen million eight hundred fifty-six thousand dollars
51 \$12,515,856,000, excluding bonds issued to fund one or more debt service
52 reserve funds, to pay costs of issuance of such bonds, and to refund or
53 otherwise repay such bonds or notes previously issued. Such bonds and
54 notes of the authority, the dormitory authority and the urban develop-
55 ment corporation shall not be a debt of the state, and the state shall
56 not be liable thereon, nor shall they be payable out of any funds other

1 than those appropriated by the state to the authority, the dormitory
2 authority and the urban development corporation for principal, interest,
3 and related expenses pursuant to a service contract and such bonds and
4 notes shall contain on the face thereof a statement to such effect.
5 Except for purposes of complying with the internal revenue code, any
6 interest income earned on bond proceeds shall only be used to pay debt
7 service on such bonds. Notwithstanding any other provision of law to the
8 contrary, including the limitations contained in subdivision four of
9 section sixty-seven-b of the state finance law, (A) any bonds and notes
10 issued prior to April first, two thousand [~~twenty-two~~] twenty-three
11 pursuant to this section may be issued with a maximum maturity of fifty
12 years, and (B) any bonds issued to refund such bonds and notes may be
13 issued with a maximum maturity of fifty years from the respective date
14 of original issuance of such bonds and notes.

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

18 1. Notwithstanding the provisions of any other law to the contrary,
19 the dormitory authority and the urban development corporation are hereby
20 authorized to issue bonds or notes in one or more series for the purpose
21 of funding project costs for the capital restructuring financing program
22 for health care and related facilities licensed pursuant to the public
23 health law or the mental hygiene law and other state costs associated
24 with such capital projects, the health care facility transformation
25 programs, the essential health care provider program, and other health
26 care capital project costs. The aggregate principal amount of bonds
27 authorized to be issued pursuant to this section shall not exceed [~~three~~
28 ~~billion fifty-three million dollars \$3,053,000,000~~] four billion six
29 hundred fifty-three million dollars \$4,653,000,000, excluding bonds
30 issued to fund one or more debt service reserve funds, to pay costs of
31 issuance of such bonds, and bonds or notes issued to refund or otherwise
32 repay such bonds or notes previously issued. Such bonds and notes of the
33 dormitory authority and the urban development corporation shall not be a
34 debt of the state, and the state shall not be liable thereon, nor shall
35 they be payable out of any funds other than those appropriated by the
36 state to the dormitory authority and the urban development corporation
37 for principal, interest, and related expenses pursuant to a service
38 contract and such bonds and notes shall contain on the face thereof a
39 statement to such effect. Except for purposes of complying with the
40 internal revenue code, any interest income earned on bond proceeds shall
41 only be used to pay debt service on such bonds.

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

45 1. Subject to the provisions of chapter fifty-nine of the laws of two
46 thousand, but notwithstanding any provisions of law to the contrary, the
47 dormitory authority is hereby authorized to issue bonds or notes in one
48 or more series in an aggregate principal amount not to exceed forty
49 million [~~seven hundred fifteen thousand dollars~~] eight hundred thirty
50 thousand dollars (\$40,830,000) excluding bonds issued to finance one or
51 more debt service reserve funds, to pay costs of issuance of such bonds,
52 and bonds or notes issued to refund or otherwise repay such bonds or
53 notes previously issued, for the purpose of financing the construction
54 of the New York state agriculture and markets food laboratory. Eligible
55 project costs may include, but not be limited to the cost of design,
56 financing, site investigations, site acquisition and preparation, demo-

1 lition, construction, rehabilitation, acquisition of machinery and
2 equipment, and infrastructure improvements. Such bonds and notes of such
3 authorized issuers shall not be a debt of the state, and the state shall
4 not be liable thereon, nor shall they be payable out of any funds other
5 than those appropriated by the state to such authorized issuers for debt
6 service and related expenses pursuant to any service contract executed
7 pursuant to subdivision two of this section and such bonds and notes
8 shall contain on the face thereof a statement to such effect. Except for
9 purposes of complying with the internal revenue code, any interest
10 income earned on bond proceeds shall only be used to pay debt service on
11 such bonds.

12 § 52. Paragraph (b) of subdivision 3 and clause (B) of subparagraph
13 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-
14 ter 63 of the laws of 2005 relating to the composition and responsibil-
15 ities of the New York state higher education capital matching grant
16 board, as amended by section 7 of part K of chapter 39 of the laws of
17 2019, are amended to read as follows:

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

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

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

39 1. Notwithstanding the provisions of any other law to the contrary,
40 the dormitory authority and the urban development corporation are hereby
41 authorized to issue bonds or notes in one or more series for the purpose
42 of funding project costs for the nonprofit infrastructure capital
43 investment program and other state costs associated with such capital
44 projects. The aggregate principal amount of bonds authorized to be
45 issued pursuant to this section shall not exceed [~~one hundred twenty~~
46 ~~million dollars~~] one hundred seventy million dollars \$170,000,000,
47 excluding bonds issued to fund one or more debt service reserve funds,
48 to pay costs of issuance of such bonds, and bonds or notes issued to
49 refund or otherwise repay such bonds or notes previously issued. Such
50 bonds and notes of the dormitory authority and the urban development
51 corporation shall not be a debt of the state, and the state shall not be
52 liable thereon, nor shall they be payable out of any funds other than
53 those appropriated by the state to the dormitory authority and the urban
54 development corporation for principal, interest, and related expenses
55 pursuant to a service contract and such bonds and notes shall contain on
56 the face thereof a statement to such effect. Except for purposes of

1 complying with the internal revenue code, any interest income earned on
2 bond proceeds shall only be used to pay debt service on such bonds.

3 § 54. Section 1 of chapter 174 of the laws of 1968, constituting the
4 New York state urban development corporation act, is amended by adding a
5 new section 54-b to read as follows:

6 § 54-b. Personal income tax notes. 1. Findings and declaration of
7 need. (a) The state of New York finds and determines that shortfalls in
8 the state's financial plan arising from adverse economic and fiscal
9 events and risks, disasters and emergencies, including but not limited
10 to, public health emergencies, may occur or develop, and that the finan-
11 cial impact of such events, risks, disasters and emergencies could be
12 prudently mitigated by certain fiscal management authorization measures
13 being legislatively authorized and established.

14 (b) Notwithstanding any other provision of law to the contrary,
15 including, specifically, the provisions of chapter 59 of the laws of
16 2000 and section sixty-seven-b of the state finance law, the dormitory
17 authority of the state of New York and the corporation are hereby
18 authorized to issue personal income tax revenue anticipation notes with
19 a maturity no later than March 31, 2023, in one or more series in an
20 aggregate principal amount for each fiscal year not to exceed three
21 billion dollars, and to pay costs of issuance of such notes, for the
22 purpose of temporarily financing budgetary needs of the state. Such
23 purpose shall constitute an authorized purpose under subdivision two of
24 section sixty-eight-a of the state finance law for all purposes of arti-
25 cle five-C of the state finance law with respect to the notes authorized
26 by this paragraph. Such notes shall not be renewed, extended or
27 refunded. For so long as any notes authorized by this paragraph shall be
28 outstanding, the restrictions, limitations and requirements contained in
29 article five-B of the state finance law shall not apply.

30 (c) Such notes of the dormitory authority and the corporation shall
31 not be a debt of the state, and the state shall not be liable thereon,
32 nor shall they be payable out of any funds other than those appropriated
33 by the state to the dormitory authority and the corporation for debt
34 service and related expenses pursuant to any financing agreement
35 described in paragraph (d) of this subdivision, and such notes shall
36 contain on the face thereof a statement to such effect. Such notes shall
37 be issued on a subordinate basis and shall be secured by subordinate
38 payments from the revenue bond tax fund established pursuant to section
39 ninety-two-z of the state finance law. Except for purposes of complying
40 with the internal revenue code, any interest income earned on note
41 proceeds shall only be used to pay debt service on such notes. All of
42 the provisions of the state finance law, the dormitory authority act and
43 this act relating to notes and bonds which are not inconsistent with the
44 provisions of this section shall apply to notes authorized by paragraph
45 (b) of this subdivision, including but not limited to the power to
46 establish adequate reserves therefor, subject to the final maturity
47 limitation for such notes set forth in paragraph (b) of this subdivi-
48 sion. The issuance of any notes authorized by paragraph (b) of this
49 subdivision shall further be subject to the approval of the director of
50 the division of the budget.

51 (d) Notwithstanding any other law, rule or regulation to the contrary
52 but subject to the limitations contained in paragraph (b) of this subdivi-
53 vision, in order to assist the dormitory authority and the corporation
54 in undertaking the administration and financing of such notes, the
55 director of the budget is hereby authorized to supplement any existing
56 financing agreement with the dormitory authority and/or the corporation,

1 or to enter into a new financing agreement with the dormitory authority
2 and/or the corporation, upon such terms and conditions as the director
3 of the budget and the dormitory authority and the corporation shall
4 agree, so as to provide to the dormitory authority and the corporation,
5 a sum not to exceed the debt service payments and related expenses
6 required for any notes issued pursuant to paragraph (b) of this subdivi-
7 sion. Any financing agreement supplemented or entered into pursuant to
8 this section shall provide that the obligation of the state to pay the
9 amount therein provided shall not constitute a debt of the state within
10 the meaning of any constitutional or statutory provision and shall be
11 deemed executory only to the extent of monies available and that no
12 liability shall be incurred by the state beyond the monies available for
13 such purposes, subject to annual appropriation by the legislature. Any
14 such financing agreement or any payments made or to be made thereunder
15 may be assigned or pledged by the dormitory authority and the corpo-
16 ration as security for the notes authorized by paragraph (b) of this
17 subdivision.

18 (e) Notwithstanding any other provision of law to the contrary,
19 including specifically the provisions of subdivision 3 of section 67-b
20 of the state finance law, no capital work or purpose shall be required
21 for any issuance of personal income tax revenue anticipation notes
22 issued by the dormitory authority and the corporation pursuant to para-
23 graph (b) of this subdivision.

24 (f) Notwithstanding any other law, rule, or regulation to the contra-
25 ry, the comptroller is hereby authorized and directed to deposit to the
26 credit of the general fund, all proceeds of personal income tax revenue
27 anticipation notes issued by the dormitory authority and the New York
28 state urban development corporation pursuant to paragraph (b) of this
29 subdivision.

30 2. Effect of inconsistent provisions. Insofar as the provisions of
31 this section are inconsistent with the provisions of any other law,
32 general, special, or local, the provisions of this section shall be
33 controlling.

34 3. Severability; construction. The provisions of this section shall be
35 severable, and if the application of any clause, sentence, paragraph,
36 subdivision, section or part of this section to any person or circum-
37 stance shall be adjudged by any court of competent jurisdiction to be
38 invalid, such judgment shall not necessarily affect, impair or invali-
39 date the application of any such clause, sentence, paragraph, subdivi-
40 sion, section, part of this section or remainder thereof, as the case
41 may be, to any other person or circumstance, but shall be confined in
42 its operation to the clause, sentence, paragraph, subdivision, section
43 or part thereof directly involved in the controversy in which such judg-
44 ment shall have been rendered.

45 § 55. Section 1 of chapter 174 of the laws of 1968, constituting the
46 New York state urban development corporation act, is amended by adding a
47 new section 55-b to read as follows:

48 § 55-b. Line of credit facilities. 1. Findings and declaration of
49 need. (a) The state of New York finds and determines that shortfalls in
50 the state's financial plan arising from adverse economic and fiscal
51 events and risks, disasters and emergencies, including but not limited
52 to, public health emergencies, may occur or develop, and that the finan-
53 cial impact of such events, risks, disasters and emergencies could be
54 prudently mitigated by certain fiscal management authorization measures
55 being legislatively authorized and established.

56 (b) Definitions. When used in this subdivision:

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

7 (ii) "Related expenses and fees" shall mean interest costs, commitment
8 fees and other costs, expenses and fees incurred in connection with a
9 line of credit facility and/or a service contract or other agreement of
10 the state securing such line of credit facility that contractually obli-
11 gates the state to pay debt service subject to an appropriation.

12 (c) Notwithstanding any other provision of law to the contrary,
13 including, specifically, the provisions of chapter 59 of the laws of
14 2000 and section 67-b of the state finance law, the dormitory authority
15 of the state of New York and the urban development corporation are
16 authorized until March 31, 2023 to: (i) enter into one or more line of
17 credit facilities not in excess of two billion dollars in aggregate
18 principal amount; (ii) draw, at one or more times at the direction of
19 the director of the budget, upon such line of credit facilities and
20 provide to the state the amounts so drawn for the purpose of assisting
21 the state to temporarily finance its budgetary needs; provided, however,
22 that the total principal amounts of such draws for each fiscal year
23 shall not exceed two billion dollars; and (iii) secure repayment of all
24 draws under such line of credit facilities and the payment of related
25 expenses and fees, which repayment and payment obligations shall not
26 constitute a debt of the state within the meaning of any constitutional
27 or statutory provision and shall be deemed executory only to the extent
28 moneys are available and that no liability shall be incurred by the
29 state beyond the moneys available for such purpose, and that such
30 payment obligation is subject to annual appropriation by the legisla-
31 ture. Any line of credit facility agreements entered into by the dormi-
32 tory authority of the state of New York and/or the urban development
33 corporation with financial institutions pursuant to this section may
34 contain such provisions that the dormitory authority of the state of New
35 York and/or the urban development corporation deem necessary or desira-
36 ble for the establishment of such credit facilities. The maximum term of
37 any line of credit facility shall be one year from the date of incur-
38 rence; provided however that no draw on any such line of credit facility
39 shall occur after March 31, 2023, and provided further that any such
40 line of credit facility whose term extends beyond March 31, 2023 shall
41 be supported by sufficient appropriation authority enacted by the legis-
42 lature that provides for the repayment of all amounts drawn and remain-
43 ing unpaid as of March 31, 2023, as well as the payment of related
44 expenses and fees incurred and to become due and payable by the dormito-
45 ry authority of the state of New York and/or the urban development
46 corporation.

47 (d) Notwithstanding any other law, rule, or regulation to the contra-
48 ry, the comptroller is hereby authorized and directed to deposit to the
49 credit of the general fund, all amounts provided by the dormitory
50 authority of the state of New York and/or the urban development corpo-
51 ration to the state from draws made on any line of credit facility
52 authorized by paragraph (c) of this subdivision.

53 (e) Notwithstanding any other provision of law to the contrary, for so
54 long as any amounts under a line of credit facility authorized by para-
55 graph (c) of this subdivision are due and payable, such amounts shall
56 not constitute nor be treated as state-supported debt for purposes of

1 article 5-B of the state finance law. As applicable, all of the
2 provisions of the state finance law, the dormitory authority act and the
3 New York state urban development corporation act relating to notes and
4 bonds which are not inconsistent with the provisions of this section
5 shall apply to any line of credit facility established in accordance
6 with the authorization contained in paragraph (c) of this subdivision.

7 (f) Each draw on a line of credit facility authorized by paragraph (c)
8 of this subdivision shall only be made if the service contract or other
9 agreement entered into in connection with such line of credit facility
10 is supported by sufficient appropriation authority enacted by the legis-
11 lature to repay the amount of the draw and to pay the related expenses
12 and fees to become due and payable. Amounts repaid under a line of cred-
13 it facility may be re-borrowed under the same or another line of credit
14 facility authorized by paragraph (c) of this subdivision provided that
15 the legislature has enacted sufficient appropriation authority that
16 provides for the repayment of any such re-borrowed amounts and the
17 payment of the related expenses and fees to become due and payable.
18 Neither the dormitory authority of the state of New York nor the urban
19 development corporation shall have any financial liability for the
20 repayment of draws under any line of credit facility authorized by para-
21 graph (c) of this subdivision and the payment of the related expenses
22 and fees beyond the moneys received for such purpose under any service
23 contract or other agreement authorized by paragraph (g) of this subdivi-
24 sion.

25 (g) The director of the budget is authorized to enter into one or more
26 service contracts or other agreements, none of which shall exceed one
27 year in duration, with the dormitory authority of the state of New York
28 and/or the urban development corporation, upon such terms and conditions
29 as the director of the budget and dormitory authority of the state of
30 New York and/or the urban development corporation shall agree. Any
31 service contract or other agreement entered into pursuant to this para-
32 graph shall provide for state commitments to provide annually to the
33 dormitory authority of the state of New York and/or the urban develop-
34 ment corporation a sum or sums, upon such terms and conditions as shall
35 be deemed appropriate by the director of the budget and the dormitory
36 authority of the state of New York and/or the urban development corpo-
37 ration, to fund the payment of all amounts to become due and payable
38 under any line of credit facility. Any such service contract or other
39 agreement shall provide that the obligation of the director of the budg-
40 et or of the state to fund or to pay the amounts therein provided for
41 shall not constitute a debt of the state within the meaning of any
42 constitutional or statutory provision and shall be deemed executory only
43 to the extent moneys are available and that no liability shall be
44 incurred by the state beyond the moneys available for such purpose, and
45 that such obligation is subject to annual appropriation by the legisla-
46 ture.

47 (h) Any service contract or other agreement entered into pursuant to
48 paragraph (g) of this subdivision or any payments made or to be made
49 thereunder may be assigned and pledged by the dormitory authority of the
50 state of New York and/or the urban development corporation as security
51 for any related payment obligation it may have with one or more finan-
52 cial institutions in connection with a line of credit facility author-
53 ized by paragraph (c) of this subdivision.

54 (i) In addition to the foregoing, the director of the budget, the
55 dormitory authority of the state of New York and the urban development
56 corporation shall each be authorized to enter into such other agreements

1 and to take or cause to be taken such additional actions as are neces-
2 sary or desirable to effectuate the purposes of the transactions contem-
3 plated by a line of credit facility and the related service contract or
4 other agreement, subject to the limitations and restrictions set forth
5 in this subdivision.

6 (j) No later than seven days after a draw occurs on a line of credit
7 facility, the director of the budget shall provide notification of such
8 draw to the president pro tempore of the senate and the speaker of the
9 assembly.

10 2. Effect of inconsistent provisions. Insofar as the provisions of
11 this section are inconsistent with the provisions of any other law,
12 general, special, or local, the provisions of this act shall be control-
13 ling.

14 3. Severability; construction. The provisions of this section shall be
15 severable, and if the application of any clause, sentence, paragraph,
16 subdivision, section or part of this section to any person or circum-
17 stance shall be adjudged by any court of competent jurisdiction to be
18 invalid, such judgment shall not necessarily affect, impair or invali-
19 date the application of any such clause, sentence, paragraph, subdivi-
20 sion, section, part of this section or remainder thereof, as the case
21 may be, to any other person or circumstance, but shall be confined in
22 its operation to the clause, sentence, paragraph, subdivision, section
23 or part thereof directly involved in the controversy in which such judg-
24 ment shall have been rendered.

25 § 56. Section 1 of chapter 174 of the laws of 1968, constituting the
26 New York state urban development corporation act, is amended by adding a
27 new section 58 to read as follows:

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

34 2. Definitions. When used in this section:

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

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

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

48 "Gateway project" shall mean the passenger rail and related infras-
49 tructure projects undertaken by the commission, including the hudson
50 tunnel project.

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

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

7 "Related expenses and fees" shall mean commitment fees and other
 8 ancillary costs, expenses and fees incurred, and to become due and paya-
 9 ble, by the commission in connection with the Federal transportation
 10 loan.

11 3. Notwithstanding any other provision of law to the contrary, in
 12 order to provide for the payment for the state capital commitment, the
 13 director of the budget is hereby authorized to enter into one or more
 14 service contracts or other agreements with the commission, none of which
 15 shall exceed the maximum duration of the Federal transportation loan,
 16 upon such terms and conditions as the director of the budget and commis-
 17 sion agree, so as to provide to the commission, for each state fiscal
 18 year, a sum not to exceed the amount required for the payment of the
 19 state capital commitment for such fiscal year. Any such service contract
 20 or other agreement shall provide that the obligation of the state to pay
 21 the amount therein provided shall not constitute a debt of the state
 22 within the meaning of any constitutional or statutory provision and
 23 shall be deemed executory only to the extent of monies available, that
 24 no liability shall be incurred by the state beyond the monies available
 25 for such purpose, and that such obligation is subject to annual appro-
 26 priation by the legislature. Any such service contract or other agree-
 27 ment and any payments made or to be made thereunder may be assigned and
 28 pledged by the commission as security for the repayment by the commis-
 29 sion of the Federal transportation loan.

30 4. The director of the budget is also authorized to enter into such
 31 other agreements and to take or cause to be taken such additional
 32 actions as are necessary or desirable to effectuate the purposes of the
 33 transactions contemplated by the state capital commitment provided for
 34 herein and the service contract or other agreement authorized by subdivi-
 35 vision 3 of this section.

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

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

50 PART Z

51 Section 1. This act shall be known and may be cited as the "independ-
 52 ent ethics commission reform act of 2022".

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

1 § 94. Independent commission on ethics and lobbying in government. 1.
2 Commission established. There is hereby established within the depart-
3 ment of state, the "independent commission on ethics and lobbying in
4 government", an independent agency responsible for administering,
5 enforcing, and interpreting New York state's ethics and lobbying laws.
6 The commission shall have and exercise the powers and duties set forth
7 in this section with respect to statewide elected officials, members of
8 the legislature and employees of the legislature, and state officers and
9 employees as defined in section seventy-three of the public officers
10 law, candidates for statewide elected office and for the senate or
11 assembly, and the political party chairman as is defined in section
12 seventy-three-a of the public officers law, lobbyists and the clients of
13 lobbyists as defined in section one-c of the legislative law, and indi-
14 viduals who have formerly held such positions, were lobbyists or clients
15 of lobbyists as defined in section one-c of the legislative law, or who
16 have formerly been such candidates. This section shall not be deemed to
17 have revoked or rescinded any regulations or advisory opinions in effect
18 on the effective date of this section that were issued by predecessor
19 ethics and lobbying bodies. The commission shall cooperate, consult, and
20 coordinate with the legislative ethics commission, to the extent possi-
21 ble, to administer and enforce the laws under its jurisdiction.

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

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

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

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

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

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

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

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

54 (e) In the selection of the commission members, the selection commit-
55 tee shall take all appropriate steps to recruit and prioritize the
56 selection of members who will bring diversity of lived experience,

1 diversity of geographic location, and professional expertise and skill-
2 sets, such as, but not limited to, ethics, familiarity with the lobbying
3 industry, public administration, compliance, or education, to reflect
4 the mission of the commission.

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

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

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

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

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

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

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

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

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

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

41 (f) Members of the commission shall receive a per diem allowance equal
42 to the salary of a justice of the supreme court divided by two hundred
43 twenty for each day or each pro-rated day actually spent in the perform-
44 ance of the member's duties under this section, and, in addition there-
45 to, shall be reimbursed for all reasonable expenses actually and neces-
46 sarily incurred by the member in the performance of the member's duties
47 under this section. For the purposes of this subdivision, a day shall
48 consist of at least seven and one-half hours spent in the performance of
49 the member's duties under this section.

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

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

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

6 5. Powers. (a) The commission has the authority to: (i) adopt, amend,
7 and rescind any rules and regulations pertaining to section seventy-
8 three, seventy-three-a or seventy-four of the public officers law,
9 article one-A of the legislative law, or section one hundred seven of
10 the civil service law; (ii) adopt, amend, and rescind any procedures of
11 the commission, including but not limited to, procedures for advice and
12 guidance, training, filing, review, and enforcement of financial disclo-
13 sure statements, investigations, enforcement, and due process hearings;
14 and (iii) develop and promulgate any programs for reviews, training, and
15 guidance to carry out the commission's mission.

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

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

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

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

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

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

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

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

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

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

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

55 (c) Establish units within the commission to carry out its duties,
56 including, but not limited to, (i) an advice and guidance unit, (ii) a

1 training unit, (iii) a financial disclosure unit, (iv) a lobbying unit,
2 and (v) an investigations and enforcement unit.

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

9 (e) Review and approve a staffing plan provided and prepared by the
10 executive director which shall contain, at a minimum, a list of the
11 various units and divisions as well as the number of positions in each
12 unit, titles and their duties, and salaries, as well as the various
13 qualifications for each position including, but not limited to, educa-
14 tion and prior experience for each position.

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

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

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

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

35 (i) The commission shall develop and administer a comprehensive live
36 or live-online ethics training course and shall designate and train
37 instructors to conduct such training. Such live course shall be designed
38 to include practical application of the material covered and a ques-
39 tion-and-answer participatory segment. Unless the commission grants an
40 extension or waiver for good cause shown, statewide elected officials,
41 members of the legislature and employees of the legislature, and state
42 officers and employees as defined in sections seventy-three and seven-
43 ty-three-a of the public officers law, and the political party chairman
44 as is defined in section seventy-three-a of the public officers law,
45 shall complete the live course within ninety days of appointment or
46 employment and shall complete the live course every two years subse-
47 quently.

48 (ii) The commission shall develop and administer an online ethics
49 refresher course for all individuals listed under subparagraph (i) of
50 this paragraph who have previously completed the live course. Such
51 refresher course shall be designed to include any changes in law, regu-
52 lation, or policy or in the interpretation thereof, and practical appli-
53 cation of the material covered. Unless the commission grants an exten-
54 sion or waiver for good cause shown, such individuals shall take such
55 refresher course once every year after having completed the live course
56 under subparagraph (i) of this paragraph.

1 (iii) The commission shall develop and administer an online live ques-
2 tion and answer course for agency ethics officers.

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

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

10 (vi) On an annual basis, the commission, in coordination with the
11 legislative ethics commission, shall determine the status of compliance
12 with the training requirements under this subdivision by each state
13 agency and by the senate and the assembly. Such determination shall
14 include aggregate statistics regarding participation in such training
15 and shall be reported on a quarterly basis to the governor and the
16 legislature in writing.

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

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

25 (c) The commission shall review the financial disclosure statements of
26 the statewide elected officials and members of the legislature within
27 sixty days of their filings to determine, among other things, deficien-
28 cies and conflicts.

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

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

38 (e) If a person required to file a financial disclosure statement with
39 the commission has failed to file a disclosure statement or has filed a
40 deficient statement, the commission shall notify the reporting person in
41 writing, state the failure to file or detail the deficiency, provide the
42 person with a fifteen-day period to cure the deficiency, and advise the
43 person of the penalties for failure to comply with the reporting
44 requirements. This first notice of deficiency shall be confidential. If
45 the person fails to make such filing or fails to cure the deficiency
46 within the specified time period, the commission shall send a notice of
47 delinquency (i) to the reporting person; (ii) in the case of a statewide
48 elected official, to the chief of staff or counsel to the statewide
49 elected official; (iii) in the case of a member of the legislature or a
50 legislative employee, to the temporary president of the senate and the
51 speaker of the assembly; and (iv) in the case of a state officer,
52 employee or board member, to the appointing authority for such person.
53 Such notice of delinquency may be sent at any time during the reporting
54 person's service as a statewide elected official, state officer or
55 employee, member of the assembly or the senate, or a legislative employ-
56 ee or a political party chair or while a candidate for statewide office,

1 or within one year after termination of such service or candidacy. A
2 copy of any notice of delinquency or report shall be included in the
3 reporting person's file and be available for public inspection and
4 copying pursuant to the provisions of this section. The jurisdiction of
5 the commission, when acting pursuant to this subdivision with respect to
6 financial disclosure, shall continue notwithstanding that the reporting
7 person separates from state service, or ceases to hold public or poli-
8 tical party office, or ceases to be a candidate, provided the commission
9 notifies such person of the alleged failure to file or deficient filing
10 pursuant to this subdivision.

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

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

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

44 (i) The commission may permit any person required to file a financial
45 disclosure statement to request an exemption from any requirement to
46 report the identity of a client pursuant to the question under subpara-
47 graph (b) of paragraph eight of subdivision three of section seventy-
48 three-a of the public officers law in such statement based upon an
49 exemption set forth in such question. The reporting individual need not
50 seek an exemption to refrain from disclosing the identity of any
51 client with respect to any matter where they or their firm provided
52 legal representation to the client in connection with an investi-
53 gation or prosecution by law enforcement authorities, bankruptcy, or
54 domestic relations matters. In addition, clients or customers
55 receiving medical or dental services, mental health services, residen-
56 tial real estate brokering services, or insurance brokering

1 services need not be disclosed. Pending any application for deletion or
2 exemption to the commission relating to the filing of a financial
3 disclosure statement, all information which is the subject or part of
4 the application shall remain confidential. Upon an adverse determination
5 by the commission, the reporting individual may request, and upon
6 such request the commission shall provide, that any information that is
7 the subject or part of the application remain confidential for a peri-
8 od of thirty days following notice of such determination. In the event
9 that the reporting individual resigns their office and holds no
10 other office subject to the jurisdiction of the commission, the informa-
11 tion shall not be made public and shall be expunged in its entirety.

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

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

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

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

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

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

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

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

53 (d) Upon the conclusion of an investigation, if the commission deter-
54 mines there is credible evidence of a violation of the laws under its
55 jurisdiction, it shall provide the respondent timely notice for a due
56 process hearing. The commission shall also inform the respondent of its

1 rules regarding the conduct of adjudicatory proceedings and appeals and
2 the other due process procedural mechanisms available to the respondent.

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

7 (f) The commission may, at any time, develop procedures and rules for
8 resolution of de minimus or minor violations that can be resolved
9 outside of the enforcement process, including the sending of a confiden-
10 tial guidance or educational letter.

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

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

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

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

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

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

55 (vi) A civil penalty for false filing shall not be imposed under this
56 subdivision in the event a category of "value" or "amount" reported

1 hereunder is incorrect unless such reported information is falsely
2 understated.

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

9 (viii) The commission shall be deemed to be an agency within the mean-
10 ing of article three of the state administrative procedure act and shall
11 adopt rules governing the conduct of adjudicatory proceedings and
12 appeals taken pursuant to a proceeding commenced under article seventy-
13 eight of the civil practice law and rules relating to the assessment of
14 the civil penalties or the recommendation of employee discipline herein
15 authorized. Such rule shall provide for due process procedural mech-
16 anisms substantially similar to those set forth in article three of the
17 state administrative procedure act but such mechanisms need not be iden-
18 tical in terms or scope.

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

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

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

49 (b) Except as otherwise required or provided by law, testimony
50 received, or any other information obtained by a commissioner or staff
51 of the commission, shall not be disclosed by any such individual to any
52 person or entity outside of the commission during the pendency of any
53 matter. Any confidential communication to any person or entity outside
54 the commission related to the matters before the commission shall occur
55 only as authorized by the commission. For the purposes of this para-

1 graph, "matter" shall mean any complaint, review, inquiry, or investi-
2 gation into alleged violations of this chapter.

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

10 (d) Any commission member or person employed by the commission who
11 intentionally and without authorization releases confidential informa-
12 tion received or generated by the commission shall be guilty of a class
13 A misdemeanor.

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

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

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

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

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

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

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

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

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

45 (i) the information set forth in an annual statement of financial
46 disclosure filed pursuant to section seventy-three-a of the public offi-
47 cers law except information deleted pursuant to paragraph (g) of subdivi-
48 sion nine of this section;

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

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

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

1 (v) those required to be held or maintained publicly available pursu-
 2 ant to article one-A of the legislative law; and
 3 (vi) reports issued by the commission pursuant to this section.

4 14. Additional powers. In addition to any other powers and duties
 5 specified by law, the commission shall have the power and duty to admin-
 6 ister and enforce all the provisions of this section.

7 15. Severability. If any part or provision of this section or the
 8 application thereof to any person or organization is adjudged by a court
 9 of competent jurisdiction to be unconstitutional or otherwise invalid,
 10 such judgment shall not affect or impair any other part or provision or
 11 the application thereof to any other person or organization, but shall
 12 be confined in its operation to such part or provision.

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

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

18 § 4. Subdivisions 7, 9, 10, 12 and 13 of section 80 of the legislative
 19 law, as amended by section 9 of part A of chapter 399 of the laws of
 20 2011, are amended to read as follows:

21 7. The commission shall:

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

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

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

32 d. Administer the provisions of this section;

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

39 f. Promulgate guidelines to assist appointing authorities in determin-
 40 ing which persons hold policy-making positions for purposes of section
 41 seventy-three-a of the public officers law and may promulgate guidelines
 42 to assist firms, associations and corporations in separating affected
 43 persons from net revenues for purposes of subdivision ten of section
 44 seventy-three of the public officers law, and promulgate guidelines to
 45 assist any firm, association or corporation in which any present or
 46 former statewide elected official, state officer or employee, member of
 47 the legislature or legislative employee, or political party chairman is
 48 a member, associate, retired member, of counsel or shareholder, in
 49 complying with the provisions of subdivision ten of section seventy-
 50 three of the public officers law with respect to the separation of such
 51 present or former statewide elected official, state officer or employee,
 52 member of the legislature or legislative employee, or political party
 53 chairman from the net revenues of the firm, association or corporation.
 54 Such firm, association or corporation shall not be required to adopt the
 55 procedures contained in the guidelines to establish compliance with
 56 subdivision ten of section seventy-three of the public officers law, but

1 if such firm, association or corporation does adopt such procedures, it
2 shall be deemed to be in compliance with such subdivision ten;

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

8 h. Review financial disclosure statements in accordance with the
9 provisions of this section, provided however, that the commission may
10 delegate all or part of the review function relating to financial
11 disclosure statements filed by legislative employees pursuant to
12 sections seventy-three and seventy-three-a of the public officers law to
13 the executive director who shall be responsible for completing staff
14 review of such statements in a manner consistent with the terms of the
15 commission's delegation;

16 i. Upon written request from any person who is subject to the juris-
17 diction of the commission and the requirements of sections seventy-
18 three, seventy-three-a and seventy-four of the public officers law,
19 render formal advisory opinions on the requirements of said provisions.
20 A formal written opinion rendered by the commission, until and unless
21 amended or revoked, shall be binding on the legislative ethics commis-
22 sion in any subsequent proceeding concerning the person who requested
23 the opinion and who acted in good faith, unless material facts were
24 omitted or misstated by the person in the request for an opinion. Such
25 opinion may also be relied upon by such person, and may be introduced
26 and shall be a defense in any criminal or civil action. The [~~joint~~]
27 independent commission on [~~public~~] ethics and lobbying in government
28 shall not investigate an individual for potential violations of law
29 based upon conduct approved and covered in its entirety by such an opin-
30 ion, except that such opinion shall not prevent or preclude an investi-
31 gation of and report to the legislative ethics commission concerning the
32 conduct of the person who obtained it by the [~~joint~~] independent commis-
33 sion on [~~public~~] ethics and lobbying in government for violations of
34 section seventy-three, seventy-three-a or seventy-four of the public
35 officers law to determine whether the person accurately and fully
36 represented to the legislative ethics commission the facts relevant to
37 the formal advisory opinion and whether the person's conduct conformed
38 to those factual representations. The [~~joint~~] independent commission on
39 ethics and lobbying in government shall be authorized and shall have
40 jurisdiction to investigate potential violations of the law arising from
41 conduct outside of the scope of the terms of the advisory opinion; and

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

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

53 l. Prepare an annual report to the governor and legislature summariz-
54 ing the activities of the commission during the previous year and recom-
55 mending any changes in the laws governing the conduct of persons subject
56 to the jurisdiction of the commission, or the rules, regulations and

1 procedures governing the commission's conduct. Such report shall
2 include: (i) a listing by assigned number of each complaint and report
3 received from the [~~joint~~] independent commission on [~~public~~] ethics and
4 lobbying in government which alleged a possible violation within its
5 jurisdiction, including the current status of each complaint, and (ii)
6 where a matter has been resolved, the date and nature of the disposition
7 and any sanction imposed, subject to the confidentiality requirements of
8 this section. Such annual report shall not contain any information for
9 which disclosure is not permitted pursuant to subdivision twelve of this
10 section.

11 9. (a) An individual subject to the jurisdiction of the commission
12 with respect to the imposition of penalties who knowingly and inten-
13 tionally violates the provisions of subdivisions two through five-a,
14 seven, eight, twelve, fourteen or fifteen of section seventy-three of
15 the public officers law or a reporting individual who knowingly and
16 wilfully fails to file an annual statement of financial disclosure or
17 who knowingly and wilfully with intent to deceive makes a false state-
18 ment or gives information which such individual knows to be false on
19 such statement of financial disclosure filed pursuant to section seven-
20 ty-three-a of the public officers law shall be subject to a civil penal-
21 ty in an amount not to exceed forty thousand dollars and the value of
22 any gift, compensation or benefit received as a result of such
23 violation. Any such individual who knowingly and intentionally violates
24 the provisions of paragraph a, b, c, d, e, g, or i of subdivision three
25 of section seventy-four of the public officers law shall be subject to a
26 civil penalty in an amount not to exceed ten thousand dollars and the
27 value of any gift, compensation or benefit received as a result of such
28 violation. Assessment of a civil penalty hereunder shall be made by the
29 commission with respect to persons subject to its jurisdiction. In
30 assessing the amount of the civil penalties to be imposed, the commis-
31 sion shall consider the seriousness of the violation, the amount of gain
32 to the individual and whether the individual previously had any civil or
33 criminal penalties imposed pursuant to this section, and any other
34 factors the commission deems appropriate. For a violation of this
35 section, other than for conduct which constitutes a violation of subdivi-
36 sion twelve, fourteen or fifteen of section seventy-three or section
37 seventy-four of the public officers law, the legislative ethics commis-
38 sion may, in lieu of or in addition to a civil penalty, refer a
39 violation to the appropriate prosecutor and upon such conviction, but
40 only after such referral, such violation shall be punishable as a class
41 A misdemeanor. Where the commission finds sufficient cause, it shall
42 refer such matter to the appropriate prosecutor. A civil penalty for
43 false filing may not be imposed hereunder in the event a category of
44 "value" or "amount" reported hereunder is incorrect unless such reported
45 information is falsely understated. Notwithstanding any other provision
46 of law to the contrary, no other penalty, civil or criminal may be
47 imposed for a failure to file, or for a false filing, of such statement,
48 or a violation of subdivision six of section seventy-three of the public
49 officers law, except that the appointing authority may impose discipli-
50 nary action as otherwise provided by law. The legislative ethics commis-
51 sion shall be deemed to be an agency within the meaning of article three
52 of the state administrative procedure act and shall adopt rules govern-
53 ing the conduct of adjudicatory proceedings and appeals taken pursuant
54 to a proceeding commenced under article seventy-eight of the civil prac-
55 tice law and rules relating to the assessment of the civil penalties
56 herein authorized. Such rules, which shall not be subject to the promul-

1 gation and hearing requirements of the state administrative procedure
2 act, shall provide for due process procedural mechanisms substantially
3 similar to those set forth in such article three but such mechanisms
4 need not be identical in terms or scope. Assessment of a civil penalty
5 shall be final unless modified, suspended or vacated within thirty days
6 of imposition, with respect to the assessment of such penalty, or unless
7 such denial of request is reversed within such time period, and upon
8 becoming final shall be subject to review at the instance of the
9 affected reporting individuals in a proceeding commenced against the
10 legislative ethics commission, pursuant to article seventy-eight of the
11 civil practice law and rules.

12 (b) Not later than forty-five calendar days after receipt from the
13 [~~joint~~] independent commission on [~~public~~] ethics and lobbying in
14 government of a written substantial basis investigation report and any
15 supporting documentation or other materials regarding a matter before
16 the commission pursuant to [~~subdivision fourteen-a-of~~] section ninety-
17 four of the executive law, unless requested by a law enforcement agency
18 to suspend the commission's action because of an ongoing criminal inves-
19 tigation, the legislative ethics commission shall make public such
20 report in its entirety; provided, however, that the commission may with-
21 hold such information for not more than one additional period of the
22 same duration or refer the matter back to the [~~joint~~] independent
23 commission on [~~public~~] ethics and lobbying in government once for addi-
24 tional investigation, in which case the legislative ethics commission
25 shall, upon the termination of such additional period or upon receipt of
26 a new report by the [~~joint~~] independent commission on [~~public~~] ethics
27 and lobbying in government after such additional investigation, make
28 public the written report and publish it on the commission's website. If
29 the legislative ethics commission fails to make public the written
30 report received from the [~~joint~~] independent commission on ethics and
31 lobbying in government in accordance with this paragraph, the [~~joint~~]
32 independent commission on ethics and lobbying in government shall
33 release such report publicly promptly and in any event no later than ten
34 days after the legislative ethics commission is required to release such
35 report. The legislative ethics commission shall not refer the matter
36 back to the [~~joint~~] independent commission on [~~public~~] ethics and lobby-
37 ing in government for additional investigation more than once. If the
38 commission refers the matter back to the [~~joint~~] independent commission
39 on ethics and lobbying in government for additional fact-finding, the
40 [~~joint-commission's~~] independent commission on ethics and lobbying in
41 government's original report shall remain confidential.

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

49 a. whether the legislative ethics commission concurs with the [~~joint~~
50 ~~commission's~~] independent commission on ethics and lobbying in govern-
51 ment's conclusions of law and the reasons therefor;

52 b. whether and which penalties have been assessed pursuant to applica-
53 ble law or rule and the reasons therefor; and

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

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

5 12. a. Notwithstanding the provisions of article six of the public
6 officers law, the only records of the commission which shall be avail-
7 able for public inspection and copying are:

8 (1) the terms of any settlement or compromise of a complaint or refer-
9 ral or report which includes a fine, penalty or other remedy reached
10 after the commission has received a report from the [~~joint~~] independent
11 commission on [~~public~~] ethics and lobbying in government pursuant to
12 [~~subdivision fourteen-a-of~~] section ninety-four of the executive law;

13 (2) generic advisory opinions;

14 (3) all reports required by this section; and

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

19 b. Notwithstanding the provisions of article seven of the public offi-
20 cers law, no meeting or proceeding of the commission shall be open to
21 the public, except if expressly provided otherwise by this section or
22 the commission.

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

30 § 5. Paragraphs (c), (d) and (d-1) of subdivision 1 of section 73-a of
31 the public officers law, paragraphs (c) and (d) as amended and paragraph
32 (d-1) as added by section 5 of part A of chapter 399 of the laws of
33 2011, are amended to read as follows:

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

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

36 (ii) officers and employees of statewide elected officials, officers
37 and employees of state departments, boards, bureaus, divisions, commis-
38 sions, councils or other state agencies, who receive annual compensation
39 in excess of the filing rate established by paragraph (1) of this subdivi-
40 sion or who hold policy-making positions, as annually determined by
41 the appointing authority and set forth in a written instrument which
42 shall be filed with the [~~joint~~] independent commission on [~~public~~]
43 ethics and lobbying in government established by section ninety-four of
44 the executive law during the month of February, provided, however, that
45 the appointing authority shall amend such written instrument after such
46 date within thirty days after the undertaking of policy-making responsi-
47 bilities by a new employee or any other employee whose name did not
48 appear on the most recent written instrument; and

49 (iii) members or directors of public authorities, other than multi-
50 state authorities, public benefit corporations and commissions at least
51 one of whose members is appointed by the governor, and employees of such
52 authorities, corporations and commissions who receive annual compen-
53 sation in excess of the filing rate established by paragraph (1) of this
54 subdivision or who hold policy-making positions, as determined annually
55 by the appointing authority and set forth in a written instrument which
56 shall be filed with the [~~joint~~] independent commission on [~~public~~]

1 ethics and lobbying in government established by section ninety-four of
2 the executive law during the month of February, provided, however, that
3 the appointing authority shall amend such written instrument after such
4 date within thirty days after the undertaking of policy-making responsi-
5 bilities by a new employee or any other employee whose name did not
6 appear on the most recent written instrument.

7 (d) The term "legislative employee" shall mean any officer or employee
8 of the legislature who receives annual compensation in excess of the
9 filing rate established by paragraph (1) below or who is determined to
10 hold a policy-making position by the appointing authority as set forth
11 in a written instrument which shall be filed with the legislative ethics
12 commission and the [~~joint~~] independent commission on [~~public~~] ethics and
13 lobbying in government.

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

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

25 2. (a) Every statewide elected official, state officer or employee,
26 member of the legislature, legislative employee and political party
27 chairman and every candidate for statewide elected office or for member
28 of the legislature shall file an annual statement of financial disclo-
29 sure containing the information and in the form set forth in subdivision
30 three of this section. On or before the fifteenth day of May with
31 respect to the preceding calendar year: (1) every member of the legisla-
32 ture, every candidate for member of the legislature and legislative
33 employee shall file such statement with the legislative ethics commis-
34 sion which shall provide such statement along with any requests for
35 exemptions or deletions to the [~~joint~~] independent commission on
36 [~~public~~] ethics and lobbying in government for filing and rulings with
37 respect to such requests for exemptions or deletions, on or before the
38 thirtieth day of June; and (2) all other individuals required to file
39 such statement shall file it with the [~~joint~~] independent commission on
40 [~~public~~] ethics and lobbying in government, except that:

41 (i) a person who is subject to the reporting requirements of this
42 subdivision and who timely filed with the internal revenue service an
43 application for automatic extension of time in which to file his or her
44 individual income tax return for the immediately preceding calendar or
45 fiscal year shall be required to file such financial disclosure state-
46 ment on or before May fifteenth but may, without being subjected to any
47 civil penalty on account of a deficient statement, indicate with respect
48 to any item of the disclosure statement that information with respect
49 thereto is lacking but will be supplied in a supplementary statement of
50 financial disclosure, which shall be filed on or before the seventh day
51 after the expiration of the period of such automatic extension of time
52 within which to file such individual income tax return, provided that
53 failure to file or to timely file such supplementary statement of finan-
54 cial disclosure or the filing of an incomplete or deficient supplementa-
55 ry statement of financial disclosure shall be subject to the notice and
56 penalty provisions of this section respecting annual statements of

1 financial disclosure as if such supplementary statement were an annual
2 statement;

3 (ii) a person who is required to file an annual financial disclosure
4 statement with the [~~joint~~] independent commission on [~~public~~] ethics and
5 lobbying in government, and who is granted an additional period of time
6 within which to file such statement due to justifiable cause or undue
7 hardship, in accordance with required rules and regulations [~~on the~~
8 ~~subject~~] adopted pursuant to [~~paragraph c of subdivision nine of~~]
9 section ninety-four of the executive law shall file such statement with-
10 in the additional period of time granted; and the legislative ethics
11 commission shall notify the [~~joint~~] independent commission on [~~public~~]
12 ethics and lobbying in government of any extension granted pursuant to
13 this paragraph;

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

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

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

30 (vi) candidates for independent nomination who have not been desig-
31 nated by a party to receive a nomination shall file such statement with-
32 in ten days after the last day allowed by law for the filing of inde-
33 pendent nominating petitions naming them as candidates in the next
34 succeeding general or special election;

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

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

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

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

53 (c) If the reporting individual is a senator or member of assembly,
54 candidate for the senate or member of assembly or a legislative employ-
55 ee, such statement shall be filed with both the legislative ethics
56 commission established by section eighty of the legislative law and the

1 [~~joint~~] independent commission on [~~public~~] ethics and lobbying in
2 government in accordance with paragraph (d-1) of subdivision one of this
3 section. If the reporting individual is a statewide elected official,
4 candidate for statewide elected office, a state officer or employee or a
5 political party chairman, such statement shall be filed with the [~~joint~~]
6 independent commission on [~~public~~] ethics and lobbying in government
7 established by section ninety-four of the executive law.

8 (d) The [~~joint~~] independent commission on [~~public~~] ethics and lobbying
9 in government shall obtain from the state board of elections a list of
10 all candidates for statewide office and for member of the legislature,
11 and from such list, shall determine and publish a list of those candi-
12 dates who have not, within ten days after the required date for filing
13 such statement, filed the statement required by this subdivision.

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

24 (f) A person who may otherwise be required to file more than one annu-
25 al financial disclosure statement with both the [~~joint~~] independent
26 commission on [~~public~~] ethics and lobbying in government and the legis-
27 lative ethics commission in any one calendar year may satisfy such
28 requirement by filing one such statement with either body and by notify-
29 ing the other body of such compliance.

30 (g) A person who is employed in more than one employment capacity for
31 one or more employers certain of whose officers and employees are
32 subject to filing a financial disclosure statement with the same ethics
33 commission, as the case may be, and who receives distinctly separate
34 payments of compensation for such employment shall be subject to the
35 filing requirements of this section if the aggregate annual compensation
36 for all such employment capacities is in excess of the filing rate
37 notwithstanding that such person would not otherwise be required to file
38 with respect to any one particular employment capacity. A person not
39 otherwise required to file a financial disclosure statement hereunder
40 who is employed by an employer certain of whose officers or employees
41 are subject to filing a financial disclosure statement with the [~~joint~~]
42 independent commission on [~~public~~] ethics and lobbying in government and
43 who is also employed by an employer certain of whose officers or employ-
44 ees are subject to filing a financial disclosure statement with the
45 legislative ethics commission shall not be subject to filing such state-
46 ment with either such commission on the basis that his aggregate annual
47 compensation from all such employers is in excess of the filing rate.

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

54 (i) A candidate whose name will appear on both a party designating
55 petition and on an independent nominating petition for the same office
56 or who will be listed on the election ballot for the same office more

1 than once shall satisfy the filing deadline requirements of this subdi-
2 vision by complying with the earliest applicable deadline only.

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

7 (k) The [~~joint~~] independent commission on [~~public~~] ethics and lobbying
8 in government shall post for at least five years beginning for filings
9 made on January first, two thousand thirteen the annual statement of
10 financial disclosure and any amendments filed by each person subject to
11 the reporting requirements of this subdivision who is an elected offi-
12 cial on its website for public review within thirty days of its receipt
13 of such statement or within ten days of its receipt of such amendment
14 that reflects any corrections of deficiencies identified by the commis-
15 sion or by the reporting individual after the reporting individual's
16 initial filing. Except upon an individual determination by the commis-
17 sion that certain information may be deleted from a reporting individ-
18 ual's annual statement of financial disclosure, none of the information
19 in the statement posted on the commission's website shall be otherwise
20 deleted.

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

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

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

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

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

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

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

47 For purposes of this question, "referred to the firm" shall mean:
48 having intentionally and knowingly taken a specific act or series of
49 acts to intentionally procure for the reporting individual's firm or
50 knowingly solicit or direct to the reporting individual's firm in whole
51 or substantial part, a person or entity that becomes a client of that
52 firm for the purposes of representation for a matter as defined in
53 subparagraphs (i) through (iv) of this paragraph, as the result of such
54 procurement, solicitation or direction of the reporting individual. A
55 reporting individual need not disclose activities performed while

1 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-
2 sion seven of section seventy-three of this article.

3 The disclosure requirement in this question shall not require disclo-
4 sure of clients or customers receiving medical or dental services,
5 mental health services, residential real estate brokering services, or
6 insurance brokering services from the reporting individual or his or her
7 firm. The reporting individual need not identify any client to whom he
8 or she or his or her firm provided legal representation with respect to
9 investigation or prosecution by law enforcement authorities, bankruptcy,
10 or domestic relations matters. With respect to clients represented in
11 other matters, where disclosure of a client's identity is likely to
12 cause harm, the reporting individual shall request an exemption from the
13 [~~joint~~] independent commission on ethics and lobbying in government
14 pursuant to [~~paragraph (i-1) of subdivision nine of~~] section ninety-four
15 of the executive law, provided, however, that a reporting individual who
16 first enters public office after July first, two thousand twelve, need
17 not report clients or customers with respect to matters for which the
18 reporting individual or his or her firm was retained prior to entering
19 public office.

20 Client	Nature of Services Provided
21 _____	_____
22 _____	_____
23 _____	_____
24 _____	_____
25 _____	_____

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

32 (i) With respect to reporting individuals who receive ten thousand
33 dollars or more from employment or activity reportable under question
34 8(a), for each client or customer NOT otherwise disclosed or exempted in
35 question 8 or 13, disclose the name of each client or customer known to
36 the reporting individual to whom the reporting individual provided
37 services: (A) who paid the reporting individual in excess of five thou-
38 sand dollars for such services; or (B) who had been billed with the
39 knowledge of the reporting individual in excess of five thousand dollars
40 by the firm or other entity named in question 8(a) for the reporting
41 individual's services.

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

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

- 46 * REVIEWED DOCUMENTS AND CORRESPONDENCE;
- 47 * REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
- 48 * PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);

- 1 * CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS
 2 OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
 3 * PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY
 4 NAME);
 5 * REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR
 6 REPRESENTATION OR CONSULTATION;
 7 * COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
 8 * PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING
 9 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
 10 * COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).
 11 (ii) With respect to reporting individuals who disclosed in question
 12 8(a) that the reporting individual did not provide services to a client
 13 but provided services to a firm or business, identify the category of
 14 amount received for providing such services and describe the services
 15 rendered.
 16 Services Actually Provided Category of Amount (Table I)

17 A reporting individual need not disclose activities performed while
 18 lawfully acting in his or her capacity as provided in paragraphs (c),
 19 (d), (e) and (f) of subdivision seven of section seventy-three of this
 20 article.
 21 The disclosure requirement in questions (b-1) and (b-2) shall not
 22 require disclosing clients or customers receiving medical, pharmaceu-
 23 tical or dental services, mental health services, or residential real
 24 estate brokering services from the reporting individual or his or her
 25 firm or if federal law prohibits or limits disclosure. The reporting
 26 individual need not identify any client to whom he or she or his or her
 27 firm provided legal representation with respect to investigation or
 28 prosecution by law enforcement authorities, bankruptcy, family court,
 29 estate planning, or domestic relations matters, nor shall the reporting
 30 individual identify individuals represented pursuant to an insurance
 31 policy but the reporting individual shall in such circumstances only
 32 report the entity that provides compensation to the reporting individ-
 33 ual; with respect to matters in which the client's name is required by
 34 law to be kept confidential (such as matters governed by the family
 35 court act) or in matters in which the reporting individual represents or
 36 provides services to minors, the client's name may be replaced with
 37 initials. To the extent that the reporting individual, or his or her
 38 firm, provided legal representation with respect to an initial public
 39 offering, and professional disciplinary rules, federal law or regu-
 40 lations restrict the disclosure of information relating to such work,
 41 the reporting individual shall (i) disclose the identity of the client
 42 and the services provided relating to the initial public offering to the
 43 office of court administration, who will maintain such information
 44 confidentially in a locked box; and (ii) include in his or her response
 45 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-
 46 sure to the office of court administration has been made. Upon such time
 47 that the disclosure of information maintained in the locked box is no
 48 longer restricted by professional disciplinary rules, federal law or
 49 regulation, the reporting individual shall disclose such information in
 50 an amended disclosure statement in response to the disclosure require-
 51 ments in questions (b-1) and (b-2). The office of court administration
 52 shall develop and maintain a secure portal through which information
 53 submitted to it pursuant to this paragraph can be safely and confiden-

1 tially stored. With respect to clients represented in other matters not
2 otherwise exempt, the reporting individual may request an exemption to
3 publicly disclosing the name of that client from the [~~joint~~] independent
4 commission on ethics and lobbying in government pursuant to [~~paragraph~~
5 ~~(i-1) of subdivision nine of~~] section ninety-four of the executive law,
6 or from the office of court administration. In such application, the
7 reporting individual shall state the following: "My client is not
8 currently receiving my services or seeking my services in connection
9 with:

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

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

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

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

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

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

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

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

1 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
2 SAND FIFTEEN:

3 If the reporting individual receives income of ten thousand dollars or
4 greater from any employment or activity reportable under question 8(a),
5 identify each registered lobbyist who has directly referred to such
6 individual a client who was successfully referred to the reporting indi-
7 vidual's business and from whom the reporting individual or firm
8 received a fee for services in excess of five thousand dollars. Report
9 only those referrals that were made to a reporting individual by direct
10 communication from a person known to such reporting individual to be a
11 registered lobbyist at the time the referral is made. With respect to
12 each such referral, the reporting individual shall identify the client,
13 the registered lobbyist who has made the referral, the category of value
14 of the compensation received and a general description of the type of
15 matter so referred. A reporting individual need not disclose activities
16 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and
17 (f) of subdivision seven of section seventy-three of this article. The
18 disclosure requirements in this question shall not require disclosing
19 clients or customers receiving medical, pharmaceutical or dental
20 services, mental health services, or residential real estate brokering
21 services from the reporting individual or his or her firm or if federal
22 law prohibits or limits disclosure. The reporting individual need not
23 identify any client to whom he or she or his or her firm provided legal
24 representation with respect to investigation or prosecution by law
25 enforcement authorities, bankruptcy, family court, estate planning, or
26 domestic relations matters, nor shall the reporting individual identify
27 individuals represented pursuant to an insurance policy but the report-
28 ing individual shall in such circumstances only report the entity that
29 provides compensation to the reporting individual; with respect to
30 matters in which the client's name is required by law to be kept confi-
31 dential (such as matters governed by the family court act) or in matters
32 in which the reporting individual represents or provides services to
33 minors, the client's name may be replaced with initials. To the extent
34 that the reporting individual, or his or her firm, provided legal repre-
35 sentation with respect to an initial public offering, and federal law or
36 regulations restricts the disclosure of information relating to such
37 work, the reporting individual shall (i) disclose the identity of the
38 client and the services provided relating to the initial public offering
39 to the office of court administration, who will maintain such informa-
40 tion confidentially in a locked box; and (ii) include in his or her
41 response a statement that pursuant to this paragraph, a disclosure to
42 the office of court administration has been made. Upon such time that
43 the disclosure of information maintained in the locked box is no longer
44 restricted by federal law or regulation, the reporting individual shall
45 disclose such information in an amended disclosure statement in response
46 to the disclosure requirements of this paragraph. The office of court
47 administration shall develop and maintain a secure portal through which
48 information submitted to it pursuant to this paragraph can be safely and
49 confidentially stored. With respect to clients represented in other
50 matters not otherwise exempt, the reporting individual may request an
51 exemption to publicly disclosing the name of that client from the
52 [~~joint~~ independent commission on ethics and lobbying in government
53 pursuant to [~~paragraph (i-1) of subdivision nine of~~] section ninety-four
54 of the executive law, or from the office of court administration. In
55 such application, the reporting individual shall state the following:

1 "My client is not currently receiving my services or seeking my services
2 in connection with:

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

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

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

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

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

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

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

46 Client	Name of Lobbyist	Description 47 of Matter	Category of Amount (in Table 1)
48			
49			
50			
51			
52			

53 § 8. Subdivisions 4 and 7 of section 73-a of the public officers law,
54 subdivision 4 as amended by section 5 of part A of chapter 399 of the

1 laws of 2011 and subdivision 7 as added by section 3 of part CC of chap-
2 ter 56 of the laws of 2015, are amended to read as follows:

3 4. A reporting individual who knowingly and wilfully fails to file an
4 annual statement of financial disclosure or who knowingly and wilfully
5 with intent to deceive makes a false statement or gives information
6 which such individual knows to be false on such statement of financial
7 disclosure filed pursuant to this section shall be subject to a civil
8 penalty in an amount not to exceed forty thousand dollars. Assessment of
9 a civil penalty hereunder shall be made by the [~~joint~~] independent
10 commission on [~~public~~] ethics and lobbying in government or by the
11 legislative ethics commission, as the case may be, with respect to
12 persons subject to their respective jurisdictions. The [~~joint~~] inde-
13 pendent commission on [~~public~~] ethics and lobbying in government acting
14 pursuant to subdivision fourteen of section ninety-four of the executive
15 law or the legislative ethics commission acting pursuant to subdivision
16 eleven of section eighty of the legislative law, as the case may be,
17 may, in lieu of or in addition to a civil penalty, refer a violation to
18 the appropriate prosecutor and upon such conviction, but only after such
19 referral, such violation shall be punishable as a class A misdemeanor. A
20 civil penalty for false filing may not be imposed hereunder in the event
21 a category of "value" or "amount" reported hereunder is incorrect unless
22 such reported information is falsely understated. Notwithstanding any
23 other provision of law to the contrary, no other penalty, civil or crim-
24 inal may be imposed for a failure to file, or for a false filing, of
25 such statement, except that the appointing authority may impose disci-
26 plinary action as otherwise provided by law. The [~~joint~~] independent
27 commission on [~~public~~] ethics and lobbying in government and the legis-
28 lative ethics commission shall each be deemed to be an agency within the
29 meaning of article three of the state administrative procedure act and
30 shall adopt rules governing the conduct of adjudicatory proceedings and
31 appeals relating to the assessment of the civil penalties herein author-
32 ized. Such rules, which shall not be subject to the approval require-
33 ments of the state administrative procedure act, shall provide for due
34 process procedural mechanisms substantially similar to those set forth
35 in such article three but such mechanisms need not be identical in terms
36 or scope. Assessment of a civil penalty shall be final unless modified,
37 suspended or vacated within thirty days of imposition and upon becoming
38 final shall be subject to review at the instance of the affected report-
39 ing individual in a proceeding commenced against the [~~joint~~] independent
40 commission on [~~public~~] ethics and lobbying in government or the legisla-
41 tive ethics commission, pursuant to article seventy-eight of the civil
42 practice law and rules.

43 7. With respect to an application to either the [~~joint~~] independent
44 commission on ethics and lobbying in government or the office of court
45 administration for an exemption to disclosing the name of a client or
46 customer in response to questions 8 (b-1), 8 (b-2) and 8 (c), all infor-
47 mation which is the subject of or a part of such application shall
48 remain confidential. The name of the client need not be disclosed by the
49 reporting individual unless and until the [~~joint~~] independent commission
50 on ethics and lobbying in government or the office of court adminis-
51 tration formally advises the reporting individual that he or she must
52 disclose such names and the reporting individual agrees to represent the
53 client. Any commissioner or person employed by the [~~joint~~] independent
54 commission on ethics and lobbying in government or any person employed
55 by the office of court administration who, intentionally and without
56 authorization from a court of competent jurisdiction releases confiden-

1 tial information related to a request for an exemption received by the
2 commission or the office of court administration shall be guilty of a
3 class A misdemeanor.

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

7 (d) "Recipient entity" shall mean any corporation or entity that is
8 qualified as an exempt organization or entity by the United States
9 Department of the Treasury under I.R.C. 501(c)(4) that is required to
10 file a source of funding report with the [~~joint~~] independent commission
11 on [~~public~~] ethics and lobbying in government pursuant to sections one-h
12 and one-j of the legislative law.

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

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

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

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

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

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

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

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

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

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

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

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

4 (h) Notwithstanding the provisions of subparagraphs (i) and (ii) of
5 paragraph (a) of this subdivision, a former state officer or employee
6 may contract individually, or as a member or employee of a firm, corpo-
7 ration or association, to render services to any state agency when the
8 agency head certifies in writing to the [~~joint~~] independent commission
9 on [~~public~~] ethics and lobbying in government that the services of such
10 former officer or employee are required in connection with the agency's
11 response to a disaster emergency declared by the governor pursuant to
12 section twenty-eight of the executive law.

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

19 8-a. The provisions of subparagraphs (i) and (ii) of paragraph (a) of
20 subdivision eight of this section shall not apply to any such former
21 state officer or employee engaged in any of the specific permitted
22 activities defined in this subdivision that are related to any civil
23 action or proceeding in any state or federal court, provided that the
24 attorney general has certified in writing to the [~~joint~~] independent
25 commission on [~~public~~] ethics and lobbying in government, with a copy to
26 such former state officer or employee, that the services are rendered on
27 behalf of the state, a state agency, state officer or employee, or other
28 person or entity represented by the attorney general, and that such
29 former state officer or employee has expertise, knowledge or experience
30 which is unique or outstanding in a field or in a particular matter or
31 which would otherwise be generally unavailable at a comparable cost to
32 the state, a state agency, state officer or employee, or other person or
33 entity represented by the attorney general in such civil action or
34 proceeding. In those instances where a state agency is not represented
35 by the attorney general in a civil action or proceeding in state or
36 federal court, a former state officer or employee may engage in permit-
37 ted activities provided that the general counsel of the state agency,
38 after consultation with the [~~joint~~] independent commission on [~~public~~]
39 ethics and lobbying in government, provides to the [~~joint~~] independent
40 commission on [~~public~~] ethics and lobbying in government a written
41 certification which meets the requirements of this subdivision. For
42 purposes of this subdivision the term "permitted activities" shall mean
43 generally any activity performed at the request of the attorney general
44 or the attorney general's designee, or in cases where the state agency
45 is not represented by the attorney general, the general counsel of such
46 state agency, including without limitation:

- 47 (a) preparing or giving testimony or executing one or more affidavits;
- 48 (b) gathering, reviewing or analyzing information, including documen-
49 tary or oral information concerning facts or opinions, attending deposi-
50 tions or participating in document review or discovery;
- 51 (c) performing investigations, examinations, inspections or tests of
52 persons, documents or things;
- 53 (d) performing audits, appraisals, compilations or computations, or
54 reporting about them;
- 55 (e) identifying information to be sought concerning facts or opinions;
- 56 or

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

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

5 8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of
6 paragraph (a) of subdivision eight of this section, a former state offi-
7 cer or employee may contract individually, or as a member or employee of
8 a firm, corporation or association, to render services to any state
9 agency if, prior to engaging in such service, the agency head certifies
10 in writing to the [~~joint~~] independent commission on [~~public~~] ethics and
11 lobbying in government that such former officer or employee has exper-
12 tise, knowledge or experience with respect to a particular matter which
13 meets the needs of the agency and is otherwise unavailable at a compara-
14 ble cost. Where approval of the contract is required under section one
15 hundred twelve of the state finance law, the comptroller shall review
16 and consider the reasons for such certification. The [~~joint~~] independent
17 commission on [~~public~~] ethics and lobbying in government must review and
18 approve all certifications made pursuant to this subdivision.

19 10. Nothing contained in this section, the judiciary law, the educa-
20 tion law or any other law or disciplinary rule shall be construed or
21 applied to prohibit any firm, association or corporation, in which any
22 present or former statewide elected official, state officer or employee,
23 or political party chairman, member of the legislature or legislative
24 employee is a member, associate, retired member, of counsel or share-
25 holder, from appearing, practicing, communicating or otherwise rendering
26 services in relation to any matter before, or transacting business with
27 a state agency, or a city agency with respect to a political party
28 chairman in a county wholly included in a city with a population of more
29 than one million, otherwise proscribed by this section, the judiciary
30 law, the education law or any other law or disciplinary rule with
31 respect to such official, member of the legislature or officer or
32 employee, or political party chairman, where such statewide elected
33 official, state officer or employee, member of the legislature or legis-
34 lative employee, or political party chairman does not share in the net
35 revenues, as defined in accordance with generally accepted accounting
36 principles by the [~~joint~~] independent commission on [~~public~~] ethics and
37 lobbying in government or by the legislative ethics commission in
38 relation to persons subject to their respective jurisdictions, resulting
39 therefrom, or, acting in good faith, reasonably believed that he or she
40 would not share in the net revenues as so defined; nor shall anything
41 contained in this section, the judiciary law, the education law or any
42 other law or disciplinary rule be construed to prohibit any firm, asso-
43 ciation or corporation in which any present or former statewide elected
44 official, member of the legislature, legislative employee, full-time
45 salaried state officer or employee or state officer or employee who is
46 subject to the provisions of section seventy-three-a of this article is
47 a member, associate, retired member, of counsel or shareholder, from
48 appearing, practicing, communicating or otherwise rendering services in
49 relation to any matter before, or transacting business with, the court
50 of claims, where such statewide elected official, member of the legisla-
51 ture, legislative employee, full-time salaried state officer or employee
52 or state officer or employee who is subject to the provisions of section
53 seventy-three-a of this article does not share in the net revenues, as
54 defined in accordance with generally accepted accounting principles by
55 the [~~joint~~] independent commission on [~~public~~] ethics and lobbying in
56 government or by the legislative ethics commission in relation to

1 persons subject to their respective jurisdictions, resulting therefrom,
2 or, acting in good faith, reasonably believed that he or she would not
3 share in the net revenues as so defined.

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

6 PART AA

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

9 § 160.57 Automatic sealing of convictions.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (iv) the court, prosecutor, and defense counsel if the defendant
2 becomes a witness in a criminal proceeding, or the claimant and respond-
3 ent if the defendant becomes a witness in a civil proceeding;

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

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

19 (vii) any federal, state or local officer or agency with responsibil-
20 ity for the issuance of licenses to possess a firearm, rifle or shotgun
21 or with responsibility for conducting background checks before transfer
22 or sale of a firearm or explosive, when the officer or agency is acting
23 pursuant to such responsibility. This includes the criminal justice
24 information services division of the federal bureau of investigation,
25 for the purposes of responding to queries to the national instant back-
26 ground check system regarding attempts to purchase or otherwise take
27 possession of firearms, rifles or shotguns, as defined in 18 U.S.C. §
28 921 (A)(3);

29 (viii) for the purposes of civilian investigation or evaluation of a
30 civilian complaint or civil action concerning law enforcement or prose-
31 cution actions, upon ex parte motion in any superior court, or in any
32 district court, city court or the criminal court of the city of New York
33 provided that such court sealed the record; the applicant must demon-
34 strate to the satisfaction of the court that the records will be used
35 for the purposes of this subparagraph; and

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

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

45 3. Where a conviction is eligible for sealing pursuant to this section
46 the office of court administration shall immediately notify the division
47 of criminal justice services, the court of conviction and the heads of
48 all appropriate police departments, prosecutors' offices and law
49 enforcement agencies that the conviction is sealed. Upon receipt of such
50 notification, records of or relating to such conviction, including every
51 photograph of such defendant and photographic plates or proof, and all
52 palprints, fingerprints and retina scans taken or made of such individ-
53 ual pursuant to the provisions of this article in regard to the eligible
54 conviction, and all duplicates, reproductions, and copies thereof, shall
55 be sealed and shall not be released except as provided by paragraph (d)
56 of subdivision two of this section. Every official record and paper and

1 duplicates and copies thereof, including, but not limited to, judgments
2 and orders of a court but not including published court decisions or
3 opinions or records and briefs on appeal, relating to the conviction, on
4 file with the agency shall be marked as sealed by conspicuously indicat-
5 ing on the face of the record or at the beginning of the digitized file
6 of the record that the record has been designated as sealed.

7 4. (a) Nothing in this section requires the destruction of DNA infor-
8 mation maintained in the New York state DNA database of such individual
9 pursuant to the provisions of the executive law in regard to the eligi-
10 ble conviction.

11 (b) Nothing in this section requires the sealing or destruction of
12 records maintained by the department of motor vehicles, and nothing in
13 this section shall be construed to contravene the vehicle and traffic
14 law, the federal driver's privacy protection act (18 U.S.C 2721 et.
15 seq.), or the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C.
16 31311).

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

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

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

33 6. Sealing as set forth in subdivision three of this section is with-
34 out prejudice to a defendant or their attorney seeking further relief
35 pursuant to section 440.10 of this chapter. Nothing in this section
36 shall diminish or abrogate any rights or remedies otherwise available to
37 the defendant.

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

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

46 § 2. Section 9 of the correction law, as added by section 2 of part 00
47 of chapter 56 of the laws of 2010, the section heading as amended by
48 chapter 322 of the laws of 2021, is amended to read as follows:

49 § 9. Access to information of incarcerated individuals via the inter-
50 net. Notwithstanding any provision of law to the contrary, any informa-
51 tion relating to the conviction of a person[~~except for a person~~
52 ~~convicted of an offense that would make such person ineligible for merit~~
53 ~~time under section eight hundred three of this chapter or an offense for~~
54 ~~which registration as a sex offender is required as set forth in subdi-~~
55 ~~vision two or three of section one hundred sixty eight a of this chap-~~
56 ~~ter,~~] that is posted on a website maintained by or for the department,

1 under article six of the public officers law, may be posted on such
 2 website for a period not to exceed five years after the expiration of
 3 such person's sentence of imprisonment and at the conclusion of any
 4 period of parole or post-release supervision[~~, provided, however, that~~
 5 ~~in the case of a person who has been committed to the department on more~~
 6 ~~than one occasion, the department may post conviction information relat-~~
 7 ~~ing to any prior commitment on such website for a period not to exceed~~
 8 ~~five years after the expiration of such person's sentence of imprison-~~
 9 ~~ment and any period of parole or post-release supervision arising from~~
 10 ~~the most recent commitment to the department].~~

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

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

19 PART BB

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

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

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

41 1. The commissioner and the superintendents [~~and officials of all~~
 42 ~~penitentiaries in the state~~] may cause incarcerated individuals in the
 43 state correctional facilities [~~and such penitentiaries~~] who are phys-
 44 ically capable thereof to be employed for not to exceed eight hours of
 45 each day other than Sundays and public holidays. Notwithstanding any
 46 other provision of this section, however, the commissioner and super-
 47 intendents [~~of state correctional facilities~~] may employ incarcerated
 48 individuals on a volunteer basis on Sundays and public holidays in
 49 specialized areas of the facility, including kitchen areas, vehicular
 50 garages, rubbish pickup and grounds maintenance, providing, however,
 51 that incarcerated individuals so employed shall be allowed an alterna-
 52 tive free day within the normal work week.

53 2. Such labor shall be either for the purpose of the production of
 54 supplies for said institutions, or for the state, or any political

1 subdivision thereof, or for any public institution owned or managed and
2 controlled by the state, or any political subdivision thereof; or for
3 the purpose of industrial training and instruction, or partly for one,
4 and partly for the other of such purposes. It shall also be lawful for
5 incarcerated individuals to be employed by and be paid fair and just
6 compensation by a private sector entity, or be paid as part of a prison
7 industries certification program authorized by section one hundred
8 seventy-two of this article and certified by the United States depart-
9 ment of justice in accordance with 18 U.S.C. § 1761.

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

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

22 2. The commissioner is hereby authorized and empowered to establish
23 and implement a prison industries certification program in one or more
24 correctional facilities of the department as provided for in 18 U.S.C. §
25 1761. The commissioner shall promulgate rules and regulations consistent
26 with such federal and state laws which shall include, but not be limited
27 to, provisions defining incarcerated individual eligibility and ensuring
28 incarcerated individuals are compensated at wages which are comparable
29 to the wages paid for work of similar nature in the locality in which
30 the work is performed, and provisions providing for the gross wages of
31 incarcerated individuals to be offset in an aggregate amount not to
32 exceed fifty percent for taxes, support of family, restitution for crime
33 victims, and other lawful obligations.

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

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

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

46 § 178. Participation in work release and other community activities;
47 employment by private entities or participation in a prison industries
48 certification program. Nothing contained in this article shall be
49 construed or applied so as to prohibit private employment of incarcerat-
50 ed individuals in the community under a work release program, or a resi-
51 dential treatment facility program formulated pursuant to any provision
52 of this chapter, or the employment of incarcerated individuals by a
53 private sector entity or participation in a prison industries program
54 pursuant to section one hundred seventy-two of this article.

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

1 5. The compensation paid to incarcerated individuals employed by
2 private entities under section one hundred seventy-two of this article
3 shall be set in accordance with rules and regulations adopted by the
4 commissioner. The compensation paid to incarcerated individuals partic-
5 ipating in a prison industries program shall be set in accordance with
6 18 U.S.C. § 1761.

7 § 7. This act shall take effect on the first of January next succeed-
8 ing the date upon which the people shall approve and ratify amendments
9 to section 24 of article 3 of the constitution by a majority of the
10 electors voting thereon relating to authorizing incarcerated individuals
11 to be employed by and be paid compensation by a private sector entity as
12 part of a prison industries certification program authorized by the laws
13 of the United States.

14 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
15 sion, section or part of this act shall be adjudged by any court of
16 competent jurisdiction to be invalid, such judgment shall not affect,
17 impair, or invalidate the remainder thereof, but shall be confined in
18 its operation to the clause, sentence, paragraph, subdivision, section
19 or part thereof directly involved in the controversy in which such judg-
20 ment shall have been rendered. It is hereby declared to be the intent of
21 the legislature that this act would have been enacted even if such
22 invalid provisions had not been included herein.

23 § 3. This act shall take effect immediately provided, however, that
24 the applicable effective date of Parts A through BB of this act shall be
25 as specifically set forth in the last section of such Parts.