

STATE OF NEW YORK

S. 8005--C

A. 9005--C

SENATE - ASSEMBLY

January 19, 2022

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

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

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (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 the 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 full 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); intentionally omitted (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 or community board to elect to receive notice by email (Part K); intentionally omitted (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

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

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permits, in relation to the effectiveness thereof (Part M); intentionally omitted (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; and providing for the repeal of such provisions upon expiration thereof (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the civil service law, in relation to eligibility for shift pay differentials (Part U); intentionally omitted (Part V); intentionally omitted (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 to repeal certain provisions of the tax law relating thereto (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); in relation to financing of a certain litigation liability by the city of Long Beach (Part CC); to amend the alcoholic beverage control law, in relation to operation of another business on a licensed farm manufacturing premises (Part DD); to amend the alcoholic beverage control law, in relation to allowing for the sale of liquor and/or wine for off-premises consumption on Christmas day (Part EE); to amend the alcoholic beverage control law, in relation to authorizing the issuance of on-premises licenses or permits to certain veterans' organizations with a police officer serving as an officer of such organization (Part FF); creating a temporary state commission to examine reforms to the alcoholic beverage control law in order to modernize the alcohol industry in New York state; and providing for the repeal of such provisions upon expiration thereof (Part GG); to amend the election law, in relation to postage paid for absentee ballots (Part HH); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part II); to amend the legislative law, in relation to establishing a legislative commission on the future of the Long Island Power Authority (Part JJ); to amend the general municipal law and the town law, in relation to authorizing fees and charges for emergency medical services; and providing for the repeal of such provisions upon the expiration thereof (Part KK); and to amend the public authorities law, in relation to transparency and accountability in Nassau county (Part LL)

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 LL. 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

1 corresponding section of the Part in which it is found. Section three of
2 this act sets forth the general effective date of this act.

3 PART A

4 Intentionally Omitted

5 PART B

6 Intentionally Omitted

7 PART C

8 Intentionally Omitted

9 PART D

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

12 § 2. This act shall take effect immediately.

13 PART E

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

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

1 pursuant to subdivision four of section four thousand one hundred seven-
2 ty-four of the public health law or section four thousand one hundred
3 seventy-nine of such law. Whenever an incarcerated individual of the
4 state is delivered to a local facility, the superintendent shall forward
5 summaries of such records to the local facility with the incarcerated
6 individual. The department of corrections and community supervision
7 shall notify the incarcerated individual when a birth certificate has
8 been ordered and received. Upon such individual's release from a correc-
9 tional facility, the certified copy or certified transcript of birth
10 shall be provided to the individual.

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

14 4. No fee shall be charged for a search, certification, certificate,
15 certified copy or certified transcript of a record to be used for school
16 entrance, employment certificate or for purposes of public relief or
17 when required by the veterans administration to be used in determining
18 the eligibility of any person to participate in the benefits made avail-
19 able by the veterans administration or when required by a board of
20 elections for the purposes of determining voter eligibility or when
21 requested by the department of corrections and community supervision or
22 a local correctional facility as defined in subdivision sixteen of
23 section two of the correction law for the purpose of providing a certi-
24 fied copy or certified transcript of birth to an incarcerated individual
25 in anticipation of such incarcerated individual's release from custody
26 or to obtain a death certificate to be used for administrative purposes
27 for an incarcerated individual who has died under custody or when
28 requested by the office of children and family services or an authorized
29 agency for the purpose of providing a certified copy or certified tran-
30 script of birth to a youth placed in the care and custody or custody and
31 guardianship of the local commissioner of social services or the care
32 and custody or custody and guardianship of the office of children and
33 family services in anticipation of such youth's discharge from placement
34 or foster care. Whenever a request is made by the department of
35 corrections and community supervision for a certified copy or certified
36 transcript of birth on behalf of an incarcerated individual pursuant to
37 this section, a certified copy of the sentence and commitment or certif-
38 icate of conviction shall be deemed to grant authorization by the incar-
39 cerated individual to the department to submit such request on their
40 behalf, and no other authorization shall be required.

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

43 § 4179. Vital records; fees; city of New York. Notwithstanding the
44 provisions of paragraph one of subdivision a of section 207.13 of the
45 health code of the city of New York, the department of health shall
46 charge, and the applicant shall pay, for a search of two consecutive
47 calendar years under one name and the issuance of a certificate of
48 birth, death or termination of pregnancy, or a certification of birth or
49 death, or a certification that the record cannot be found, a fee of
50 fifteen dollars for each copy. Provided, however, that no such fee shall
51 be charged when the department of corrections and community supervision
52 or a local correctional facility as defined in subdivision sixteen of
53 section two of the correction law requests a certificate of birth or
54 certification of birth for the purpose of providing such certificate of
55 birth or certification of birth to an incarcerated individual in antic-
56 ipation of such incarcerated individual's release from custody or to

1 obtain a death certificate to be used for administrative purposes for an
 2 incarcerated individual who has died under custody or when the office of
 3 children and family services or an authorized agency requests a certi-
 4 fied copy or certified transcript of birth for a youth placed in the
 5 custody of the local commissioner of social services or the custody of
 6 the office of children and family services pursuant to article three of
 7 the family court act for the purpose of providing such certified copy or
 8 certified transcript of birth to such youth in anticipation of discharge
 9 from placement. Whenever a request is made by the department of
 10 corrections and community supervision for a certified copy or certified
 11 transcript of birth on behalf of an incarcerated individual pursuant to
 12 this section, a certified copy of the sentence and commitment or certifi-
 13 cate of conviction shall be deemed to grant authorization by the incar-
 14 cerated individual to the department to submit such request on their
 15 behalf, and no other authorization shall be required.

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

PART F

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

23 8. Members of the board shall devote their full time to their duties
 24 and shall hold no other salaried public position.

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

PART G

28 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
 29 law, as amended by section 1 of part I of chapter 55 of the laws of
 30 2020, is amended to read as follows:

31 (b) The sum of one million five hundred thousand dollars must be
 32 deposited into the New York state emergency services revolving loan fund
 33 annually; provided, however, that such sums shall not be deposited for
 34 state fiscal years two thousand eleven--two thousand twelve, two thou-
 35 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
 36 fifteen, two thousand fifteen--two thousand sixteen, two thousand
 37 sixteen--two thousand seventeen, two thousand seventeen--two thousand
 38 eighteen, two thousand eighteen--two thousand nineteen, two thousand
 39 nineteen--two thousand twenty, two thousand twenty--two thousand twen-
 40 ty-one [and], two thousand twenty-one--two thousand twenty-two, two
 41 thousand twenty-two--two thousand twenty-three, and two thousand twen-
 42 ty-three--two thousand twenty-four;

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

PART H

Intentionally Omitted

PART I

1 Section 1. Subdivision 9 of section 631 of the executive law, as
2 amended by chapter 487 of the laws of 2014, is amended to read as
3 follows:

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

12 § 2. Subdivision 3 of section 623 of the executive law, as amended by
13 section 8 of part A1 of chapter 56 of the laws of 2010, is amended to
14 read as follows:

15 3. To adopt, promulgate, amend and rescind suitable rules and regu-
16 lations to carry out the provisions and purposes of this article,
17 including rules for the determination of claims, rules for the approval
18 of attorneys' fees for representation before the office and/or before
19 the appellate division upon judicial review as provided for in section
20 six hundred twenty-nine of this article, rules for the definition and
21 reasonable reimbursement of individual items of essential personal prop-
22 erty considered essential and necessary for the victim's welfare pursu-
23 ant to section six hundred thirty-one of this article, and rules for the
24 authorization of qualified persons to assist claimants in the prepara-
25 tion of claims for presentation to the office.

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

29 PART J

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

34 § 3. This act shall take effect immediately and shall remain in full
35 force and effect only until June 30, [~~2022~~] 2025.

36 § 2. This act shall take effect immediately.

37 PART K

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

40 6-a. Such notification may be made by email, provided the municipality
41 or community board in which the premises is located elects to take
42 service in such form. Such an election shall be in a writing signed by
43 the authorized agent or clerk of the municipality or community board.
44 Proof of email service shall be provided to the authority in the form of
45 an email from the municipality or community board that reasonably iden-
46 tifies the applicant, or by other such forms of proof as determined by
47 the authority.

48 § 2. This act shall take effect immediately.

49 PART L

50 Intentionally Omitted

1

PART M

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

6 § 5. This act shall take effect on the sixtieth day after it shall
7 have become a law, provided that paragraph (b) of subdivision 1 of
8 section 97-a of the alcoholic beverage control law as added by section
9 two of this act shall expire and be deemed repealed October 12, [~~2022~~
10 2023.

11 § 2. This act shall take effect immediately.

12

PART N

13

Intentionally Omitted

14

PART O

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

17 5-a. Whenever a contiguous property of a college or university
18 contains three hundred or more registrants who are registered to vote at
19 any address on such contiguous property, the polling place designated
20 for such registrants shall be on such contiguous property or at a nearby
21 location recommended by the college or university and agreed to by the
22 board of elections.

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

26 a. Each election district shall be in compact form and may not be
27 partly within and partly without a ward, town, city, a village which has
28 five thousand or more inhabitants and is wholly within one town, the
29 contiguous property of a college or university which contains three
30 hundred or more registrants who are registered to vote at any address on
31 such contiguous property, or a county legislative, assembly, senatorial
32 or congressional district. Except as provided in paragraph b of this
33 subdivision, election district boundaries, other than those boundaries
34 which are coterminous with the boundaries of those political subdivi-
35 sions and college or university properties mentioned in this paragraph,
36 must be streets, rivers, railroad lines or other permanent character-
37 istics of the landscape which are clearly visible to any person without
38 the need to use any technical or mechanical device. An election district
39 shall contain not more than nine hundred fifty registrants (excluding
40 registrants in inactive status) or, with the approval of the county
41 board of elections, not more than two thousand registrants (excluding
42 registrants in inactive status), but any election district may be
43 divided for the convenience of the voters.

44 § 3. This act shall take effect on the ninetieth day after it shall
45 have become a law; provided, however, that the deadline for boards of
46 elections to designate polling places pursuant to this act shall be
47 extended to August 1, 2022; provided, further, that section two of this
48 act shall take effect January 1, 2023.

49

PART P

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

3 2-a. (a) Notwithstanding any provision of law to the contrary, in
4 addition to any other privilege provided under this chapter, any retail
5 license that allows for liquor and/or wine sale for on-premises consump-
6 tion shall also include the privilege to sell for take-out and delivery,
7 any product it may otherwise sell at retail, subject to the following
8 conditions:

9 (i) any purchase for take-out or delivery must be accompanied by a
10 purchase of a substantial food item;

11 (ii) the alcoholic beverages are packaged in a container with a secure
12 lid or cap sealed in a manner designed to prevent consumption without
13 removal of the lid or cap by breaking the seal;

14 (iii) beverages purchased for take-out or delivery are subject to any
15 applicable state and municipal open container laws, rules, regulations,
16 or ordinances;

17 (iv) takeout and delivery of alcoholic beverages may only occur during
18 licensed hours of operation of on premises retailers in the county in
19 which the licensed premises are located or, if different, the hours of
20 operation set forth in the licensee's method of operation with the
21 authority;

22 (v) the price per serving shall be the same as if consumed on premises
23 and shall not be sold as part of any promotion or special unless such
24 promotion or special is also available for consumption on premises; and
25 further provided each serving shall be available only in the same manner
26 as available on premises;

27 (vi) the licensee shall not sell for take-out, or deliver, any bottles
28 of liquor or bottles of wine;

29 (vii) the licensee shall not advertise or promote the sale of full
30 bottles of wine or liquor for off-premises consumption; and

31 (viii) the licensee shall not display full bottles of wine or liquor
32 for the purpose of promoting the sale of such products for off-premises
33 consumption.

34 (b) Deliveries made via motor vehicle shall only be made in (i) a
35 vehicle permitted by the authority pursuant to section ninety-four of
36 this chapter, or (ii) in a vehicle owned and operated, or hired and
37 operated, by the licensee or its employee pursuant to section one
38 hundred sixteen of this article; provided deliveries may be made utiliz-
39 ing the vehicle of an employee of the licensee, and provided further
40 that a copy of the permit or license must be present in any vehicle
41 while making deliveries. Delivery must be to a residential address, and
42 may not be delivered except to a person twenty-one years of age or older
43 at that residence who is not at the time of delivery intoxicated. Deliv-
44 ery drivers shall require a recipient, at the delivery address, upon
45 delivery, to demonstrate that the recipient is at least twenty-one years
46 of age by providing a valid form of photographic identification author-
47 ized by section sixty-five-b of this chapter.

48 (c) Nothing in this subdivision shall be construed to change the
49 existing privilege of a retail licensee for on-premises consumption to
50 sell beer, cider, or mead for consumption off the premises as currently
51 provided for in this chapter. Provided, further, that nothing contained
52 in this subdivision shall be deemed to supersede the provisions of
53 section one thousand two hundred twenty-seven of the vehicle and traffic
54 law.

55 (d) The authority may promulgate guidance, rules and regulations
56 necessary to implement the provisions of this subdivision.

1 (e) The authority may, on its own initiative or on complaint of any
 2 person, institute proceedings to suspend or revoke a licensee's ability
 3 to sell alcoholic beverages for takeout or delivery pursuant to this
 4 subdivision after a hearing, in accordance with section one hundred
 5 nineteen of this article, at which such licensee shall be given an
 6 opportunity to be heard. Such proceedings and such hearing shall be held
 7 in such manner and upon such notice as may be prescribed by the rules of
 8 the authority.

9 § 2. This act shall take effect immediately and shall expire and be
 10 deemed repealed three years after such date.

11 PART Q

12 Intentionally Omitted

13 PART R

14 Intentionally Omitted

15 PART S

16 Intentionally Omitted

17 PART T

18 Intentionally Omitted

19 PART U

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

23 6. Shift pay differentials. Whenever the director finds that under
 24 prevailing wage practices in private or other public employment in the
 25 state, employees in a given occupation receive a higher rate of pay or
 26 wage differential for a work shift other [~~than a normal day shift~~] than
 27 that which is paid to employees in the same occupation [~~for a normal day~~
 28 ~~shift~~], [~~he~~] the director may, subject to the approval of the director
 29 of the budget, authorize a pay differential to be paid to those employ-
 30 ees in positions in the same or related occupations in the state service
 31 and who are [~~regularly~~] assigned to an equivalent or substantially
 32 equivalent work shift, on a statewide basis, provided however, where the
 33 director finds that in a particular geographical area or areas wage
 34 practices would warrant a shift differential for employees in a partic-
 35 ular occupation then the director may grant a work shift pay differen-
 36 tial for such employees, subject to the approval of the director of the
 37 budget. In determining whether to authorize a pay differential the
 38 director shall consider the various duties on each shift, [~~other than~~
 39 ~~the normal day shift,~~] in relation to the normal day shift. A pay
 40 differential under this subdivision shall be a percentage of basic sala-
 41 ry, an hourly rate, an annual rate, or a fixed dollar amount per pay
 42 period, as prescribed in each case by the director of the classification

1 and compensation division subject to approval of the director of the
 2 budget. Such differential shall be paid in addition to and shall not be
 3 part of an employee's basic annual salary, and shall not affect or
 4 impair any performance advancement payments, performance awards, longev-
 5 ity payments or other rights or benefits to which an employee may be
 6 entitled under the provisions of this chapter, provided, however, that
 7 any differential payable pursuant to this subdivision shall be included
 8 as compensation for retirement purposes. A pay differential shall be
 9 terminated for any employee when [~~he~~] the employee ceases to be employed
 10 in the work shift or position for which such pay differential was
 11 authorized. A pay differential shall remain in effect until terminated
 12 by the director of the classification and compensation division with the
 13 consent of the director of the budget or until a new pay differential is
 14 authorized pursuant to this subdivision. The director of the budget may
 15 adopt such regulations as [~~he may deem~~] necessary to carry out the
 16 provisions of this subdivision.

17 § 2. This act shall take effect immediately.

18 PART V

19 Intentionally Omitted

20 PART W

21 Intentionally Omitted

22 PART X

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

26 (vii) Notwithstanding subparagraph (i) of this paragraph, within
 27 amounts appropriated in the state fiscal year commencing April first,
 28 two thousand twenty-two, and annually thereafter, there shall be
 29 apportioned and paid to each municipality as of April first, two thou-
 30 sand twenty-two a base level grant in an amount equal to the aid
 31 received by such municipality in the state fiscal year commencing April
 32 first, two thousand twenty-one; provided, however, and notwithstanding
 33 any law to the contrary, for each municipality that did not receive a
 34 base level grant in the state fiscal year commencing April first, two
 35 thousand twenty-one, there shall be apportioned and paid to each munici-
 36 pality a base level grant in an amount equal to the aid received by such
 37 municipality in the fiscal year commencing April first, two thousand
 38 eighteen.

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

42 (3) However, the taxes, penalties and interest which (i) the county of
 43 Nassau, (ii) the county of Erie, to the extent the county of Erie is
 44 contractually or statutorily obligated to allocate and apply or pay net
 45 collections to the city of Buffalo and to the extent that such county
 46 has set aside net collections for educational purposes attributable to
 47 the Buffalo school district, or the city of Buffalo or (iii) the county
 48 of Erie is authorized to impose pursuant to section twelve hundred ten

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

1 district, as the case may be, as frequently as practicable; or (iii)
2 pursuant to the Erie county fiscal stability authority's agreements with
3 the county of Erie, which agreements shall require the Erie county
4 fiscal stability authority to transfer such taxes, penalties and inter-
5 est remaining after providing for contractual or other obligations of
6 the Erie county fiscal stability authority, and subject to any agreement
7 between such authority and the county of Erie, to the county of Erie as
8 frequently as practicable. During the period that the comptroller is
9 required to make payments to the Nassau county interim finance authority
10 described in the previous sentence, the county of Nassau shall have no
11 right, title or interest in or to such taxes, penalties and interest
12 required to be paid to the Nassau county interim finance authority,
13 except as provided in such authority's agreements with the county of
14 Nassau. During the period that the comptroller is required to make
15 payments to the Buffalo fiscal stability authority described in the
16 second previous sentence, the city of Buffalo and such school district
17 shall have no right, title or interest in or to such taxes, penalties
18 and interest required to be paid to the Buffalo fiscal stability author-
19 ity, except as provided in such authority's agreements with the city of
20 Buffalo. During the period that the comptroller is required to make
21 payments to the Erie county fiscal stability authority described in the
22 third previous sentence, the county of Erie shall have no right, title
23 or interest in or to such taxes, penalties and interest required to be
24 paid to the Erie county fiscal stability authority, except as provided
25 in such authority's agreements with the county of Erie.

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

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

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

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

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

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

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

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

20 PART Y

21 Intentionally Omitted

22 PART Z

23 Intentionally Omitted

24 PART AA

25 Intentionally Omitted

26 PART BB

27 Intentionally Omitted

28 PART CC

29 Section 1. Notwithstanding any limitations on private sales of bonds
30 provided by law and the provisions of paragraph 33 of subdivision a of
31 section 11.00 of the local finance law to the contrary, a period of
32 probable usefulness not to exceed 30 years shall apply to the specific
33 object or purpose of payment of a final judgment or a compromised or
34 settled claim against the city of Long Beach in the case of Matter of
35 Haberman v. Zoning Board of Appeals of City of Long Beach decided in
36 the Nassau County Supreme Court (Index # 001138/04) on January 11, 2021,
37 provided however, that such bonds shall not exceed an aggregate amount
38 of seventy-seven million dollars. To facilitate the marketing of any
39 issue of bonds to finance such object or purpose, the city of Long Beach
40 may, notwithstanding any limitations on private sales of bonds provided
41 by law, and subject to approval by the state comptroller of the terms
42 and conditions of such sale:

1 1. arrange for the underwriting of such bonds at private sale through
2 negotiated agreement, compensation for such underwriting to be provided
3 by negotiated fee or by sale of such bonds to an underwriter at a price
4 less than the sum of par value of, and the accrued interest on, such
5 obligations; or

6 2. arrange for the private sale of its bonds through negotiated agree-
7 ment, compensation for such sale to be provided by negotiated fee, if
8 required. The cost of such underwriting or private placement shall be
9 deemed a preliminary cost for purposes of this section.

10 § 2. This act shall take effect immediately.

11 PART DD

12 Section 1. Section 31 of the alcoholic beverage control law is amended
13 by adding a new subdivision 14 to read as follows:

14 14. Notwithstanding any provision of law to the contrary, another
15 business or other businesses may operate on the licensed premises
16 subject to such rules and regulations as the liquor authority may
17 prescribe. Such rules and regulations shall determine which businesses
18 will be compatible with the policy and purposes of this chapter and
19 shall consider the effect of particular businesses on the community and
20 area in the vicinity of the farm meadery premises, provided however that
21 a retailer business licensed under this chapter shall not be permitted
22 to operate at a licensed manufacturing premises.

23 § 2. Section 51-a of the alcoholic beverage control law is amended by
24 adding a new subdivision 16 to read as follows:

25 16. Notwithstanding any provision of law to the contrary, another
26 business or other businesses may operate on the licensed premises
27 subject to such rules and regulations as the liquor authority may
28 prescribe. Such rules and regulations shall determine which businesses
29 will be compatible with the policy and purposes of this chapter and
30 shall consider the effect of particular businesses on the community and
31 area in the vicinity of the farm brewery premises, provided however that
32 a retailer business licensed under this chapter shall not be permitted
33 to operate at a licensed manufacturing premises.

34 § 3. Section 58-c of the alcoholic beverage control law is amended by
35 adding a new subdivision 15 to read as follows:

36 15. Notwithstanding any provision of law to the contrary, another
37 business or other businesses may operate on the licensed premises
38 subject to such rules and regulations as the liquor authority may
39 prescribe. Such rules and regulations shall determine which businesses
40 will be compatible with the policy and purposes of this chapter and
41 shall consider the effect of particular businesses on the community and
42 area in the vicinity of the farm cidery premises, provided however that
43 a retailer business licensed under this chapter shall not be permitted
44 to operate at a licensed manufacturing premises.

45 § 4. Subdivision 2-c of section 61 of the alcoholic beverage control
46 law is amended by adding a new paragraph (i) to read as follows:

47 (i) Notwithstanding any provision of law to the contrary, another
48 business or other businesses may operate on the licensed premises
49 subject to such rules and regulations as the liquor authority may
50 prescribe. Such rules and regulations shall determine which businesses
51 will be compatible with the policy and purposes of this chapter and
52 shall consider the effect of particular businesses on the community and
53 area in the vicinity of the farm distillery premises, provided however

1 that a retailer business licensed under this chapter shall not be
2 permitted to operate at a licensed manufacturing premises.

3 § 5. Section 76-a of the alcoholic beverage control law is amended by
4 adding a new subdivision 11 to read as follows:

5 11. Notwithstanding any provision of law to the contrary, another
6 business or other businesses may operate on the licensed premises
7 subject to such rules and regulations as the liquor authority may
8 prescribe. Such rules and regulations shall determine which businesses
9 will be compatible with the policy and purposes of this chapter and
10 shall consider the effect of particular businesses on the community and
11 area in the vicinity of the farm winery premises, provided however that
12 a retail business licensed under this chapter shall not be permitted to
13 operate at a licensed manufacturing premises.

14 § 6. This act shall take effect immediately.

15 PART EE

16 Section 1. Paragraph (a) of subdivision 14 of section 105 of the alco-
17 holic beverage control law, as amended by section 1 of part U of chapter
18 63 of the laws of 2003, is amended to read as follows:

19 (a) No premises licensed to sell liquor and/or wine for off-premises
20 consumption shall be permitted to remain open:

21 (i) On Sunday before twelve o'clock post meridian and after nine
22 o'clock post meridian.

23 (ii) On any day between midnight and eight o'clock antemeridian.

24 [~~(iii) On the twenty-fifth day of December, known as Christmas day.~~]

25 In any community where daylight saving time is in effect, such time
26 shall be deemed the standard time for the purpose of this subdivision.

27 § 2. This act shall take effect immediately.

28 PART FF

29 Section 1. The alcoholic beverage control law is amended by adding a
30 new section 128-c to read as follows:

31 § 128-c. Police officers allowed to serve as an officer of veterans'
32 organization. Notwithstanding any inconsistent provision of law to the
33 contrary, a veterans' organization, including, but not limited to the
34 Veterans of Foreign Wars, the American Legion, or any other "veterans
35 club" identified in subdivision nine of section three of this chapter,
36 shall not be precluded from applying for an on-premises license or
37 permit under the provisions of this chapter due to the presence of a
38 police officer serving as an officer of such organization and the state
39 liquor authority shall be authorized to issue such license or permit.

40 § 2. This act shall take effect immediately.

41 PART GG

42 Section 1. A temporary state commission, to be known as the Commission
43 to Study Reform of the Alcoholic Beverage Control Law (hereinafter
44 "commission"), is hereby created to study and make recommendations on
45 issues including but not limited to:

46 (a) The current state of the market for alcoholic beverages in New
47 York, including but not limited to: (i) the amount of alcoholic beverag-
48 es being sold in the state; (ii) the distribution of sales of alcoholic
49 beverages in the state to consumers by both on and off premises retail-
50 ers; (iii) the levels of production of alcoholic beverages by manufac-

1 turers in the state and how much of that production is sold in the state
2 versus how much is exported; (iv) the amount of alcoholic beverages
3 imported into the state; and (v) the revenues earned by the state and
4 localities from excise taxes on alcohol as well as sales taxes on the
5 sale of alcoholic beverages;

6 (b) The relative health of the various sectors of the alcoholic bever-
7 age market in New York, including but not limited to: (i) the general
8 financial state of the on and off premises retailers, including package
9 stores, restaurants, bars and taverns, convenience stores, bodegas,
10 grocery stores, or other licensed retail entities; (ii) the general
11 financial state of beer and wine and liquor distributors; (iii) the
12 general financial state of manufacturers and farm manufacturers in the
13 state; and (iv) an examination of tax credits associated with production
14 and tastings for parity between alcoholic beverage types;

15 (c) Amendments to the law, increases in resources available for admin-
16 istering existing laws and rules, and new state liquor authority prac-
17 tices that would lessen processing times for the issuance of licenses,
18 license renewals, and permit applications; review of laws against under-
19 age consumption of alcohol and the enforcement mechanisms utilized; the
20 overall impact of laws and corresponding state liquor authority regu-
21 lations on the numerous sectors of the industry; and whether New York
22 should consider adopting a "control state" model or other regulatory
23 model; and

24 (d) Specific privileges to sell different types of alcoholic beverages
25 and other items granted to retail licensees and the effect changing such
26 privileges would have on the various types of retailers; the number of
27 off premises retail licenses an individual may be granted for beer,
28 wine, or liquor; the ability of licensees to form purchasing cooper-
29 atives, and the effects such cooperatives would have on the rest of the
30 market; the authorization of direct sales to consumers by manufacturers,
31 and the effect direct sales would have on the rest of the market; a
32 review of the hours and manner in which retailers can operate or sell
33 different types of beverages; potential barriers to market entry for new
34 businesses by sector; and any other issues deemed necessary and appro-
35 priate to include by members of this commission.

36 § 2. (a) The commission shall consist of twenty-one members. The
37 members shall consist of the chairman of the state liquor authority who
38 shall serve as the chair of the commission, the commissioner of taxation
39 and finance or their representative, the superintendent of the state
40 police or their representative, the director of the division of the
41 budget or their representative, the chief executive officer of the
42 empire state development corporation or their representative, ten
43 members appointed by the governor, two members appointed by the tempo-
44 rary president of the senate, two members appointed by the speaker of
45 the assembly, one member appointed by the minority leader of the senate,
46 and one member appointed by the minority leader of the assembly. Of the
47 members appointed by the governor and legislature, to the extent practi-
48 cable, there shall be a diverse representation of the following sectors
49 of the alcoholic beverage market from throughout the state: restau-
50 rants, package stores, bars and taverns, convenience stores, grocery
51 stores, beer wholesalers, wine and liquor wholesalers, breweries includ-
52 ing farm breweries, wineries including farm wineries, distilleries
53 including farm distilleries, and cideries including farm cideries.

54 (b) The members of the commission shall serve at the pleasure of their
55 appointing authority. Vacancies in the membership of the commission
56 shall be filled in the same manner as the original appointments. Member-

1 ship on the commission shall not constitute a public office. Appoint-
2 ments shall be made within 60 days of the effective date of this act.
3 The chairman may call for a meeting of the commission before all members
4 are appointed, but no sooner than 60 days after the effective date of
5 this act.

6 § 3. The commission shall make recommendations on amendments to the
7 alcoholic beverage control law and state liquor authority regulations,
8 which will be included in the final report issued by the commission.
9 Recommendations shall be made based on a majority vote of the members of
10 the commission. The report shall include the reasons for each recommen-
11 dation, as well as any dissenting comments by those who voted against a
12 specific recommendation.

13 § 4. The members of the commission shall receive no compensation for
14 their services, but shall be allowed their actual, necessary expenses
15 incurred in the performance of their duties hereunder.

16 § 5. The commission may employ and at pleasure remove such personnel
17 as it may deem necessary for the performance of its functions. Such
18 commission may meet and hold public and/or private hearings within or
19 without the state, and shall have all the powers of a legislative
20 committee pursuant to the legislative law. The commission shall not be
21 deemed an agency or public body for purposes of the public officers law.
22 The members of the commission shall not be required to file a financial
23 disclosure statement under section 73-a of the public officers law.

24 § 6. For the accomplishment of its purposes, the commission shall be
25 authorized and empowered to undertake any studies, inquiries, surveys or
26 analyses it may deem relevant in cooperation with, or by agreement with,
27 any other public or private agency or entity.

28 § 7. The commission shall issue a final report no later than May 1,
29 2023. The report shall include recommendations by the commission for
30 amendments to the alcoholic beverage control law and state liquor
31 authority regulations. The commission shall issue its report to the
32 governor, the speaker of the assembly, the minority leader of the assem-
33 bly, the temporary president of the senate, the minority leader of the
34 senate, the chair of the senate investigations and government operations
35 committee, the chair of the assembly economic development committee, and
36 the chair of the senate commerce, economic development, and small busi-
37 ness committee.

38 § 8. This act shall take effect immediately and shall expire and be
39 deemed repealed May 2, 2023.

40

PART HH

41 Section 1. Subdivision 2 of section 8-400 of the election law is
42 amended by adding a new paragraph (e) to read as follows:

43 (e) When mailing an absentee ballot application to a voter the board
44 of elections shall provide a domestic postage paid return envelope. When
45 providing an absentee ballot application to a voter in-person, the board
46 of elections shall offer the voter a domestic postage paid return envel-
47 ope and provide one if requested.

48 § 2. Section 8-406 of the election law, as amended by chapter 296 of
49 the laws of 1988, is amended to read as follows:

50 § 8-406. Absentee ballots, delivery of. 1. If the board shall find
51 that the applicant is a qualified voter of the election district
52 containing his residence as stated in his statement and that his state-
53 ment is sufficient, it shall, as soon as practicable after it shall have
54 determined his right thereto, mail to him at an address designated by

1 him, or deliver to him, or to any person designated for such purpose in
2 writing by him, at the office of the board, such an absentee voter's
3 ballot or set of ballots and an envelope therefor. If the ballot or
4 ballots are to be sent outside of the United States to a country other
5 than Canada or Mexico, such ballot or ballots shall be sent by air mail.
6 However, if an applicant who is eligible for an absentee ballot is a
7 resident of a facility operated or licensed by, or under the jurisdic-
8 tion of, the department of mental hygiene, or a resident of a facility
9 defined as a nursing home or residential health care facility pursuant
10 to subdivisions two and three of section two thousand eight hundred one
11 of the public health law, or a resident of a hospital or other facility
12 operated by the Veteran's Administration of the United States, such
13 absentee ballot need not be so mailed or delivered to any such applicant
14 but, may be delivered to the voter in the manner prescribed by section
15 8-407 of this chapter if such facility is located in the county or city
16 in which such voter is eligible to vote.

17 2. When mailing an absentee ballot to a voter the board of elections
18 shall provide a domestic postage paid return envelope. When providing an
19 absentee ballot to a voter in-person, the board of elections shall offer
20 the voter a domestic postage paid return envelope and provide one if
21 requested.

22 § 3. This act shall take effect July 1, 2022.

23

PART II

24 Section 1. Section 13 of chapter 141 of the laws of 1994, amending the
25 legislative law and the state finance law relating to the operation and
26 administration of the legislature, as amended by section 1 of part MMM
27 of chapter 59 of the laws of 2021, is amended to read as follows:

28 § 13. This act shall take effect immediately and shall be deemed to
29 have been in full force and effect as of April 1, 1994, provided that,
30 the provisions of section 5-a of the legislative law as amended by
31 sections two and two-a of this act shall take effect on January 1, 1995,
32 and provided further that, the provisions of article 5-A of the legisla-
33 tive law as added by section eight of this act shall expire June 30,
34 [~~2022~~] 2023 when upon such date the provisions of such article shall be
35 deemed repealed; and provided further that section twelve of this act
36 shall be deemed to have been in full force and effect on and after April
37 10, 1994.

38 § 2. This act shall not supersede the findings and determinations made
39 by the compensation committee as authorized pursuant to part HHH of
40 chapter 59 of the laws of 2018 unless a court of competent jurisdiction
41 determines that such findings and determinations are invalid or other-
42 wise not applicable or in force.

43 § 3. This act shall take effect immediately, provided, however, if
44 this act shall take effect on or after June 30, 2022, this act shall be
45 deemed to have been in full force and effect on and after June 30, 2022.

46

PART JJ

47 Section 1. The legislative law is amended by adding a new section 83-n
48 to read as follows:

49 § 83-n. Legislative commission on the future of the Long Island Power
50 Authority. 1. The legislature hereby finds and declares that chapter 517
51 of the laws of 1986 created the Long Island Power Authority (LIPA). Said
52 authority was created, in part, because the decisions by LILCO, the

1 private utility that provided electricity to Long Island and part of
2 Queens, "to commence construction of the Shoreham nuclear power plant
3 and thereafter to continue such construction were imprudent". Further,
4 the legislature found in chapter 517 of the laws of 1986 that "a situ-
5 ation threatening the economy, health and safety exists in the service
6 area". One of the two express purposes of the act was the closure of the
7 Shoreham nuclear power plant. In 1992, LIPA bought the Shoreham nuclear
8 power plant. The plant was fully decommissioned in 1994.

9 The second purpose of such chapter 517 was to replace LILCO with a
10 publicly owned power authority. The legislature found that "There is a
11 lack of confidence that the needs of the residents and of commerce and
12 industry in the service area for electricity can be supplied in a reli-
13 able, efficient and economic manner by the Long Island lighting company
14 (hereinafter referred to as "LILCO")" and "Such matters of state concern
15 best can be dealt with by replacing such investor owned utility with a
16 publicly owned power authority."

17 In 1995, LIPA replaced LILCO as the electric company for its service
18 area. However, LIPA was never established as a true "publicly owned
19 power authority" as originally envisioned by the State Legislature.
20 Rather, since 1995, LIPA has opted for a third-party management model
21 whereby LIPA contracts its responsibility to manage the utility to a
22 private, investor owned utility company.

23 LIPA is the only utility in the nation that is operated under a third-
24 party management model. This model has repeatedly failed its customers.
25 There has been a lack of transparency, oversight, and accountability.
26 This failure has been most dramatically evidenced in the unacceptable
27 storm response by LIPA and its third-party contractors during Superstorm
28 Sandy in 2012 and Tropical Storm Isaias in 2020.

29 After more than 25 years of unsatisfactory management under the third-
30 party management model, a better alternative must be implemented. That
31 inquiry must begin with the original intent of chapter 517 of the laws
32 of 1986, whereby LIPA was to directly manage and operate the utility as
33 a true public power utility. Initial investigations by LIPA after Trop-
34 ical Storm Isaias in 2020-2021 indicate that both ratepayer savings and
35 increased management efficiencies could be achieved through the public
36 power model.

37 Consequently, it is the purpose of this section to implement the
38 original vision for LIPA intended by chapter 517 of the laws of 1986, as
39 a publicly owned power company. The legislature hereby creates a
40 commission to provide the legislature with the specific actions, legis-
41 lation, and timeline necessary to restructure LIPA into a true publicly
42 owned power authority. The public must participate in that process so
43 that the new LIPA becomes transparent with proper oversight and account-
44 ability. The legislative commission shall submit its final report to the
45 legislature no later than April first, two thousand twenty-three.

46 2. A legislative commission is hereby established to investigate and
47 report to the legislature on the establishment of a public power model
48 for the operation of LIPA, whereby the authority would directly operate
49 the utility as a true public power authority. The commission shall
50 report to the legislature on the specific actions, legislation, and
51 timeline necessary to restructure LIPA into a true publicly owned power
52 authority. The commission shall consider: (a) the method of governance
53 of the public authority; (b) improved transparency, accountability, and
54 public involvement; (c) improved reliability of the system; (d) the
55 impact on electric rates; (e) improved storm response; (f) the powers
56 required by LIPA to more effectively operate the utility; (g) the over-

1 sight role of the department of public service and the public service
2 commission over LIPA's operation; (h) the impact on existing bonded
3 indebtedness; (i) improved long term energy planning; (j) compliance
4 with the goals of the New York state climate leadership and community
5 protection act; (k) increased reliance on renewable energy sources to
6 produce electricity; (l) taxation and payments in lieu of taxes; (m) the
7 special needs of communities that are or have been impacted by the
8 siting of power generating facilities; and (n) any other matter relevant
9 to the establishment of a public power model for the operation of LIPA.
10 In its report to the legislature, the commission shall provide for the
11 implementation of the public power model by LIPA no later than December
12 thirty-first, two thousand twenty-five.

13 3. The commission shall consist of eight members to be appointed as
14 follows: three members of the senate shall be appointed by the temporary
15 president of the senate; three members of the assembly shall be
16 appointed by the speaker of the assembly; one member of the senate shall
17 be appointed by the minority leader of the senate; and one member of the
18 assembly shall be appointed by the minority leader of the assembly. Any
19 vacancy that occurs in the commission shall be filled in the same manner
20 in which the original appointment was made. Co-chairs of the commission
21 shall be designated by the temporary president of the senate and the
22 speaker of the assembly, respectively. No member, officer, or employee
23 of the commission shall be disqualified from holding any other public
24 office or employment, nor shall he or she forfeit any such office or
25 employment by reason of his or her appointment hereunder, notwithstand-
26 ing the provisions of any general, special, or local law, ordinance, or
27 city charter.

28 4. The commission shall establish an advisory committee to actively
29 assist and advise the commission in the preparation of the public power
30 report required to be prepared pursuant to this section. The committee
31 shall consist of not more than fifteen members which shall include but
32 not be limited to representatives of organizations and institutions
33 representing business, labor, local government, Indian nations and
34 tribes, economic development, environmental, energy, social justice,
35 consumer, civic, school districts or higher education interests. The
36 committee by a majority vote shall elect a chairperson. The commission
37 shall meet periodically with the advisory committee, make available
38 working draft and other documents, and shall provide services to the
39 advisory committee as are necessary and appropriate to carry out its
40 functions under this section. Members of the advisory committee shall be
41 residents of the service area.

42 5. The commission may employ and at pleasure remove such personnel as
43 it may deem necessary for the performance of the commission's functions
44 and fix their compensation within the amount appropriated therefor. The
45 commission may hold public and private hearings and otherwise have all
46 of the powers of a legislative committee under this chapter. The members
47 of the commission shall receive no compensation for their services,
48 except as provided pursuant to section five-a of this chapter, but shall
49 be allowed their actual and necessary expenses incurred in the perform-
50 ance of their duties hereunder.

51 6. Employees of the commission shall be considered to be employees of
52 the legislature for all purposes.

53 7. The commission may request and shall receive from any subdivision,
54 department, board, bureau, commission, office, agency or other instru-
55 mentality of the state or of any political subdivision thereof, includ-
56 ing but not limited to the department of public service and the public

1 service commission, such facilities, assistance and data as it deems
2 necessary or desirable for the proper execution of its powers and
3 duties. The office of the state comptroller may, at its discretion,
4 provide to the commission such facilities, assistance, and data as may
5 be requested by the commission.

6 8. The commission is hereby authorized and empowered to make and sign
7 any agreements, and to do and perform any acts that may be necessary,
8 desirable or proper to carry out the purposes and objectives set forth
9 in this section.

10 9. The commission shall hold at least one public hearing with a public
11 comment period in each of the counties comprising the service area of
12 the Long Island Power Authority on the establishment of public power by
13 September thirtieth, two thousand twenty-two and before issuing a draft
14 report.

15 10. No later than December thirty-first, two thousand twenty-two, the
16 commission shall issue a draft report to the members of the legislature
17 regarding the establishment of a public power model for the Long Island
18 Power Authority. The commission shall hold at least one public hearing
19 with a public comment period in each of the counties comprising the
20 service area of the Long Island Power Authority on the draft report no
21 later than February fifteenth, two thousand twenty-three and before
22 issuing a final report.

23 11. No later than February first, two thousand twenty-three, the comp-
24 troller shall have the discretion to review the draft report and issue
25 to the legislature any recommendations relative to the findings
26 contained in the draft report which relates to the establishment of a
27 public power model for the Long Island Power Authority.

28 12. No later than April first, two thousand twenty-three, the commis-
29 sion shall issue a final report to the members of the legislature
30 regarding the establishment of a public power model for the Long Island
31 Power Authority. Such report shall provide any legislation required to
32 implement the public power model.

33 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
34 sion, section or part of this act shall be adjudged by any court of
35 competent jurisdiction to be invalid, such judgment shall not affect,
36 impair, or invalidate the remainder thereof, but shall be confined in
37 its operation to the clause, sentence, paragraph, subdivision, section
38 or part thereof directly involved in the controversy in which such judg-
39 ment shall have been rendered. It is hereby declared to be the intent of
40 the legislature that this act would have been enacted even if such
41 invalid provisions had not been included herein.

42 § 3. This act shall take effect immediately; provided, however, that
43 the amendments to article 5-A of the legislative law made by section one
44 of this act shall survive the repeal of such article as provided in
45 section 13 of chapter 141 of the laws of 1994, as amended.

46 PART KK

47 Section 1. Subdivision 4 of section 209-b of the general municipal
48 law, as amended by chapter 476 of the laws of 2018, is amended to read
49 as follows:

50 4. Fees and charges [~~prohibited~~] authorized. [~~Emergency~~] (a) Subject
51 to the restrictions set forth in paragraph (d) of this subdivision,
52 emergency and general ambulance service, including emergency medical
53 service as defined in section three thousand one of the public health
54 law, authorized pursuant to this section [~~shall~~] may be furnished with-

1 out cost to the person served; provided, however, that the authorities
2 having control of a fire department or fire company that have authorized
3 such fire department or fire company to provide such service or services
4 may fix a schedule of fees or charges to be paid by persons requesting
5 such service or services. The authorities having control of a fire
6 department or fire company may provide for the collection of fees and
7 charges or may formulate rules and regulations for the collection there-
8 of by the fire department or fire company. When fees and charges are
9 authorized pursuant to this subdivision, the fees and charges collected
10 shall be disbursed in accordance with a written contract entered into
11 between the authority having control of a fire department or fire compa-
12 ny and the fire department or fire company itself. If the authorities
13 having control of a fire department or fire company have authorized such
14 fire department or fire company to fix a schedule of fees or charges to
15 be paid by persons requesting such service or services, and seek partic-
16 ipation in and reimbursement from the medical assistance program, the
17 authorities having control of a fire department or fire company shall
18 adhere to any medical assistance enrollment and billing requirements
19 applicable to such services prior to receiving reimbursement. The
20 acceptance by any firefighter of any personal remuneration or gratuity,
21 directly or indirectly, from a person served shall be a ground for his
22 or her expulsion or suspension as a member of the fire department or
23 fire company.

24 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
25 sion, a basic life support service which establishes a schedule of fees
26 for service shall enter into a contract with a provider or providers of
27 advanced life support services to provide such advanced life support
28 services. Such contract shall at a minimum establish the fees for
29 advanced life support services and the means by which said provider will
30 be reimbursed when the ambulance service bills for emergency medical
31 service.

32 (c) An emergency and general ambulance service, including emergency
33 medical service as defined in section three thousand one of the public
34 health law, authorized pursuant to this section which does not issue a
35 bill for its services and which requests an Advanced Life Support (ALS)
36 intercept from another ambulance service furnishing service in an area
37 that is designated as a rural area by any law or regulation of the
38 state, or that is located in a rural census tract of a metropolitan
39 statistical area (as determined under the most recent Goldsmith Modifi-
40 cation), shall pay the ambulance service providing the ALS intercept an
41 ALS Rural Intercept Fee at rates negotiated between the providers of
42 such services. In the absence of any agreed upon rates, the service
43 receiving such ALS intercept shall pay the service providing the ALS
44 intercept for such services at the usual and customary charge, which
45 shall not be excessive or unreasonable.

46 (d) An emergency and general ambulance service, including emergency
47 medical service as defined in section three thousand one of the public
48 health law, authorized pursuant to this section to fix a schedule of
49 fees or charges to be paid by persons requesting such service or
50 services, may apply such fees and charges only within such service's
51 primary response territory as assigned and evidenced by a valid ambu-
52 lance service certificate issued by the commissioner of health pursuant
53 to section three thousand five of the public health law, on or before
54 January first, two thousand twenty-two.

55 (e) An emergency and general ambulance service, including emergency
56 medical service as defined in section three thousand one of the public

1 health law, authorized pursuant to this section shall not directly issue
2 a bill for its services to any uninsured recipient of such services.

3 § 2. Paragraph (e) of subdivision 1 of section 122-b of the general
4 municipal law, as amended by chapter 303 of the laws of 1980, is amended
5 to read as follows:

6 (e) [~~No~~] A contract [~~shall~~] may be entered into pursuant to the
7 provisions of this section for the services of an emergency rescue and
8 first aid squad of a fire department or fire company which is subject to
9 the provisions of section two hundred nine-b of [~~the general municipal~~
10 ~~law~~] this chapter;

11 § 3. Subdivision 1 of section 184 of the town law, as amended by chap-
12 ter 599 of the laws of 1994, is amended to read as follows:

13 1. Whenever the town board shall have established or extended a fire
14 protection district pursuant to the provisions of this article, the town
15 board shall provide for the furnishing of fire protection within the
16 district and for that purpose may (a) contract with any city, village,
17 fire district or incorporated fire company maintaining adequate and
18 suitable apparatus and appliances for the furnishing of fire protection
19 in such district or (b) may acquire by gift or purchase such apparatus
20 and appliances for use in such district and may contract with any city,
21 village, fire district or incorporated fire company for operation, main-
22 tenance, and repair of the same and for the furnishing of fire
23 protection in such district, or both. The contract may also provide for
24 the furnishing of (1) emergency service in case of accidents, calamities
25 or other emergencies in connection with which the services of firefight-
26 ers would be required and (2) general ambulance service subject, howev-
27 er, to the provisions of section two hundred nine-b of the general
28 municipal law. In the event that the fire department or fire company
29 furnishing fire protection within the district pursuant to contract does
30 not maintain and operate an ambulance then a separate contract may be
31 made for the furnishing within the district of emergency ambulance
32 service or general ambulance service, or both, with any city, village or
33 fire district the fire department of which, or with an incorporated fire
34 company having its headquarters outside the district which, maintains
35 and operates an ambulance subject, however, in the case of general ambu-
36 lance service, to the provisions of section two hundred nine-b of the
37 general municipal law, or with an ambulance service, certified or regis-
38 tered pursuant to article thirty of the public health law[~~, which is not~~
39 ~~organized under the provisions of section two hundred nine-b of the~~
40 ~~general municipal law~~]. Any such contract with any such ambulance
41 service permitted herein shall be subject to the provisions of this
42 section.

43 § 4. This act shall take effect on the ninetieth day after it shall
44 have become a law and shall apply to health care claims submitted on or
45 after such date; provided, however, that this act shall expire and be
46 deemed repealed four years after it shall have become a law.

47 PART LL

48 Section 1. This act shall be known and may be cited as the "Nassau
49 county transparency and accountability act of 2022".

50 § 2. Subdivision 7 of section 3653 of the public authorities law, as
51 added by chapter 84 of the laws of 2000, is amended to read as follows:

52 7. At least annually, commencing no more than one year after the date
53 on which authority bonds are first issued, the authority shall report to
54 the county executive, county legislature, the county comptroller, the

1 director of the budget, the speaker of the assembly, the temporary pres-
2 ident of the senate and the state comptroller on the costs financed by
3 the authority and the amount of such financing for each such cost over
4 the past year.

5 § 3. Subdivisions 2, 3, 4, 5, 6 and 7 of section 3668 of the public
6 authorities law are renumbered subdivisions 4, 5, 6, 7, 8 and 9 and two
7 new subdivisions 2 and 3 are added to read as follows:

8 2. conduct audits of the Nassau county industrial development agency
9 established pursuant to section nine hundred twenty-two of the general
10 municipal law, the Nassau county off-track betting corporation estab-
11 lished pursuant to article five of the racing, pari-mutuel wagering and
12 breeding law, and the Nassau university medical center established
13 pursuant to section three thousand four hundred two of this chapter;
14 provided, however, that such audits shall to be completed no later than
15 December thirty-first, two thousand twenty-two, and shall continue on a
16 biennial basis for subsequent years thereafter. The authority shall make
17 its audit findings publicly available on its website and provide copies
18 of its respective reports to the governor, temporary president of the
19 senate, speaker of the assembly, and authorities budget office;

20 3. investigate, within the county and covered organizations, potential
21 violations of the provisions of this chapter, fiscal mismanagement or
22 systemic negligence; provided further that the authority shall provide
23 an annual report to the governor, temporary president of the senate,
24 speaker of the assembly, and authorities budget office detailing such
25 investigations;

26 § 4. This act shall take effect immediately.

27 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
28 sion, section or part of this act shall be adjudged by any court of
29 competent jurisdiction to be invalid, such judgment shall not affect,
30 impair, or invalidate the remainder thereof, but shall be confined in
31 its operation to the clause, sentence, paragraph, subdivision, section
32 or part thereof directly involved in the controversy in which such judg-
33 ment shall have been rendered. It is hereby declared to be the intent of
34 the legislature that this act would have been enacted even if such
35 invalid provisions had not been included herein.

36 § 3. This act shall take effect immediately provided, however, that
37 the applicable effective date of Parts A through LL of this act shall be
38 as specifically set forth in the last section of such Parts.