STATE OF NEW YORK

S. 4006--C A. 3006--C

SENATE - ASSEMBLY

February 1, 2023

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

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

AN ACT to amend the education law, in relation to contracts for excellence; to amend the education law, in relation to foundation aid; to amend the education law, in relation to providing a state subsidy for the federal community eligibility provision program; to amend the education law, in relation to the number of charters issued; to amend the education law, in relation to actual valuation; to amend the education law, in relation to average daily attendance; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to building aid for metal detectors, and safety devices for electrically operated partitions, room dividers and doors; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to prospective prekindergarten enrollment reporting; to amend the education law, in relation to guidance on utilizing building aid to support-district operated universal prekindergarten programs; to amend the education law, in relation to universal prekindergarten expansions; to amend the education law, in relation to transitional guidelines and rules; to amend the education law, in relation to extending provisions of the statewide universal full-day pre-kindergarten program; to amend the

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

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education law, in relation to certain moneys apportioned; to amend the education law, in relation to increasing aid for certain transportation costs; to amend the education law and the public authorities law, in relation to zero emission bus progress reporting; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement for the 2023-2024 school year, withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to extending aid for employment preparation education for certain persons age twenty-one and older; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend part C of chapter 56 of the laws of 2020 directing the commissioner of education to appoint a monitor for the Rochester city school district, establishing the powers and duties of such monitor and certain other officers and relating to the apportionment of aid to such school district, in relation to the effectiveness thereof; to amend part C of chapter 57 of the laws of 2004 relating to the support of education, in relation to the effectiveness thereof; directing the education department to conduct a comprehensive study of alternative tuition rate-setting methodologies for approved providers operating school-age and preschool programs receiving funding; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to extending the school years to which apportionment for salary expenses apply; provides for an accelerated schedule for certain apportionments payable to Mount Vernon city school district; providing for set-asides from the state funds which certain districts are receiving from the total foundation aid; providing for support of public libraries; to amend chapter 498 of the laws of 2011 amending the education law relating to the public library construction grant program, in relation to the effectiveness thereof; to amend chapter 94 of the laws of 2002 relating to the financial stability of the Rochester city school district, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to tuition authorization at the state university of New York and the city university of New York (Part B); intentionally omitted (Part C); to amend the education law, in relation to removing the maximum award caps for the liberty partnerships program (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to utilize reserves in the mortgage insurance fund for various housing purposes (Part Q); intentionally omitted (Part R); to amend the labor law, in relation to increasing minimum wage requirements and indexing the minimum wage to inflation for certain periods (Part S); intentionally omitted (Part T); to amend the social services law, in relation to eligibility for child care assistance; to amend part Z of chapter 56 of the laws of 2021 amending the social services law relat-

ing to making child care more affordable for low-income families, in relation to the effectiveness thereof; and to repeal certain provisions of the social services law relating thereto (Part U); to amend part N of chapter 56 of the laws of 2020, amending the social services law relating to restructuring financing for residential school placements, in relation to the effectiveness thereof (Part V); to amend subpart A of chapter 57 of the laws of 2012 amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, and to amend subpart B of part G of chapter 57 of the laws of 2012 amending the social services law, the family court act and the executive law relating to juvenile delinquents, in relation to the effectiveness thereof (Part W); to amend the social services law, in relation to eliminating the requirement for combined education and other work/activity assignments, directing approval of certain education and vocational training activities up to two-year post-secondary degree programs and providing for a disregard of earned income received by a recipient of public assistance derived from participating in a qualified work activity or training program, and further providing for a one-time disregard of earned income following job entry for up to six consecutive months under certain circumstances (Part X); to amend the social services law, in relation to the replacement of stolen public assistance (Part Y); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part Z); in relation to requiring the state university of New York trustees and the city university of New York trustees to develop a long-term plan to address the impact fluctuations in student enrollment have on the academic and financial sustainability of state-operated institutions and community colleges (Part AA); to amend the social services law, in relation to increasing from $300 a month to $725 a month the rent subsidy payable to a foster child living independently (Part BB); to amend chapter 277 of the laws of 2021 amending the labor law relating to the calculation of weekly employment insurance benefits for workers who are partially unemployed, in relation to the effectiveness thereof (Part CC); to amend the social services law, in relation to establishing a statewide presumptive eligibility standard for the receipt of child care assistance (Part DD); to amend the education law, in relation to eligible recipients of part-time tuition assistance program awards (Part EE); in relation to conducting a study of public and private museums in New York state (Part FF); to amend the county law and the judiciary law, in relation to entitled compensation for client representation (Part GG); to amend the tax law, in relation to eligibility for the empire state child credit (Part HH); to amend the education law, in relation to maritime scholarships at the state university of New York (Part II); to amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the board of directors of the western regional off-track betting corporation; and providing for the repeal of such provisions upon the expiration thereof (Part JJ); to provide state matching contributions to the endowments of the four university centers of the state university of New York; and providing for the repeal of certain provisions upon expiration thereof (Part KK); to amend the public health law, in relation to authorizing body scanner utilization in the department of corrections and community supervision (Part LL); to amend the vehicle and traffic law, in relation to owner liability for failure of operator to comply with bus operation-related

local law or regulation traffic restrictions and to the adjudication of certain parking infractions; to amend the public officers law, in relation to access to records prepared pursuant to bus operation-related local law or regulation traffic restrictions; to amend part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part MM); in relation to directing the Metropolitan Transportation Authority to establish and implement a fare-free bus pilot program within the City of New York (Part NN); to amend the racing, pari-mutuel wagering and breeding law, in relation to the utilization of funds in the Capital region off-track betting corporations' capital acquisition funds (Part OO); to provide for the administration of certain funds and accounts related to the 2023-2024 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 FFF of chapter 56 of the laws of 2022 providing for the administration of certain funds and accounts related to the 2022-2023 budget, in relation to the effectiveness of certain provisions thereof; to amend the military law, in relation to the deposit of funds for the use of armories; to amend the state finance law, in relation to the rainy day reserve fund; to amend part D of chapter 389 of the laws of 1997 relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of certain bonds or notes; to amend chapter 81 of the laws of 2002 relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of certain bonds & notes; to amend part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state medical care facilities finance agency act, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the New York state urban development corporation act, in relation to the nonprofit infrastructure capital investment program; to amend the New York state urban development corporation act, in relation to personal income tax notes for 2024, 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 2024, and in relation to state-supported debt issued during the 2024 fiscal year; to amend the state finance law, in relation to payments of bonds; to

amend the state finance law, in relation to the mental health services fund; to amend the state finance law, in relation to the issuance of revenue bonds; to amend the New York state urban development corporation act, in relation to permitting the dormitory authority, the New York state urban development corporation, and the thruway authority to issue bonds for the purpose of refunding obligations of the power authority of the state of New York to fund energy efficiency projects at state agencies; to amend the public authorities law, in relation to financing of metropolitan transportation authority (MTA) transportation facilities; and providing for the repeal of certain provisions upon expiration thereof (Part PP); to amend the public authorities law and the public service law, in relation to advancing renewable energy development; establishing the renewable energy access and community help program; and providing funding to help prepare workers for employment in the renewable energy field (Part QQ); to amend the energy law and the executive law, in relation to prohibiting the installation of fossil-fuel equipment and building systems in new construction; and to amend the public authorities law and the public buildings law, in relation to establishing decarbonization action plans for state-owned facilities (Part RR); to amend part LL of chapter 58 of the laws of 2019 amending the public authorities law relating to the provision of renewable power and energy by the Power Authority of the State of New York, in relation to the effectiveness thereof (Part SS); to amend the public authorities law and the state finance law, in relation to climate action fund revenues and accounts; and to amend the labor law and the public service law, in relation to certain climate risk-related and energy transition projects (Part TT); to amend the tax law, the cannabis law, the real property actions and proceedings law and the criminal procedure law, in relation to making technical corrections to tax on adult-use cannabis products and enforcement provisions; and providing for the repeal of certain provisions upon the expiration thereof (Part UU); and to amend the criminal procedure law, in relation to setting bail (Subpart A); to amend the criminal procedure law, in relation to excluding certain arrests made without a warrant from certain pretrial proceedings (Subpart B); and to amend the judiciary law, in relation to requiring the chief administrator of the courts to collect data and report on pretrial commitments to local correctional facilities (Subpart C) (Part VV)

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 education, labor, housing and family
3 assistance budget for the 2023-2024 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through VV. The
5 effective date for each particular provision contained within such Part
6 is set forth in the last section of such Part. Any provision in any
7 section contained within a Part, including the effective date of the
8 Part, which makes a reference to a section "of this act", when used in
9 connection with that particular component, shall be deemed to mean and
10 refer to the corresponding section of the Part in which it is found.
11 Section three of this act sets forth the general effective date of this
12 act.

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by chapter 556 of the laws of 2022, is amended to read as follows:

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

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

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

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

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

aid base computed pursuant to paragraph j of subdivision one of this section.

§ 3. Intentionally omitted.

§ 3-a. The education law is amended by adding a new section 925 to read as follows:

§ 925. Community eligibility provision state subsidy. Notwithstanding any provision of law, rule or regulation to the contrary, in the two thousand twenty-three--two thousand twenty-four school year and thereafter, for each breakfast and lunch meal that is served at a school participating in the federal community eligibility provision program and that is reimbursed at the federal reimbursement rate for a paid meal, the department shall reimburse the school food authority the difference between (1) the combined state and federal reimbursement rate for a paid meal for the current school year and (2) the combined state and federal reimbursement rate for a free meal for the current school year, provided that the total reimbursement rate for each meal served shall equal the combined state and federal reimbursement rate for a free meal for the current school year.

§ 4. Subdivision 9 of section 2852 of the education law is amended by adding a new paragraph (b-1) to read as follows:

(b-1) A charter that has been surrendered, revoked or terminated after January first, two thousand fifteen, but before July first, two thousand twenty-two, including a charter that has not been renewed by action of its charter entity, may be reissued once pursuant to paragraph (a) of this subdivision by the board of regents either upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. Provided that such reissuance shall not be counted toward the numerical limits established by this subdivision, and provided further that no more than twenty-two charters may be reissued pursuant to this paragraph, provided that fourteen of such reissued charters shall be allocated for, and shall not be counted toward the numerical limit in, a city having a population of one million or more established in paragraph (a) of this subdivision. Nothing herein shall be construed to allow more than fourteen such charters to be reissued in a city having a population of one million or more.

§ 4-a. Subdivision 2 of section 2852 of the education law, as amended by section 2 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

2. An application for a charter school shall not be approved unless the charter entity finds that:

(a) the charter school described in the application meets the requirements set out in this article and all other applicable laws, rules and regulations;

(b) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner;

(c) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; [~~and~~]

(d) in a school district where the total enrollment of resident students attending charter schools in the base year is greater than five percent of the total public school enrollment of the school district in the base year (i) granting the application would have a significant educational benefit to the students expected to attend the proposed

charter school or (ii) the school district in which the charter school will be located consents to such application**; and**

(e) for applicants for an initial charter pursuant to paragraph (b-1) of subdivision nine of this section in a school district located in a city with a population of one million or more, the total enrollment of students attending charter schools within the community district in which the charter school will be located in the base year is less than or equal to fifty-five percent of the total public school enrollment attending within such community district in the base year.

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

c. "Actual valuation" shall mean the valuation of taxable real property in a school district obtained by taking the assessed valuation of taxable real property within such district as it appears upon the assessment roll of the town, city, village, or county in which such property is located, for the calendar year two years prior to the calendar year in which the base year commenced, after revision as provided by law, **plus any assessed valuation that was exempted from taxation pursuant to the class one reassessment exemption authorized by section four hundred eighty-five-u of the real property tax law or the residential revaluation exemption authorized by section four hundred eighty-five-v of such law as added by chapter five hundred sixty of the laws of two thousand twenty-one,** and dividing it by the state equalization rate as determined by the [~~state board of equalization and assessment~~] **commissioner of taxation and finance**, for the assessment roll of such town, city, village, or county completed during such preceding calendar year. The actual valuation of a central high school district shall be the sum of such valuations of its component districts. Such actual valuation shall include any actual valuation equivalent of payments in lieu of taxes determined pursuant to section four hundred eighty-five of the real property tax law. "Selected actual valuation" shall mean the lesser of actual valuation calculated for aid payable in the current year or the two-year average of the actual valuation calculated for aid payable in the current year and the actual valuation calculated for aid payable in the base year.

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

d. "Average daily attendance" shall mean the total number of attendance days of pupils in a public school of a school district in kindergarten through grade twelve, or equivalent ungraded programs, plus the total number of instruction days for such pupils receiving homebound instruction including pupils receiving [~~instruction through a two-way telephone communication system~~] **remote instruction as defined in the regulations of the commissioner**, divided by the number of days the district school was in session as provided in this section. The attendance of pupils with disabilities attending under the provisions of paragraph c of subdivision two of section forty-four hundred one of this chapter shall be added to average daily attendance.

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

l. "Average daily membership" shall mean the possible aggregate attendance of all pupils in attendance in a public school of the school district in kindergarten through grade twelve, or equivalent ungraded

programs, including possible aggregate attendance for such pupils receiving homebound instruction, including pupils receiving [~~instruction through a two-way telephone communication system~~] **remote instruction as defined in the regulations of the commissioner**, with the possible aggregate attendance of such pupils in one-half day kindergartens multiplied by one-half, divided by the number of days the district school was in session as provided in this section. The full time equivalent enrollment of pupils with disabilities attending under the provisions of paragraph c of subdivision two of section forty-four hundred one of this chapter shall be added to average daily membership. Average daily membership shall include the equivalent attendance of the school district, as computed pursuant to paragraph d of this subdivision. In any instance where a pupil is a resident of another state or an Indian pupil is a resident of any portion of a reservation located wholly or partly within the borders of the state pursuant to subdivision four of section forty-one hundred one of this chapter or a pupil is living on federally owned land or property, such pupil's possible aggregate attendance shall be counted as part of the possible aggregate attendance of the school district in which such pupil is enrolled.

§ 8. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 14 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 9. Paragraph b of subdivision 6-c of section 3602 of the education law, as amended by section 11 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

b. For projects approved by the commissioner authorized to receive additional building aid pursuant to this subdivision for the purchase of stationary metal detectors, security cameras or other security devices approved by the commissioner that increase the safety of students and school personnel, provided that for purposes of this paragraph such other security devices shall be limited to electronic security systems and hardened doors, and provided that for projects approved by the commissioner on or after the first day of July two thousand thirteen [~~and before the first day of July two thousand twenty-three~~] such additional aid shall equal the product of (i) the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section plus ten percentage points, except that in no case shall this amount exceed one hundred percent, and (ii) the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section shall not apply, and provided further that any projects aided under this paragraph must be included in a district's school safety plan. The commissioner shall annually prescribe a special cost allowance for metal detectors, and

security cameras, and the approved expenditures shall not exceed such cost allowance.

§ 10. Paragraph i of subdivision 12 of section 3602 of the education law, as amended by section 15 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 11. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 16 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

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

3. Beginning in the two thousand twenty-three--two thousand twenty-four school year, all school districts shall annually report to the commissioner: (i) the number of four-year-old prekindergarten students the district intends to serve in full-day and half-day slots in district-operated prekindergarten programs in the current school year; (ii) the number of four-year-old prekindergarten students the district

intends to serve in full-day and half-day slots in prekindergarten programs operated by community-based organizations in the current school year; (iii) the number of four-year-old prekindergarten students in the current school year the district is unable to serve due to a lack of capacity; (iv) the reason for the lack of capacity, including the availability of appropriate space, facilities, and staff; and (v) any other information available to districts and determined by the commissioner to be necessary to accurately estimate the unmet demand for four-year-old prekindergarten programs within a district. School districts that are eligible to receive an apportionment under this section or section thirty-six hundred two-ee of this part but have not claimed the full apportionment shall include in the report to the commissioner information on barriers to implementing new or expanding existing universal prekindergarten programs despite available funding. Such report shall be due on or before September first of each year and shall be collected as part of the application submitted pursuant to subdivision five of this section. Beginning November first, two thousand twenty-three, the commissioner shall annually submit a report to the governor, the temporary president of the senate, and the speaker of the assembly on the information reported by districts.

§ 12-a. Section 408 of the education law is amended by adding a new subdivision 7 to read as follows:

7. The commissioner shall issue guidance informing all school districts of the manner in which building aid may be utilized to support district-operated universal prekindergarten programs pursuant to sections thirty-six hundred two-e and thirty-six hundred two-ee of this chapter.

§ 13. Subdivision 20 of section 3602-e of the education law is amended by adding a new paragraph b to read as follows:

b. Two thousand twenty-three--two thousand twenty-four school year.

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

(ii) For purposes of this paragraph, "expansion slots" shall be slots for new full-day four-year-old prekindergarten pupils for purposes of subparagraph (ii) of paragraph b of subdivision ten of this section. Expansion slots shall be equal to the positive difference, if any, of (1) the product of eight hundred ninety-seven thousandths (0.897) multiplied by unserved four-year-old prekindergarten pupils as defined in subparagraph (iv) of paragraph b of subdivision ten of this section less (2) the sum of four-year-old students served plus the underserved count. If such expansion slots are greater than or equal to ten but less than twenty, the expansion slots shall be twenty; if such expansion slots are less than ten, the expansion slots shall be zero; and for a city school district in a city having a population of one million or more, the expansion slots shall be zero.

(iii) For purposes of this paragraph, "four-year-old students served" shall be equal to the sum of (1) the number of four-year-old students served in full-day and half-day settings in a state funded program which must meet the requirements of this section as reported to the department for the two thousand twenty-one--two thousand twenty-two school year, plus (2) the number of four-year-old students served in full-day settings in a state funded program which must meet the requirements of

section thirty-six hundred two-ee of this part and for which grants were awarded prior to the two thousand twenty--two thousand twenty-one school year, plus (3) the number of expansion slots allocated pursuant to paragraph b of subdivision nineteen of this section, plus (4) the number of expansion slots allocated pursuant to paragraph a of this subdivision, plus (5) the maximum number of students that may be served in full-day prekindergarten programs funded by grants which must meet the requirements of section thirty-six hundred two-ee of this part for grants awarded in the two thousand twenty-one--two thousand twenty-two or two thousand twenty-two--two thousand twenty-three school year.

(iv) For purposes of this paragraph, the underserved count shall be equal to the positive difference, if any, of (1) the sum of (a) eligible full-day four-year-old prekindergarten pupils as defined in subparagraph (ii) of paragraph b of subdivision ten of this section for the two thousand twenty-one--two thousand twenty-two school year, plus (b) the product of five-tenths (0.5) and the eligible half-day four-year-old prekindergarten pupils as defined in subparagraph (iii) of paragraph b of subdivision ten of this section for the two thousand twenty-one--two thousand twenty-two school year, less (2) the positive difference of (a) the number of four-year-old students served in full-day and half-day settings in a state-funded program which must meet the requirements of this section as reported to the department for the two thousand twenty-one--two thousand twenty-two school year, with students served in half-day settings multiplied by five-tenths (0.5), less (b) the number of pupils served in a conversion slot pursuant to section thirty-six hundred two-ee of this part in the two thousand twenty-one--two thousand twenty-two school year multiplied by five-tenths (0.5).

§ 14. Paragraph d of subdivision 12 of section 3602-e of the education law, as amended by section 17-b of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency.

§ 15. Paragraph (c) of subdivision 8 of section 3602-ee of the education law, as amended by section 17-a of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 16. Subdivision 16 of section 3602-ee of the education law, as amended by section 17 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 17. Intentionally omitted.

§ 18. The opening paragraph of section 3609-a of the education law, as amended by section 19 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand [~~twenty-two~~] **twenty-three**--two thousand [~~twenty-three~~] **twenty-four** school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year

aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision five of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand [~~twenty-two~~] **twenty-three**--two thousand [~~twenty-three~~] **twenty-four** school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled [~~"SA222-3"~~] **"SA232-4"**.

§ 18-a. Subdivision 4 of section 3627 of the education law, as amended by section 11-b of part A of chapter 56 of the laws of 2022, is amended to read as follows:

4. Notwithstanding any other provision of law to the contrary, any expenditures for transportation provided pursuant to this section in the two thousand thirteen--two thousand fourteen school year and thereafter and otherwise eligible for transportation aid pursuant to subdivision seven of section thirty-six hundred two of this article shall be considered approved transportation expenses eligible for transportation aid, provided further that for the two thousand thirteen--two thousand fourteen school year such aid shall be limited to eight million one hundred thousand dollars and for the two thousand fourteen--two thousand fifteen school year such aid shall be limited to the sum of twelve million six hundred thousand dollars plus the base amount and for the two thousand fifteen--two thousand sixteen school year through two thousand eighteen--two thousand nineteen school year such aid shall be limited to the sum of eighteen million eight hundred fifty thousand dollars plus the base amount and for the two thousand nineteen--two thousand twenty school year such aid shall be limited to the sum of nineteen million three hundred fifty thousand dollars plus the base amount and for the two thousand twenty--two thousand twenty-one school year such aid shall be limited to the sum of nineteen million eight hundred fifty thousand dollars plus the base amount and for the two thousand twenty-two--two thousand twenty-three school year [~~and thereafter~~] such aid shall be limited to the sum of twenty-two million three hundred fifty thousand dollars plus the base amount **and for the two thousand twenty-three--two thousand twenty-four school year and thereafter such aid shall be limited to the sum of twenty-four million eight hundred fifty thousand dollars plus the base amount**. For purposes of this subdivision, "base amount" means the amount of transportation aid paid to the school district for expenditures incurred in the two thousand twelve--two thou-

sand thirteen school year for transportation that would have been eligible for aid pursuant to this section had this section been in effect in such school year, except that subdivision six of this section shall be deemed not to have been in effect. And provided further that the school district shall continue to annually expend for the transportation described in subdivision one of this section at least the expenditures used for the base amount.

§ 19. Section 3638 of the education law is amended by adding a new subdivision 7 to read as follows:

7. Beginning in the two thousand twenty-four--two thousand twenty-five school year, every school district shall annually submit to the commissioner a progress report on the implementation of zero-emission school buses as required under this section in a format prescribed by the commissioner and approved by the director of the budget. The report shall include, but not be limited to, (i) sufficiency of the school district's electric infrastructure to support anticipated electrical needs, (ii) the availability and installation of charging or fueling stations and other components and capital infrastructure required to support the transition to and full implementation of zero-emission school buses, (iii) whether the workforce development report pursuant to paragraph (c) of subdivision five of this section has been created and implemented, (iv) the number and proportion of zero-emission school buses the school district or any contractor providing transportation services is utilizing in the current school year, and (v) the number and proportion of zero-emission school buses purchased or leased by the school district or any contractor providing transportation services in the current school year and the total anticipated number for the next two years. The progress report shall be due on or before August first of each year. Beginning October first, two thousand twenty-four, the commissioner shall annually submit a report to the governor, the temporary president of the senate and the speaker of the assembly on the progress of implementation of zero-emission school buses as reported by the school districts.

§ 19-a. Subdivision 23 of section 1854 of the public authorities law, as added by section 1 of subpart B of part B of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 20. Subdivision b of section 2 of chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 20 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for the reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, reimbursement for the 2019--2020 school year shall not exceed 57.7

percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty cents per contact hour, reimbursement for the 2020--2021 school year shall not exceed 56.9 percent of the lesser of such approvable costs per contact hour or sixteen dollars and twenty-five cents per contact hour, reimbursement for the 2021--2022 school year shall not exceed 56.0 percent of the lesser of such approvable costs per contact hour or sixteen dollars and forty cents per contact hour, [~~and~~] reimbursement for the 2022--2023 school year shall not exceed 55.7 percent of the lesser of such approvable costs per contact hour or sixteen dollars and sixty cents per contact hour, **and reimbursement for the 2023--2024 school year shall not exceed 54.7 percent of the lesser of such approvable costs per contact hour or seventeen dollars and seventy cents per contact hour,** and where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444); for the 2020--2021 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926); for the 2021--2022 school year such contact hours shall not exceed one million four hundred sixteen thousand one hundred twenty-two (1,416,122); [~~and~~] for the 2022--2023 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926)**; and for the 2023--2024 school year such contact hours shall not exceed one million three hundred forty-two thousand nine hundred seventy-five (1,342,975)**. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

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

bb. The provisions of this subdivision shall not apply after the completion of payments for the 2023--24 school year. Notwithstanding any inconsistent provisions of law, the commissioner of education shall withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed thirteen million dollars ($13,000,000).

§ 22. Section 6 of chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 22 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed [~~on~~] June 30, [~~2023~~] **2024**.

§ 22-a. Paragraph a-1 of subdivision 11 of section 3602 of the education law, as amended by section 22-a of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 23. Intentionally omitted.

§ 24. Section 12 of chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 24 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 25. Section 12 of part C of chapter 56 of the laws of 2020 directing the commissioner of education to appoint a monitor for the Rochester city school district, establishing the powers and duties of such monitor and certain other officers and relating to the apportionment of aid to such school district, is amended to read as follows:

§ 12. This act shall take effect immediately, provided, however, that sections two, three, four, five, six, seven, eight, nine and ten of this act shall expire and be deemed repealed June 30, [~~2023~~] 2025; and provided further, however that sections one and eleven of this act shall expire and be deemed repealed June 30, 2049.

§ 26. Subdivision 11 of section 94 of part C of chapter 57 of the laws of 2004 relating to the support of education, as amended by section 37 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

11. section seventy-one of this act shall expire and be deemed repealed June 30, [~~2023~~] 2028;

§ 27. 1. The state education department shall conduct a comprehensive study of alternative tuition rate-setting methodologies for approved providers operating school-age programs receiving funding under article 81 and article 89 of the education law and providers operating approved preschool special education programs under section 4410 of the education law. The state education department shall ensure that such study consider stakeholder feedback and include, but not be limited to, a comparative analysis of rate-setting methodologies utilized by other agencies of the state of New York, including the rate-setting methodology utilized by the office of children and family services for private residential school programs; options and recommendations for an alternative rate-setting methodology or methodologies; cost estimates for such alternative methodologies; and an analysis of current provider tuition rates compared to tuition rates that would be established under such alternative methodologies.

2. At a minimum, any recommended alternative rate-setting methodology or methodologies proposed for such preschool and school-age programs

shall: (a) be fiscally sustainable for such programs, school districts, counties, and the state; (b) substantially restrict or eliminate tuition rate appeals; (c) establish predictable tuition rates that are calculated based on standardized parameters and criteria, including, but not limited to, defined program and staffing models, regional costs, and minimum required enrollment levels as a percentage of program operating capacities; (d) include a schedule to phase in new tuition rates in accordance with the recommended methodology or methodologies; and (e) ensure tuition rates for all programs can be calculated no later than the beginning of each school year.

3. The state education department shall present its recommendations and analysis to the governor, the director of the division of the budget, the temporary president of the senate, the speaker of the assembly, the chairperson of the senate finance committee, and the chairperson of the assembly ways and means committee no later than July 1, 2025. Adoption of any alternative rate-setting methodologies shall be subject to the approval of the director of the division of the budget.

§ 28. Intentionally omitted.

§ 29. Special apportionment for salary expenses. 1. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2024 and not later than the last day of the third full business week of June 2024, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2024, for salary expenses incurred between April 1 and June 30, 2023 and such apportionment shall not exceed the sum of (a) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (b) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (c) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (d) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (e) the gap elimination adjustment for 2011-- 2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph 2 of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

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

§ 30. Special apportionment for public pension accruals. 1. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2024, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2024 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

3. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions 1 and 2 of this section shall first be deducted from the

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

§ 30-a. Subdivision a of section 5 of chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 30-a of part A of chapter 56 of the laws of 2022, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year through the [~~2022-23~~] **2023-24** school year, four million dollars ($4,000,000); for the [~~2023-24~~] **2024-25** school year, three million dollars ($3,000,000); for the [~~2024-25~~] **2025-26** school year, two million dollars ($2,000,000); for the [~~2025-26~~] **2026-27** school year, one million dollars ($1,000,000); and for the [~~2026-27~~] **2027-28** school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

§ 30-b. Certain apportionments payable to the Mount Vernon city school district shall be paid on an accelerated schedule as follows:

a. (1) Notwithstanding any other provisions of law, for aid payable in the school years 2022-2023 through 2051-2052 upon application to the commissioner of education submitted not sooner than the second Monday in June of the school year in which such aid is payable and not later than the Friday following the third Monday in June of the school year in which such aid is payable, or ten days after the effective date of this act, whichever shall be later, the Mount Vernon city school district shall be eligible to receive an apportionment pursuant to this act in an amount up to the product of five million dollars ($5,000,000) and the quotient of the positive difference of thirty minus the number of school years elapsed since the 2022-2023 school year divided by thirty. (2) Funds apportioned pursuant to this subdivision shall be used for services and expenses of the Mount Vernon city school district and shall be applied to support of its educational programs and any liability incurred by such city school district in carrying out its functions and responsibilities under the education law.

b. The claim for an apportionment to be paid to the Mount Vernon city school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed and that the school district has complied with the reporting requirements of this act. For

each school year in which application is made pursuant to subdivision a of this section, such approved amount shall be payable on or before June thirtieth of such school year upon the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund appropriated for general support of public schools and from the general fund to the extent that the amount paid to the Mount Vernon city school district pursuant to this subdivision and subdivision a of this section exceeds the amount of the lottery apportionment, if any, due such school district pursuant to subparagraph 2 of paragraph a of subdivision 1 of section 3609-a of the education law on or before September first of such school year.

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

d. Notwithstanding any other provisions of law, the sum of payments made to the Mount Vernon city school district during the base year pursuant to subdivisions a and b of this section plus payments made to such school district during the current year pursuant to section 3609-a of the education law shall be deemed to truly represent all aids paid to such school district during the current school year pursuant to such section 3609-a for the purposes of computing any adjustments to such aids that may occur in a subsequent school year.

e. (1) On or before the first day of each month beginning in July 2023 and ending in June 2053, the chief fiscal officer and the superintendent of schools of the Mount Vernon city school district shall prepare and submit to the board of education a report of the fiscal condition of the school district, including but not limited to the most current available data on fund balances on funds maintained by the school district and the district's use of the apportionments provided pursuant to subdivisions a and b of this section.

(2) Such monthly report shall be in a format prescribed by the commissioner of education. The board of education shall either reject and return the report to the chief fiscal officer and the superintendent of schools for appropriate revisions and resubmittal or shall approve the report and submit copies to the commissioner of education and the state comptroller of such approved report as submitted or resubmitted.

(3) In the 2022-2023 through 2051-2052 school years, the chief fiscal officer of the Mount Vernon city school district shall monitor all budgets and for each budget, shall prepare a quarterly report of summarized budget data depicting overall trends of actual revenues and budget expenditures for the entire budget as well as individual line items. Such report shall compare revenue estimates and appropriations as set forth in such budget with the actual revenues and expenditures made to date. All quarterly reports shall be accompanied by a recommendation from the superintendent of schools or chief fiscal officer to the board of education setting forth any remedial actions necessary to resolve any

unfavorable budget variance including the overestimation of revenue and underestimation of appropriations. The chief fiscal officer shall also prepare, as part of such report, a quarterly trial balance of general ledger accounts in accordance with generally accepted accounting principles as prescribed by the state comptroller. All reports shall be completed within sixty days after the end of each quarter and shall be submitted to the chief fiscal officer and the board of education of the Mount Vernon city school district, the state division of budget, the office of the state comptroller, the commissioner of education, the chair of the assembly ways and means committee and the chair of the senate finance committee.

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

1. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2023--2024 school year. For the city school district of the city of New York there shall be a set-aside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); for the White Plains city school district, nine hundred thousand dollars ($900,000); for the Niagara Falls city school district, six hundred thousand dollars ($600,000); for the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); for the Utica city school district, two million dollars ($2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); for the Middletown city school district, four hundred thousand dollars ($400,000); for the Freeport union free school district, four hundred thousand dollars ($400,000); for the Greenburgh central school district, three hundred thousand dollars ($300,000); for the Amsterdam city school district, eight hundred thousand dollars ($800,000); for the Peekskill city school district, two hundred thousand dollars ($200,000); and for the Hudson city school district, four hundred thousand dollars ($400,000).

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

3. The commissioner of education shall not be authorized to withhold foundation aid from a school district that used such funds in accordance with this subdivision, notwithstanding any inconsistency with a request for proposals issued by such commissioner for the purpose of attendance improvement and dropout prevention for the 2023--2024 school year, and for any city school district in a city having a population of more than one million, the set-aside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2023--2024 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this section to community-based organizations. Any increase required pursuant to this section to community-based organizations must be in addition to allocations provided to community-based organizations in the base year.

4. For the purpose of teacher support for the 2023--2024 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

§ 32. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2023 enacting the aid to localities budget shall be apportioned for the 2023-2024 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of such chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001-2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2023-2024 by a chapter of the laws of 2023 enacting the aid to localities budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the

director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to ensure that the total amount of aid payable does not exceed the total appropriations for such purpose.

§ 32-a. Section 2 of chapter 498 of the laws of 2011 amending the education law relating to the public library construction grant program, as amended by chapter 192 of the laws of 2019, is amended to read as follows:

§ 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law and shall expire and be deemed repealed March 31, [~~2023~~] **2026**.

§ 33. Subparagraph 2 of paragraph a of section 1 of chapter 94 of the laws of 2002 relating to the financial stability of the Rochester city school district, is amended to read as follows:

(2) Notwithstanding any other provisions of law, for aid payable in the 2002-03 through [~~2022-23~~] **2027-28** school years, an amount equal to twenty million dollars ($20,000,000) of general support for public schools otherwise due and payable to the Rochester city school district on or before September first of the applicable school year shall be for an entitlement period ending the immediately preceding June thirtieth.

§ 34. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 35. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2023, provided, however, that:

1. Sections one, two, three-a, five, eight, nine, ten, eleven, fourteen, fifteen, sixteen, eighteen, eighteen-a, twenty-two, thirty-one, and thirty-three of this act shall take effect July 1, 2023;

2. Section twelve of this act shall expire and be deemed repealed June 30, 2026;

3. Section nineteen of this act shall expire and be deemed repealed June 30, 2036; and

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

PART B

Section 1. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph (4-a-1) to read as follows:

(4-a-1) Notwithstanding any law, rule, regulation or practice to the contrary and following the review and approval of the chancellor of the state university or his or her designee, the board of trustees may annually impose differential tuition rates on non-resident undergraduate and

graduate rates of tuition for state-operated institutions for a three year period commencing with the two thousand twenty-three--two thousand twenty-four academic year and ending in the two thousand twenty-five--two thousand twenty-six academic year, provided that such rates are competitive with the rates of tuition charged by peer institutions and that the board of trustees annually provide the reason and methodology behind any rate increase to the governor, the temporary president of the senate, and the speaker of the assembly prior to the approval of such increases.

§ 2. Paragraph (a) of subdivision 7 of section 6206 of the education law is amended by adding a new subparagraph (vi) to read as follows:

(vi) Notwithstanding any law, rule, regulation or practice to the contrary, commencing with the two thousand twenty-three--two thousand twenty-four academic year and ending in the two thousand twenty-five--two thousand twenty-six academic year, following the review and approval of the chancellor of the city university or his or her designee, the city university of New York board of trustees shall be empowered to annually impose differential tuition rates on non-resident undergraduate and graduate rates of tuition for senior colleges, provided that such rates are competitive with the rates of tuition charged by peer institutions and that the board of trustees annually provide the reason and methodology behind any rate increase to the governor, the temporary president of the senate, and the speaker of the assembly prior to the approval of such increases.

§ 3. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

(a) (i) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. Notwithstanding any other provision of this paragraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. The trustees shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant noncitizen within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

[~~(i)~~] **(1)** attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

[~~(ii)~~] **(2)** attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

[~~(iii)~~] **(3)** was enrolled in an institution or educational unit of the city university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. The trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

(ii) Notwithstanding any law, rule, regulation or practice to the contrary, commencing with the two thousand twenty-three--two thousand twenty-four academic year and ending in the two thousand twenty-five--two thousand twenty-six academic year, following the review and approval of the chancellor of the city university or his or her designee, the city university of New York board of trustees shall be empowered to annually impose differential tuition rates on non-resident undergraduate and graduate rates of tuition for senior colleges, provided that such rates are competitive with the rates of tuition charged by peer institutions and that the board of trustees annually provide the reason and methodology behind any rate increase to the governor, the temporary president of the senate, and the speaker of the assembly prior to the approval of such increases.

§ 4. This act shall take effect immediately; provided however the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 16 of chapter 260 of the laws of 2011 as amended, when upon such date the provisions of section three of this act shall take effect.

PART C

Intentionally Omitted

PART D

Section 1. Paragraphs b and c of subdivision 4 of section 612 of the education law, as added by chapter 425 of the laws of 1988, are amended to read as follows:

[~~b. A grant to a recipient of an award under this section shall not exceed the amount of three hundred thousand dollars for any grant year, provided that a recipient may receive a grant in excess of such amount at the rate of twelve hundred fifty dollars for each student, in excess of two hundred forty students, who is provided compensatory and support services by the recipient during such grant year.~~

~~c.~~] **b.** The grant recipients shall provide students at public and nonpublic schools the opportunity to receive compensatory and support services in an equitable manner consistent with the number and need of the children in such schools.

§ 2. This act shall take effect immediately.

PART E

Intentionally Omitted

PART F

Intentionally Omitted

PART G

Intentionally Omitted

PART H

Intentionally Omitted

PART I

Intentionally Omitted

PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed $17,633,000 for the fiscal year ending March 31, 2024. Within this total amount, $250,000 shall be used for the purpose of entering into a contract with the neighborhood preservation coalition to provide technical assistance and services to companies funded pursuant to article 16 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $17,633,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2022-2023 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2023.

§ 2. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed $7,557,000 for the fiscal year ending March 31, 2024. Within this total amount, $250,000 shall be used for the purpose of entering into a contract with the rural housing coalition to provide technical assistance and services to companies funded pursuant to article 17 of the private housing finance law. Notwithstanding any

other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $7,557,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2022-2023 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2023.

§ 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program pursuant to article 17-A of the private housing finance law, a sum not to exceed $21,710,000 for the fiscal year ending March 31, 2024. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed $21,710,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2022-2023 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating, as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer shall be made as soon as practicable but no later than June 30, 2023.

§ 4. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under such programs, in accordance with the requirements of such programs, a sum not to exceed $50,781,000 for the fiscal year ending March 31, 2024. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of such programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total

sum not to exceed $50,781,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2022-2023 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer shall be made as soon as practicable but no later than March 31, 2024.

§ 5. This act shall take effect immediately.

PART R

Intentionally Omitted

PART S

Section 1. Paragraph (c) of subdivision 1 of section 652 of the labor law, as added by section 1 of part K of chapter 54 of the laws of 2016, is amended to read as follows:

(c) Remainder of state. Every employer shall pay to each of its employees for each hour worked outside of the city of New York and the counties of Nassau, Suffolk, and Westchester, a wage of not less than:

$9.70 on and after December 31, 2016,

$10.40 on and after December 31, 2017,

$11.10 on and after December 31, 2018,

$11.80 on and after December 31, 2019,

$12.50 on and after December 31, 2020,

and on each following December thirty-first **up to and until December 31, 2022**, a wage published by the commissioner on or before October first, based on the then current minimum wage increased by a percentage determined by the director of the budget in consultation with the commissioner, with the result rounded to the nearest five cents, totaling no more than fifteen dollars, where the percentage increase shall be based on indices including, but not limited to, (i) the rate of inflation for the most recent twelve month period ending June of that year based on the consumer price index for all urban consumers on a national and seasonally unadjusted basis (CPI-U), or a successor index as calculated by the United States department of labor, (ii) the rate of state personal income growth for the prior calendar year, or a successor index, published by the bureau of economic analysis of the United States department of commerce, or (iii) wage growth; or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

§ 2. Section 652 of the labor law is amended by adding two new subdivisions 1-a and 1-b to read as follows:

1-a. Annual minimum wage from January 1, 2024 to December 31, 2026.

(a) New York city. Notwithstanding subdivision one of this section, every employer regardless of size shall pay to each of its employees for each hour worked in the city of New York a wage of not less than:

$16.00 on and after January 1, 2024,

$16.50 on and after January 1, 2025,

$17.00 on and after January 1, 2026, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

(b) Remainder of downstate. Notwithstanding subdivision one of this section, every employer shall pay to each of its employees for each hour worked in the counties of Nassau, Suffolk, and Westchester, a wage of not less than:

$16.00 on and after January 1, 2024,

$16.50 on and after January 1, 2025,

$17.00 on and after January 1, 2026, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

(c) Remainder of state. Notwithstanding subdivision one of this section, every employer shall pay to each of its employees for each hour worked outside the city of New York and the counties of Nassau, Suffolk, and Westchester, a wage of not less than:

$15.00 on and after January 1, 2024,

$15.50 on and after January 1, 2025,

$16.00 on and after January 1, 2026, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

1-b. Annual minimum wage increase beginning on January first, two thousand twenty-seven. (a) New York city. On and after January first, two thousand twenty-seven, every employer regardless of size shall pay to each of its employees for each hour worked in the city of New York, a wage of not less than the adjusted minimum wage rate established annually by the commissioner. Such adjusted minimum wage rate shall be determined by increasing the then current year's minimum wage rate by the rate of change in the average of the three most recent consecutive twelve-month periods between the first of August and the thirty-first of July, each over their preceding twelve-month periods published by the United States department of labor non-seasonally adjusted consumer price index for northeast region urban wage earners and clerical workers (CPI-W) or any successor index as calculated by the United States department of labor, with the result rounded to the nearest five cents.

(b) Remainder of downstate. On and after January first, two thousand twenty-seven, every employer shall pay to each of its employees for each hour worked in the counties of Nassau, Suffolk, and Westchester, a wage of not less than the adjusted minimum wage rate established annually by the commissioner. Such adjusted minimum wage rate shall be determined by increasing the then current year's minimum wage rate by the rate of change in the average of the three most recent consecutive twelve-month periods between the first of August and the thirty-first of July, each over their preceding twelve-month periods published by the United States department of labor non-seasonally adjusted consumer price index for the northeast region urban wage earners and clerical workers (CPI-W) or any successor index as calculated by the United States department of labor, with the result rounded to the nearest five cents.

(c) Remainder of state. On and after January first, two thousand twenty-seven, every employer shall pay to each of its employees for each hour worked outside of the city of New York and the counties of Nassau, Suffolk, and Westchester a wage of not less than the adjusted minimum wage rate established annually by the commissioner. Such adjusted minimum wage rate shall be determined by increasing the then current year's minimum wage rate by the rate of change in the average of the three most recent consecutive twelve-month periods between the first of August and the thirty-first of July, each over their preceding twelve-month periods published by the United States department of labor non-seasonally adjusted consumer price index for northeast region urban wage earners and clerical workers (CPI-W) or any successor index as calculated by the United States department of labor, with the result rounded to the nearest five cents.

(d) Exceptions. Effective January first, two thousand twenty-seven and thereafter, notwithstanding paragraphs (a), (b) and (c) of this subdivision, there shall be no increase in the minimum wage in the state for the following year if any of the following conditions are met, provided, however, that such exception shall be limited to no more than two consecutive years:

(i) the rate of change in the average of the most recent period of the first of August to the thirty-first of July over the preceding period of the first of August to the thirty-first of July published by the United States department of labor non-seasonally adjusted consumer price index for the northeast region urban wage earners and clerical workers (CPI-W), or any successor index as calculated by the United States department of labor, is negative;

(ii) the three-month moving average of the seasonally adjusted New York state unemployment rate as determined by the U-3 measure of labor underutilization for the most recent period ending the thirty-first of July as calculated by the United States department of labor rises by one-half percentage point or more relative to its low during the previous twelve months; or

(iii) seasonally adjusted, total non-farm employment for New York state in July, calculated by the United States department of labor, decreased from the seasonally adjusted, total non-farm employment for New York state in April, and seasonally adjusted, total non-farm employment for New York state in July, calculated by the United States department of labor, decreased from the seasonally adjusted, total non-farm employment for New York state in January.

(e) The commissioner shall publish the adjusted minimum wage rates no later than the first of October of each year to take effect on the following first day of January.

§ 3. Subdivisions 2, 4 and 5 of section 652 of the labor law, subdivision 2 as amended by chapter 38 of the laws of 1990, the opening paragraph of subdivision 2 as amended by section 6 of part II of chapter 58 of the laws of 2020, and subdivisions 4 and 5 as amended by section 2 of part K of chapter 54 of the laws of 2016, are amended to read as follows:

2. Existing wage orders. The minimum wage orders in effect on the effective date of this act shall remain in full force and effect, except as modified in accordance with the provisions of this article; provided, however, that the minimum wage order for farm workers codified at part one hundred ninety of title twelve of the New York code of rules and regulations in effect on January first, two thousand twenty shall be deemed to be a wage order established and adopted under this article and

shall remain in full force and effect except as modified in accordance with the provisions of this article or article nineteen-A of this chapter.

Such minimum wage orders shall be modified by the commissioner to increase all monetary amounts specified therein in the same proportion as the increase in the hourly minimum wage as provided in [~~subdivision~~] **subdivisions** one**, one-a, and one-b** of this section, including the amounts specified in such minimum wage orders as allowances for gratuities, and when furnished by the employer to its employees, for meals, lodging, apparel and other such items, services and facilities. All amounts so modified shall be rounded off to the nearest five cents. The modified orders shall be promulgated by the commissioner without a public hearing, and without reference to a wage board, and shall become effective on the effective date of such increases in the minimum wage except as otherwise provided in this subdivision, notwithstanding any other provision of this article.

4. Notwithstanding subdivisions one**, one-a, one-b,** and two of this section, the wage for an employee who is a food service worker receiving tips shall be a cash wage of at least two-thirds of the minimum wage rates set forth in subdivision one of this section, rounded to the nearest five cents or seven dollars and fifty cents, whichever is higher, provided that the tips of such an employee, when added to such cash wage, are equal to or exceed the minimum wage in effect pursuant to [~~subdivision~~] **subdivisions** one**, one-a, and one-b** of this section and provided further that no other cash wage is established pursuant to section six hundred fifty-three of this article.

5. Notwithstanding subdivisions one**, one-a, one-b,** and two of this section, meal and lodging allowances for a food service worker receiving a cash wage pursuant to subdivision four of this section shall not increase more than two-thirds of the increase required by subdivision two of this section as applied to state wage orders in effect pursuant to [~~subdivision~~] **subdivisions** one**, one-a, and one-b** of this section.

§ 4. This act shall take effect immediately.

PART T

Intentionally Omitted

PART U

Section 1. Subdivision 2 of section 410-u of the social services law, as amended by section 1 of part L of chapter 56 of the laws of 2022, is amended to read as follows:

2. The state block grant for child care shall be divided into two parts pursuant to a plan developed by the department and approved by the director of the budget. One part shall be retained by the state to provide child care on a statewide basis to special groups and for activities to increase the availability and/or quality of child care programs, including, but not limited to, the start-up of child care programs, the operation of child care resource and referral programs, training activities, the regulation and monitoring of child care programs, the development of computerized data systems, and consumer education, provided however, that child care resource and referral programs funded under title five-B of article six of this chapter shall meet additional performance standards developed by the department of

social services including but not limited to: increasing the number of child care placements for persons who are at or below [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two, provided such persons are at or below~~] eighty-five percent of the state median income, with emphasis on placements supporting local efforts in meeting federal and state work participation requirements, increasing technical assistance to all modalities of legal child care to persons who are at or below [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two, provided such persons are at or below~~] eighty-five percent of the state median income, including the provision of training to assist providers in meeting child care standards or regulatory requirements, and creating new child care opportunities, and assisting social services districts in assessing and responding to child care needs for persons at or below [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two, provided such persons are at or below~~] eighty-five percent of the state median income. The department shall have the authority to withhold funds from those agencies which do not meet performance standards. Agencies whose funds are withheld may have funds restored upon achieving performance standards. The other part shall be allocated to social services districts to provide child care assistance to families receiving family assistance and to other low income families.

§ 2. Subdivisions 1 and 3 of section 410-w of the social services law, subdivision 1 as amended by section 2 of part L of chapter 56 of the laws of 2022, and subdivision 3 as amended by chapter 70 of the laws of 2023, are amended to read as follows:

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

(a) families receiving public assistance when such child care assistance is necessary: to enable a parent or caretaker relative to engage in work, participate in work activities or perform a community service pursuant to title nine-B of article five of this chapter; to enable a teenage parent to attend high school or other equivalent training program; because the parent or caretaker relative is physically or mentally incapacitated; or because family duties away from home necessitate the parent or caretaker relative's absence; child day care shall be provided during breaks in activities[~~, for a period of up to two weeks~~]. Such child day care [~~may~~] **shall** be authorized [~~for a period of up to one month if child care arrangements shall be lost if not continued, and the program or employment is scheduled to begin within such period~~] **for the period designated by the regulations of the department**;

(b) families with incomes up to [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two~~] **eighty-five percent of the state median income** who are attempting through work activities to transition off of public assistance when such child care is necessary in order to enable a parent or caretaker relative to engage in work provided such families' public assistance has been terminated as a result of increased hours of or income from employment or increased income from child support payments or the family voluntarily ended assistance; provided that the family received public assistance at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has

received child care assistance under subdivision four of this section[~~; and provided, the family income does not exceed eighty-five percent of the state median income~~];

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

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

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

3. A social services district shall guarantee child care assistance to families in receipt of public assistance with children under thirteen years of age when such child care assistance is necessary for a parent or caretaker relative to engage in work or participate in work activities pursuant to the provisions of title nine-B of article five of this chapter. Child care assistance shall continue to be guaranteed for such a family for a period of twelve months or, upon approval by the office, may be provided by a social services district for a period up to twenty-four months, after the month in which the family's eligibility for public assistance has terminated or ended when such child care is necessary in order to enable the parent or caretaker relative to engage in work, provided that the family's public assistance has been terminated as a result of an increase in the hours of or income from employment or increased income from child support payments or because the family voluntarily ended assistance; that the family received public assistance in at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has received child care assistance under subdivision four of this section; **and** that the family's income does not exceed [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two; and that the family income does not exceed~~] eighty-five percent of the state median income. Such child day care shall recognize the need for continuity of care for the child and a district shall not move a child from an existing provider unless the participant consents to such move.

§ 3. Paragraph (a) of subdivision 2 of section 410-x of the social services law, as amended by chapter 416 of the laws of 2000, is amended to read as follows:

(a) [~~A social services district~~] **The office of children and family services** may establish priorities for the families which will be eligible to receive funding; provided that the priorities provide that eligible families will receive equitable access to child care assistance

funds to the extent that these funds are available. **The office of children and family services shall ensure that families in receipt of child care assistance as of September thirtieth, two thousand twenty-three who were identified as a priority population under a local social services district's consolidated services plan shall continue to be eligible for such assistance, provided they meet all other applicable eligibility requirements for such assistance.**

§ 4. Paragraphs (b) and (c) of subdivision 2 of section 410-x of the social services law are REPEALED.

§ 5. Section 410-x of the social services law is amended by adding a new subdivision 9 to read as follows:

9. Reimbursement for payment on behalf of children who are temporarily absent from child care shall be paid for up to eighty days per year. Reimbursement for additional absences may be allowable in the case of extenuating circumstances, as determined by the office of children and family services.

§ 6. Subdivision 8 of section 410-w of the social services law, as amended by section 1 of part Z of chapter 56 of the laws of 2021, is amended to read as follows:

8. Notwithstanding any other provision of law, rule or regulations to the contrary, a social services district that implements a plan amendment to the child care portion of its child and family services plan, either as part of an annual plan update, or through a separate plan amendment process, where such amendment reduces eligibility for, or increases the family share percentage of, families receiving child care services, or that implements the process for closing child care cases as set forth in the district's approved child and family services plan, due to the district determining that it cannot maintain its current caseload because all of the available funds are projected to be needed for open cases, shall provide all families whose eligibility for child care assistance or family share percentage will be impacted by such action with at least thirty days prior written notice of the action. Provided, however, that a family receiving assistance pursuant to this title shall not be required to contribute more than [~~ten~~] **one** percent of their income exceeding the federal poverty level.

§ 7. Subdivision 6 of section 410-x of the social services law, as amended by section 2 of part Z of chapter 56 of the laws of 2021, is amended to read as follows:

6. Pursuant to department regulations, child care assistance shall be provided on a sliding fee basis based upon the family's ability to pay; provided, however, that a family receiving assistance pursuant to this title shall not be required to contribute more than [~~ten~~] **one** percent of their income exceeding the federal poverty level.

§ 8. Subdivision 10 of section 410-w of the social services law, as added by section 2 of part L of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 9. Section 3 of part Z of chapter 56 of the laws of 2021 amending the social services law relating to making child care more affordable for low-income families, is amended to read as follows:

§ 3. This act shall take effect immediately [~~and shall expire and be deemed repealed three years after such date~~].

§ 10. This act shall take effect October 1, 2023. The office of children and family services is hereby authorized to promulgate such rules and regulations as may be necessary, including on an emergency basis, to implement the provisions of this act.

PART V

Section 1. Section 3 of part N of chapter 56 of the laws of 2020, amending the social services law relating to restructuring financing for residential school placements, as amended by section 1 of part M of chapter 56 of the laws of 2022, is amended to read as follows:

§ 3. This act shall take effect immediately and shall expire and be deemed repealed April 1, [~~2023~~] **2024**; provided however that the amendments to subdivision 10 of section 153 of the social services law made by section one of this act, shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

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

PART W

Section 1. Section 11 of subpart A of part G of chapter 57 of the laws of 2012, amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, as amended by section 2 of part G of chapter 56 of the laws of 2018, is amended to read as follows:

§ 11. This act shall take effect April 1, 2012 and shall expire on March 31, [~~2023~~] **2028** when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; provided, however, upon the repeal of this act, a social services district that has custody of a juvenile delinquent pursuant to an approved juvenile justice services close to home initiative shall retain custody of such juvenile delinquent until custody may be legally transferred in an orderly fashion to the office of children and family services.

§ 2. Section 7 of subpart B of part G of chapter 57 of the laws of 2012, amending the social services law, the family court act and the executive law relating to juvenile delinquents, as amended by section 3 of part G of chapter 56 of the laws of 2018, is amended to read as follows:

§ 7. This act shall take effect April 1, 2012 and shall expire on March 31, [~~2023~~] **2028** when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2023.

PART X

Section 1. Subdivision 1 of section 336-a of the social services law, as amended by chapter 275 of the laws of 2017, is amended to read as follows:

1. Social services districts shall make available vocational educational training and educational activities. Such activities may include but need not be limited to, high school education or education designed to prepare a participant for a high school equivalency certificate, basic and remedial education, education in English proficiency, education or a course of instruction in financial literacy and personal finance that includes instruction on household cash management techniques, career advice to obtain a well paying and secure job, using checking and savings accounts, obtaining and utilizing short and long term credit, securing a loan or other long term financing arrangement for high cost items, participation in a higher education course of instruction or trade school, and no more than a total of four years of post-secondary education (or the part-time equivalent). Educational activities pursuant to this section may be offered with any of the following providers which meet the performance or assessment standards established in regulations by the commissioner for such providers: a community college, licensed trade school, registered business school, or a two-year or four-year college; provided, however, that such post-secondary education must be necessary to the attainment of the participant's individual employment goal as set forth in the employability plan and such goal must relate directly to obtaining useful employment [~~in a recognized occupation~~]. When making [~~any~~] **an** assignment to any educational activity pursuant to this subdivision, such assignment shall be permitted only to the extent that such assignment is consistent with the individual's assessment and employment plan goals in accordance with sections three hundred thirty-five and three hundred thirty-five-a of this title and shall require that the individual maintains satisfactory academic progress and hourly participation is documented consistent with federal and state requirements. For purposes of this provision "satisfactory academic progress" shall mean having a cumulative C average, or its equivalent, as determined by the academic institution. The requirement to maintain satisfactory academic progress may be waived if done so by the academic institution and the social services district based on undue hardship caused by an event such as a personal injury or illness of the student, the death of a relative of the student or other extenuating circumstances. [~~Any enrollment in post-secondary education beyond a twelve month period must be combined with no less than twenty hours of participation averaged weekly in paid employment or work activities or community service when paid employment is not available.~~] **Participation in an educational and/or vocational training program, that shall include, but not be limited to, a two-year post-secondary degree program, which is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment, shall be approved consistent with such individual's assessment and employability plan to the extent that such approval does not jeopardize the state's ability to comply with federal work participation rates, as determined by the office of temporary and disability assistance.**

§ 2. Paragraph (a) of subdivision 8 of section 131-a of the social services law is amended by adding two new subparagraphs (xii) and (xiii) to read as follows:

(xii) all of the earned income of a recipient of public assistance that is derived from participation in a qualified work activity or

training program as determined by the office of temporary and disability assistance, to the extent that such earned income has not already been disregarded pursuant to subparagraph (vii) of this paragraph, provided that the recipient's total income shall not be more than two hundred percent of the federal poverty level.

(xiii) once during the lifetime of a recipient of public assistance, all of the earned income of such recipient will be disregarded following job entry, provided that such exemption of income for purposes of public assistance eligibility shall be for no more than six consecutive months from the initial date of obtaining such employment and that the recipient's total income shall not be more than two hundred percent of the federal poverty level. In the event a recipient moves from one to another social services district, this disregard shall follow the recipient.

§ 3. This act shall take effect on the two hundred fortieth day after it shall have become a law.

PART Y

Section 1. The social services law is amended by adding a new section 152-d to read as follows:

§ 152-d. Replacement of stolen public assistance. 1. Notwithstanding section three hundred fifty-j of this article and subdivision eleven of section one hundred thirty-one of this title, and in accordance with this section, public assistance recipients shall receive replacement assistance for the loss of public assistance, as defined in subdivision nineteen of section two of this chapter, in instances when such public assistance has been stolen as a result of card skimming, cloning, third party misrepresentation or other similar fraudulent activities, consistent with guidance issued by the office of temporary and disability assistance.

2. The office of temporary and disability assistance shall establish a protocol for recipients to report incidents of stolen public assistance. This protocol will be administered by social services districts pursuant to guidance issued by the office of temporary and disability assistance.

3. Social services districts shall promptly replace stolen public assistance, however, such replacement shall occur no later than five business days after the social services district has verified the public assistance was stolen in accordance with guidance established by the office of temporary and disability assistance consistent with federal and state laws, regulations and guidance, provided, however, that social services districts shall not ask recipients to obtain a police report or require any other interaction with law enforcement unless required by federal law, regulation, or guidance for either public assistance or supplemental nutrition assistance program benefits.

4. For public assistance that is verified as stolen, replacement assistance shall be provided by the social services district in accordance with this section as follows:

(a) the lesser of: (i) the amount of public assistance that was stolen; or (ii) the amount of public assistance equal to two months of the monthly allotment of the household immediately prior to the date upon which the public assistance was stolen; provided, however, the commissioner may promulgate regulations for the provision of additional replacement assistance in extenuating circumstances consistent with federal and state laws, regulations and guidance; and

(b)(i) no more than twice in a federal fiscal year to cover public assistance stolen on or after January first, two thousand twenty-two

through September thirtieth, two thousand twenty-four; or (ii) no more than once in a federal fiscal year to cover public assistance stolen on or after October first, two thousand twenty-four.

5. Any replacement assistance provided under this section shall be exempt from recoupment and recovery provisions under title six of article three of this chapter; provided, however, that assistance shall not be exempt from recoupment and recovery if it is later determined that the public assistance that was replaced pursuant to this section was not stolen as a result of card skimming, cloning, third party misrepresentation or other similar fraudulent activities.

§ 2. This act shall take effect immediately.

PART Z

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part S of chapter 56 of the laws of 2022, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [~~$161.00~~] $175.00 for each month beginning on or after January first, two thousand [~~twenty-two~~] twenty-three.

(b) in the case of each individual receiving residential care, an amount equal to at least [~~$186.00~~] $202.00 for each month beginning on or after January first, two thousand [~~twenty-two~~] twenty-three.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~$222.00~~] $241.00 for each month beginning on or after January first, two thousand [~~twenty-two~~] twenty-three.

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

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

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of living adjustment which becomes effective on or after January first, two thousand [~~twenty-three~~] twenty-four, but prior to June thirtieth, two thousand [~~twenty-three~~] twenty-four, rounded to the nearest whole dollar.

§ 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part S of chapter 56 of the laws of 2022, are amended to read as follows:

(a) On and after January first, two thousand [~~twenty-two~~] twenty-three, for an eligible individual living alone, [~~$928.00~~] $1,001.00; and for an eligible couple living alone, [~~$1,365.00~~] $1,475.00.

(b) On and after January first, two thousand [~~twenty-two~~] twenty-three, for an eligible individual living with others with or without in-kind income, [~~$864.00~~] $937.00; and for an eligible couple living with others with or without in-kind income, [~~$1,307.00~~] $1,417.00.

(c) On and after January first, two thousand [~~twenty-two~~]twenty-three, (i) for an eligible individual receiving family care, [~~$1,107.48~~] $1,180.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the

county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,069.48~~] **$1,142.48**; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [~~twenty-two~~] **twenty-three**, (i) for an eligible individual receiving residential care, [~~$1,276.00~~] **$1,349.00** if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,246.00~~] **$1,319.00**; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) On and after January first, two thousand [~~twenty-two~~] **twenty-three**, (i) for an eligible individual receiving enhanced residential care, [~~$1,535.00~~] **$1,608.00**; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

§ 3. This act shall take effect December 31, 2023.

PART AA

Section 1. 1. The state university of New York trustees shall develop a long-term plan to address the impact fluctuations in student enrollment have on the academic and financial sustainability of state-operated institutions and community colleges. Such plan shall include, but not be limited to, projected student enrollments, an assessment of degree and credential offerings, initiatives to attract and retain students and faculty from diverse demographics, and any research benchmarks. The plan shall also include how the state university of New York trustees plan to stabilize the finances of all campuses and leverage each campus's strengths to improve its long-term success. The state university of New York trustees shall submit such plan to the governor, the temporary president of the senate, and the speaker of the assembly on or before January 1, 2024.

2. The city university of New York trustees shall develop a long-term plan to address the impact fluctuations in student enrollment have on the academic and financial sustainability of senior colleges and community colleges. Such plan shall include, but not be limited to, projected student enrollments, an assessment of degree and credential offerings, initiatives to attract and retain students and faculty from diverse demographics, and any research benchmarks. The plan shall also include how the city university of New York trustees plan to stabilize the finances of all campuses and leverage each campus's strengths to improve its long-term success. The city university of New York trustees shall

submit such plan to the governor, the temporary president of the senate, and the speaker of the assembly on or before January 1, 2024.

§ 2. This act shall take effect immediately.

PART BB

Section 1. Paragraph (c) of subdivision 5 of section 409-a of the social services law, as amended by chapter 624 of the laws of 2019, is amended to read as follows:

(c) Notwithstanding any other provision of this section, where a social services official determines that a lack of adequate housing is the primary factor preventing the discharge of a child or children from foster care including, but not limited to, children with the goal of discharge to independent living, preventive services shall include, in addition to any other payments or benefits received by the family, special cash grants in the form of rent subsidies, including rent arrears, or any other assistance, sufficient to obtain adequate housing. Such rent subsidies or assistance shall not exceed the sum of [~~three~~] **seven** hundred **twenty-five** dollars per month, shall not be provided for a period of more than three years, and shall be considered a special grant. Nothing in this paragraph shall be construed to limit the ability of those using such rent subsidy to live with roommates. The provisions of this paragraph shall not be construed to limit such official's authority to provide other preventive services.

§ 2. Subdivision 7 of section 409-a of the social services law, as amended by chapter 624 of the laws of 2019, is amended to read as follows:

7. Notwithstanding any other provision of this section, if a social services official determines that a lack of adequate housing is a factor that may cause the entry of a child or children into foster care and the family has at least one service need other than lack of adequate housing, preventive services may include, in addition to any other payments or benefits received by the family, special cash grants in the form of rent subsidies, including rent arrears, or any other assistance, sufficient to obtain adequate housing. Such rent subsidies or assistance shall not exceed the sum of [~~three~~] **seven** hundred **twenty-five** dollars per month, shall not be provided for a period of more than three years, and shall be considered a special grant. Nothing in this subdivision shall be construed to limit the ability of those using such rent subsidy to live with roommates. The provisions of this paragraph shall not be construed to limit such official's authority to provide other preventive services.

§ 3. This act shall take effect January 1, 2024.

PART CC

Section 1. Section 33 of chapter 277 of the laws of 2021 amending the labor law relating to the calculation of weekly employment insurance benefits for workers who are partially unemployed, as amended by section 1 of part JJ of chapter 56 of the laws of 2022, is amended to read as follows:

§ 33. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that sections one through thirty of this act shall take effect on **the first Monday after** April 1, [~~2023~~] **2024** or thirty days after the commissioner of labor certifies that the department of labor has an information technology system capable of

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

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

PART DD

Section 1. Section 410-w of the social services law is amended by adding a new subdivision 3-a to read as follows:

3-a. A local social services district may, upon notification to the office, utilize a presumptive eligibility standard to provide child care assistance, in accordance with this subdivision. The office of children and family services shall issue guidance regarding the preliminary eligibility criteria to be used by local social services districts utilizing a presumptive eligibility standard.

(a) A local social services district opting to utilize a presumptive eligibility standard, shall, upon receipt of an application for child care assistance, including all completed documentation required by the district, complete a preliminary eligibility determination.

(b) If the family meets the preliminary eligibility criteria, the family shall be presumed eligible for child care assistance for the period from the date of the application to the date of the final eligibility determination.

(c) If, upon final determination, a family is determined to be eligible for child care assistance under subdivision one or four of this section, the social services district may utilize child care block grant funds for the presumptive eligibility period.

(d) If, upon final determination, a family is determined to be ineligible for child care assistance under subdivision one or four of this section, the social services district must utilize local funds for the presumptive eligibility period.

(e) If, upon final determination, the application for child care services is denied, the social services district shall send written notice to the applicant of the determination of ineligibility and of the applicant's right to a fair hearing in accordance with the regulations of the office.

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

PART EE

Section 1. Paragraph b of subdivision 1 and subparagraph (ii) of paragraph b of subdivision 2 of section 667-c of the education law, paragraph b of subdivision 1 as amended and subparagraph (ii) of paragraph b of subdivision 2 as added by section 1 of part E of chapter 56 of the laws of 2022, are amended to read as follows:

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

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

§ 2. This act shall take effect immediately.

PART FF

Section 1. The department of economic development, in conjunction with the empire state development corporation, the department of education, the office of parks, recreation and historic preservation, the department of environmental conservation, the department of state, and the New York state council on the arts, is hereby directed to conduct a comprehensive study on public and private museums in the state. Such study shall include, but not be limited to:

1. taking a census of public and private museums in the state, including information on the size, hours of operation, visitor statistics, funding sources and amounts, and the subjects of the museums' collections, of the many museums throughout the state.

2. identifying the benefits, shortfalls and consequences of the different sources of support museums receive publicly and those they must find privately.

3. providing information and recommendations so as to inform the legislature of the adequacy of public and private sources of the funding for museums in the state and to serve current and future funding needs, recommend systems of support to best ensure equitable distribution of such funds, regardless of discipline, budget size, or location, and the continued accessibility and availability of museums promoting a general interest in cultural and historical topics, fine arts, physical and

natural sciences, technology, engineering and mathematics, and to determine the feasibility of a single reporting system that includes active oversight.

§ 2. A report of the findings of such study, recommendations, and any proposed legislation necessary to implement such recommendations shall be filed with the governor, the temporary president of the senate, and the speaker of the assembly within one year after the effective date of this act.

§ 3. This act shall take effect immediately.

PART GG

Section 1. Section 722-b of the county law, as amended by section 2 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

§ 722-b. Compensation and reimbursement for representation. 1. All counsel assigned in accordance with a plan of a bar association conforming to the requirements of section seven hundred twenty-two of this article whereby the services of private counsel are rotated and coordinated by an administrator shall at the conclusion of the representation receive[~~:~~

~~(a) for representation of a person entitled to representation by law who is initially charged with a misdemeanor or lesser offense and no felony, compensation for such misdemeanor or lesser offense representation at a rate of sixty dollars per hour for time expended in court or before a magistrate, judge or justice, and sixty dollars per hour for time reasonably expended out of court, and shall receive reimbursement for expenses reasonably incurred; and~~

~~(b)~~] for representation of a person in all [~~other~~] cases governed by this article, including all representation in an appellate court, compensation at a rate of [~~seventy-five~~] **one hundred fifty-eight** dollars per hour for time expended in court before a magistrate, judge or justice and [~~seventy-five~~] **one hundred fifty-eight** dollars per hour for time reasonably expended out of court, and shall receive reimbursement for expenses reasonably incurred.

2. Except as provided in **subdivision three of** this section, compensation for time expended in providing representation[~~:~~

~~(a)~~] pursuant to [~~paragraph (a) of~~] subdivision one of this section shall not exceed [~~two~~] **ten** thousand [~~four hundred~~] dollars[~~; and~~

~~(b) pursuant to paragraph (b) of subdivision one of this section shall not exceed four thousand four hundred dollars~~].

3. For representation on an appeal, compensation and reimbursement shall be fixed by the appellate court. For all other representation, compensation and reimbursement shall be fixed by the trial court judge. In extraordinary circumstances a trial or appellate court may provide for compensation in excess of the foregoing limits and for payment of compensation and reimbursement for expenses before the completion of the representation.

4. Each claim for compensation and reimbursement shall be supported by a sworn statement specifying the time expended, services rendered, expenses incurred and reimbursement or compensation applied for or received in the same case from any other source. No counsel assigned hereunder shall seek or accept any fee for representing the party for whom he or she is assigned without approval of the court as herein provided.

§ 2. Section 722-c of the county law, as amended by section 3 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

§ 722-c. Services other than counsel. Upon a finding in an ex parte proceeding that investigative, expert or other services are necessary and that the defendant or other person described in section two hundred forty-nine or section two hundred sixty-two of the family court act, article six-C of the correction law or section four hundred seven of the surrogate's court procedure act, is financially unable to obtain them, the court shall authorize counsel, whether or not assigned in accordance with a plan, to obtain the services on behalf of the defendant or such other person. The court upon a finding that timely procurement of necessary services could not await prior authorization may authorize the services nunc pro tunc. The court shall determine reasonable compensation for the services and direct payment to the person who rendered them or to the person entitled to reimbursement. Only in extraordinary circumstances may the court provide for compensation in excess of [~~one~~] **three** thousand dollars per investigative, expert or other service provider.

Each claim for compensation shall be supported by a sworn statement specifying the time expended, services rendered, expenses incurred and reimbursement or compensation applied for or received in the same case from any other source.

§ 3. Subdivisions 3 and 4 of section 35 of the judiciary law, subdivision 3 as amended by section 5 of part J of chapter 62 of the laws of 2003, and subdivision 4 as amended by chapter 706 of the laws of 1975 and as renumbered by chapter 315 of the laws of 1985, are amended to read as follows:

3. **a.** No counsel assigned pursuant to this section shall seek or accept any fee for representing the person for whom he or she is assigned without approval of the court as herein provided. Whenever it appears that such person is financially able to obtain counsel or make partial payment for the representation, counsel may report this fact to the court and the court may terminate the assignment or authorize payment, as the interests of justice may dictate, to such counsel. Counsel assigned hereunder shall at the conclusion of the representation receive compensation at a rate of [~~seventy-five~~] **one hundred fifty-eight** dollars per hour for time expended in court, and [~~seventy-five~~] **one hundred fifty-eight** dollars per hour for time reasonably expended out of court, and shall receive reimbursement for expenses reasonably incurred.

b. For representation upon a hearing, compensation and reimbursement shall be fixed by the court wherein the hearing was held and such compensation shall not exceed [~~four~~] **ten** thousand [~~four hundred~~] dollars. For representation in an appellate court, compensation and reimbursement shall be fixed by such court and such compensation shall not exceed [~~four~~] **ten** thousand [~~four hundred~~] dollars. In extraordinary circumstances the court may provide for compensation in excess of the foregoing limits.

4. In any proceeding described in paragraph [~~(a)~~] **a** of subdivision one of this section, when a person is alleged to be mentally ill, mentally defective or a narcotic addict, the court which ordered the hearing may appoint no more than two psychiatrists, certified psychologists or physicians to examine and testify at the hearing upon the condition of such person. A psychiatrist, psychologist or physician so appointed shall, upon completion of [~~his~~] **their** services, receive reimbursement for expenses reasonably incurred and reasonable compensation for such services, to be fixed by the court. Such compensation shall not exceed [~~two hundred~~] **three thousand** dollars [~~if one psychiatrist, psychologist or physician is appointed, or an aggregate sum of three hundred dollars~~

~~if two psychiatrists, psychologists or physicians are appointed~~], except that in extraordinary circumstances the court may provide for compensation in excess of the foregoing limits.

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART HH

Section 1. Paragraph 1 of subsection (c-1) of section 606 of the tax law, as amended by section 1 of part P of chapter 59 of the laws of 2018, is amended to read as follows:

(1) A resident taxpayer shall be allowed a credit as provided herein equal to the greater of one hundred dollars times the number of qualifying children of the taxpayer or the applicable percentage of the child tax credit allowed the taxpayer under section twenty-four of the internal revenue code for the same taxable year for each qualifying child. Provided, however, in the case of a taxpayer whose federal adjusted gross income exceeds the applicable threshold amount set forth by section 24(b)(2) of the Internal Revenue Code, the credit shall only be equal to the applicable percentage of the child tax credit allowed the taxpayer under section 24 of the Internal Revenue Code for each qualifying child. For the purposes of this subsection, a qualifying child shall be a child who meets the definition of qualified child under section 24(c) of the internal revenue code [~~and is at least four years of age~~]. The applicable percentage shall be thirty-three percent. For purposes of this subsection, any reference to section 24 of the Internal Revenue Code shall be a reference to such section as it existed immediately prior to the enactment of Public Law 115-97.

§ 2. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2023.

PART II

Section 1. Subdivisions 2, 5 and 6 of section 352-a of the education law, as added by section 1 of part F of chapter 83 of the laws of 2002, are amended to read as follows:

2. (a) Maritime college shall have a total of two hundred eighty-four vacancy positions set aside for applicants who are nominated by the governor, a state senator or a member of the assembly. Such vacancy nominations shall increase or decrease based upon the number of senate districts authorized pursuant to article three of the New York state constitution. An applicant who receives such a nomination, is accepted for admission into the college and participates in the regimental program shall receive a [~~tuition~~] scholarship equal to the amount of the state tuition charge after the deduction of any available grant aid for the four consecutive years following his or her admission into the program provided, however, that the student remains in the regimental/cadet degree program and remains at all times in good academic standing as determined by the maritime college administration. In no event shall a student lose his or her scholarship based upon legislative reapportionment or changes in legislative composition or membership.

Nothing herein shall be construed to limit or reduce the number of vacancies available to the general population.

(b) To be eligible to receive such nomination and [~~tuition~~] scholarship, the applicant must be a resident of the state. For purposes of this section, a state resident shall be defined as a person who has resided in the state of New York for a period of at least one year prior to the time of nomination, is a graduate or within one year of graduation from an approved high school or has attained a New York state high school equivalency diploma or its equivalent as determined by the commissioner.

5. The [~~tuition~~] scholarships authorized by this section shall be made available so long as funds are made available for such purposes.

6. Any individual receiving a [~~tuition~~] scholarship pursuant to this section shall apply for all other available state, federal, or other educational grant aid at the time of enrollment. Any grant aid or financial assistance received shall be utilized to offset the cost of tuition **and the "Summer Sea Term"** to the maximum extent possible, except that nothing shall require that aid or assistance received which may be used towards costs other than that of tuition shall be applied toward the cost of tuition.

§ 2. This act shall take effect immediately.

PART JJ

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new section 502-a to read as follows:

§ 502-a. Special provisions with regard to the western regional off-track betting corporation. 1. Notwithstanding any inconsistent provision of this article, on the effective date of this section the appointments of all members of the western regional off-track betting corporation appointed prior to the effective date of this section are deemed terminated, and each such vacant board position shall be replaced with the new appointments made pursuant to this section.

2. The western regional off-track betting corporation board of directors shall be composed of seventeen members, one each to represent each participating county within the western off-track betting region, and one each to represent the city of Rochester and the city of Buffalo. Each city representative shall be appointed by the mayor of the city such member represents, and each county representative shall be appointed by the county executive of the county such member represents; provided however, in the case of a county that does not have a county executive, such county's board of supervisors shall appoint such county's representative.

3. No action shall be taken by the corporation except pursuant to the favorable vote of fifty-one percent of the total authorized voting strength of the board of directors. The total authorized voting strength of the board of directors shall be the sum total of the votes specified in subdivisions four and seven of this section.

4. The representatives of each of the participating counties and cities shall each have the following number of votes: the representative of the county of Niagara shall have eight votes, the representative of the county of Chautauqua shall have five votes, the representative of the county of Oswego shall have four votes, the representative of the county of Steuben shall have three votes, the representative of the county of Wayne shall have three votes, the representative of the county of Cattaraugus shall have three votes, the representative of the county

of Cayuga shall have three votes, the representative of the county of Livingston shall have two votes, the representative of the county of Genesee shall have two votes, the representative of the county of Wyoming shall have one vote, the representative of the county of Orleans shall have one vote, the representative of the county of Seneca shall have one vote, the representative of the county of Schuyler shall have one vote, the representative of the county of Erie shall have twenty-four votes, the representative of the county of Monroe shall have twenty votes, the representative of the city of Buffalo shall have ten votes, and the representative of the city of Rochester shall have eight votes.

5. Each member of the corporation appointed pursuant to this section shall be appointed for a term of four years; provided however, that a member's term shall not be terminated except for good cause shown.

6. Members representing a majority of the total voting strength of the board of directors then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the corporation. Except as otherwise specified in this section, for the transaction of any business or the exercise of any power of the corporation, the corporation shall have the power to act by a majority vote of the total voting strength present at any meeting at which a quorum is in attendance.

7. The members of the board of directors shall elect from their membership, by a majority vote of the total voting strength of the board of directors, a chairperson. Such chairperson shall serve as chairperson for the duration of their term on the board of directors, or until such chairperson's resignation or upon removal by a majority vote of the total voting strength of the board of directors. In addition to such chairperson's voting strength possessed by virtue of such chairperson's representation of a municipality which is a member of the board, such chairperson shall also have one additional vote.

§ 2. This act shall take effect immediately; provided, however, that effective immediately, cities and counties may take any action necessary to begin the selection and appointment process for new board member terms pursuant to this act; and provided further, that upon selection of new board members, cities and counties shall notify the corporation of their respective appointments via certified mail; and provided further, that this act shall expire and be deemed repealed four years after such effective date.

PART KK

Section 1. The state shall make available an amount equal to the $500,000,000 appropriated by a chapter of the laws of 2023 enacting the fiscal year 2023-2024 state operations budget for state matching contributions to the endowments of the four university centers of the state university of New York as defined in section 352 of the education law. Such matching contributions shall provide one dollar of state matching funds for every two dollars of new private donations contributed to the endowments of the foundations of the university centers at Albany, Binghamton, Buffalo, and Stony Brook, not to exceed $500,000,000 in total state matching contributions.

§ 2. Payment of such state matching contributions shall be pursuant to a plan developed by the state university of New York and approved by the director of the budget. Such plan at a minimum shall: (i) require annual reporting on the allocation of state matching contributions and an accounting of private donations to the university center foundations

secured for state matching contributions; (ii) require use of such matching contributions to support the employment of faculty members, student financial aid, grants for research and development, and/or any other program or function that supports university center operations; and (iii) align with student needs, programmatic needs, and the diversity, equity, and inclusion activities of the state university of New York.

§ 3. As a condition of eligibility for such state matching contributions, each university center foundation shall be required to have a contract with its respective university center that provides, at a minimum, the services the foundation will provide to the university center, with such contract being subject to audit by the state comptroller to the extent permitted by the state finance law.

§ 4. Each university center of the state university of New York shall be eligible for state matching contributions of no less than $25,000,000.

§ 5. Each university center of the state university of New York shall be eligible for state matching contributions of no more than $200,000,000.

§ 6. This act shall take effect immediately, provided, however, that section five of this act shall expire and be deemed repealed April 1, 2026.

PART LL

Section 1. Subparagraph (ii) of paragraph (a), paragraph (b), subparagraphs (i), (ii), (iii) and (v) of paragraph (c), paragraph (e) and the opening paragraph and subparagraphs (i) and (ii) of paragraph (f) of subdivision 6 of section 3502 of the public health law, subparagraph (ii) of paragraph (a), paragraph (b), subparagraphs (i), (iii) and (v) of paragraph (c), paragraph (e) and the opening paragraph of paragraph (f) as added by chapter 313 of the laws of 2018, subparagraph (ii) of paragraph (c), and subparagraphs (i) and (ii) of paragraph (f) as amended by chapter 486 of the laws of 2022, are amended to read as follows:

(ii) **Notwithstanding the provisions of this section or any other provision of law, rule or regulation to the contrary, licensed practitioners, persons licensed under this article and unlicensed personnel employed at a state correctional facility may, in a manner permitted by the regulations promulgated pursuant to this subdivision, utilize body imaging scanning equipment that applies ionizing radiation to humans for purposes of screening individuals detained in, committed to, visiting, or employed in such facility, in connection with the implementation of such facility's security program.**

(iii) The utilization of such body imaging scanning equipment shall be in accordance with regulations promulgated by the department, or **for local correctional facilities** in cities having a population of two million or more, such utilization shall be in accordance with regulations promulgated by the New York city department of health and mental hygiene. **The state commission of correction, in consultation with the department of corrections and community supervision, shall promulgate regulations establishing when body imaging scanning equipment will be used to screen visitors and incarcerated individuals in state correctional facilities. Such regulations shall include provisions establishing that alternative methods of screening may be used to accommodate individuals who decline or are unable to be screened by body imaging**

scanning equipment for medical reasons and that alternative methods of screening may be used to accommodate individuals who decline to be screened for other reasons, unless security considerations warrant otherwise. Such regulations shall also ensure that no person shall be subjected to any form of harassment, intimidation, or disciplinary action for choosing to be searched by an alternative method of screening in lieu of body imaging scanning.

The department of corrections and community supervision shall promulgate regulations establishing when body imaging scanning equipment will be used to screen employees of the department of corrections and community supervision, provided, however that such regulations shall be consistent with the policies and procedures of the department of corrections and community supervision governing the search of employees. Such regulations shall include provisions establishing that alternative methods of screening may be used to accommodate individuals who decline or are unable to be screened by body imaging scanning equipment for medical or other reasons. Such regulations shall also ensure that no person shall be subjected to any form of harassment, intimidation, or disciplinary action for choosing to be searched by an alternative method of screening in lieu of body imaging scanning. An employee's request to be searched by an alternative method of screening in lieu of body imaging scanning shall not, in itself, be grounds for disciplinary action against such employee.

(b) Prior to establishing, maintaining or operating in a state or local correctional facility, any body imaging scanning equipment, the chief administrative officer of the facility shall ensure that such facility is in compliance with the regulations promulgated pursuant to this subdivision and otherwise applicable requirements for the installation, registration, maintenance, operation and inspection of body imaging scanning equipment.

(i) A requirement that prior to operating body imaging scanning equipment, unlicensed personnel employed at state or local correctional facilities shall have successfully completed a training course approved by the department, or for local correctional facilities in cities of two million or more, approved by the New York city department of health and mental hygiene, and that such personnel receive additional training on an annual basis;

(ii) Limitations on exposure which shall be no more than fifty percent of the annual exposure limits for non-radiation workers as specified by applicable regulations, except that [~~incarcerated~~] individuals under the age of eighteen shall not be subject to more than five percent of such annual exposure limits, and pregnant women shall not be subject to such scanning at any time. Procedures for identifying pregnant women shall be set forth in the regulations;

(iii) Registration with the department of each body imaging scanning machine purchased or installed at a state or local correctional facility;

(v) A requirement that records be kept regarding each use of body imaging scanning equipment by the state or local correctional facility.

(e) For the purposes of this subdivision[~~,~~]:

(i) "[~~local~~] Local correctional facility" shall have the same meaning as found in subdivision sixteen of section two of the correction law.

(ii) "State correctional facility" shall mean a "correctional facility" as defined in subdivision four of section two of the correction law.

Any local government agency that utilizes body imaging scanning equipment in a local correctional facility under its jurisdiction shall

submit an annual report to the department, the speaker of the assembly, and the temporary president of the senate. **If body imaging scanning equipment is utilized in one or more state correctional facilities, the department of corrections and community supervision shall submit an annual report to the department, the speaker of the assembly, and the temporary president of the senate.** Such report **by either the local government agency or the department of corrections and community supervision** shall be submitted within eighteen months after the initial date of registration of such equipment with the department, and annually thereafter, and shall contain the following information as to each such facility:

(i) **For local correctional facilities,** the number of times the equipment was used on incarcerated individuals upon intake, after visits, and upon the suspicion of contraband, as well as any other event that triggers the use of such equipment[~~;~~

~~(ii)~~]**, and** the average, median, and highest number of times the equipment was used on any incarcerated individual, with corresponding exposure levels; **and**

(ii) For state correctional facilities, the number of times the equipment was used on individuals detained in, committed to, working in, or visiting the facility upon intake, before work shift, after work shift, before visits, after visits, and upon the suspicion of contraband, as well as any other event that triggers the use of such equipment, and the average, median, and highest number of times the equipment was used on any individual detained in, committed to, working in, or visiting the facility, with corresponding exposure levels.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided however, that the amendments to subdivision 6 of section 3502 of the public health law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART MM

Section 1. The vehicle and traffic law is amended by adding a new section 1111-c-1 to read as follows:

§ 1111-c-1. Owner liability for failure of operator to comply with bus operation-related traffic regulations. (a) 1. Notwithstanding any other provision of law, the city of New York is hereby authorized and empowered to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with bus operation-related traffic regulations, in accordance with the provisions of this section. The New York city department of transportation and/or applicable mass transit agency, for purposes of the implementation of such program, shall operate bus operation-related photo devices that may be stationary or mobile and shall be activated at locations determined by such department of transportation and/or on buses selected by such department of transportation in consultation with the applicable mass transit agency.

2. Any photographs, microphotographs, videotape or other recorded images captured by bus operation-related photo devices shall be inadmissible in any disciplinary proceeding convened by the applicable mass transit agency or any subsidiary thereof and any proceeding initiated by

the department involving licensure privileges of bus operators. Any mobile bus operation-related photo device mounted on a bus shall be directed outwardly from such bus to capture images of vehicles operated in violation of bus operation-related traffic regulations, and images produced by such device shall not be used for any other purpose in the absence of a court order requiring such images to be produced.

3. (i) The city of New York shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a bus operation-related photo device. Such measures shall include:

(A) utilization of necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such bus operation-related photo devices shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because such a photograph, microphotograph, videotape or other recorded image allows for the identification of the driver, the passengers, or the contents of a vehicle where the city shows that it made reasonable efforts to comply with the provisions of this paragraph in such case;

(B) the installation of signage that is clearly visible to drivers at regular intervals along and adjacent to roadways upon which mobile and/or stationary bus operation-related photo devices are operated pursuant to a demonstration program authorized pursuant to this section stating that mobile and/or stationary bus operation-related photo devices are used to enforce bus operation-related traffic regulations, in conformance with standards established in the MUTCD; and

(C) oversight procedures to ensure compliance with the privacy protection measures under this subdivision.

(ii) Photographs, microphotographs, videotape or any other recorded image from a bus operation-related photo device shall be for the exclusive use of the city of New York for the purpose of the adjudication of liability imposed pursuant to this section and of the owner receiving a notice of liability pursuant to this section, and shall be destroyed by such city upon the final resolution of the notice of liability to which such photographs, microphotographs, videotape or other recorded images relate, or one year following the date of issuance of such notice of liability, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, photographs, microphotographs, videotape or any other recorded image from a bus operation-related photo device shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images from such systems:

(A) shall be available for inspection and copying and use by the motor vehicle owner and operator for so long as such photographs, microphotographs, videotape or other recorded images are required to be maintained or are maintained by such public entity, employee, officer or agent; and

(B) (1) shall be furnished when described in a search warrant issued by a court authorized to issue such a search warrant pursuant to article six hundred ninety of the criminal procedure law or a federal court authorized to issue such a search warrant under federal law, where such

search warrant states that there is reasonable cause to believe such information constitutes evidence of, or tends to demonstrate that, a misdemeanor or felony offense was committed in this state or another state, or that a particular person participated in the commission of a misdemeanor or felony offense in this state or another state, provided, however, that if such offense was against the laws of another state, the court shall only issue a warrant if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony against the laws of this state; and

(2) shall be furnished in response to a subpoena duces tecum signed by a judge of competent jurisdiction and issued pursuant to article six hundred ten of the criminal procedure law or a judge or magistrate of a federal court authorized to issue such a subpoena duces tecum under federal law, where the judge finds and the subpoena states that there is reasonable cause to believe such information is relevant and material to the prosecution, or the defense, or the investigation by an authorized law enforcement official, of the alleged commission of a misdemeanor or felony in this state or another state, provided, however, that if such offense was against the laws of another state, such judge or magistrate shall only issue such subpoena if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony in this state; and

(3) may, if lawfully obtained pursuant to this clause and clause (A) of this subparagraph and otherwise admissible, be used in such criminal action or proceeding.

(iii) The demonstration program authorized pursuant to this section is prohibited from utilizing and from arranging for the utilization of biometric identifying technology, including but not limited to facial recognition technology, for any purpose. The use, and the arrangement for the use, of biometric identifying technology, including but not limited to facial recognition technology, on photographs, microphotographs, videotape, or any other recorded image or data produced by a bus operation-related photo device, by any person for any purpose, are prohibited. For purposes of this subparagraph, "person" shall include, but not be limited to, a human being, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, a court or an administrative or adjudicatory body, and any employee, officer, and agent of the foregoing.

(iv) Any applicable mass transit agency operating bus operation-related photo devices shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images or data from bus operation-related photo devices but shall provide, pursuant to an agreement with the city of New York, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to such city for the purpose of determining whether a motor vehicle was operated in violation of bus operation-related traffic regulations and imposing monetary liability on the owner of such motor vehicle therefor.

(v) Every bus upon which a mobile bus operation-related photo device is installed and operated pursuant to a demonstration program authorized pursuant to this section shall be equipped with signs, placards or other displays giving notice to approaching motor vehicle operators that bus operation-related photo devices are used to enforce bus operation-related traffic regulations.

(b) Warning notices of violation shall be issued during the first sixty days that bus operation-related photo devices pursuant to a demonstration program authorized by this section are active and in operation.

(c) If the city of New York has established a demonstration program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of any bus operation-related traffic regulations and such violation is evidenced by information obtained from a bus operation-related photo device; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of such bus operation-related traffic regulation.

(d) For purposes of this section the following terms shall have the following meanings:

1. "owner" shall have the meaning provided in article two-B of this chapter.

2. "bus operation-related photo device" shall mean a device that is capable of operating independently of an enforcement officer and produces one or more images of each vehicle at the time it is in violation of a bus operation-related traffic regulation.

3. "bus operation-related traffic regulations" shall mean the following provisions set forth in chapter four of title thirty-four of the rules of the city of New York, adopted pursuant to section sixteen hundred forty-two of this chapter: 4-08(c)(3), violation of posted no standing rules prohibited-bus stop; 4-08(e)(9), general no stopping zones-bicycle lanes; 4-08(f)(1), general no standing zones-double parking; and 4-08(f)(4), general no standing zones-bus lane.

4. "manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the commissioner of transportation pursuant to section sixteen hundred eighty of this chapter.

5. "biometric identifying technology" shall mean any tool using an automated or semi-automated process that assists in verifying a person's identity based on a person's biometric information.

6. "biometric information" shall mean any measurable physical, physiological or behavioral characteristics that are attributable to a person, including but not limited to facial characteristics, fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other characteristics that can be used to identify a person including, but not limited to: fingerprints; handprints; retina and iris patterns; DNA sequence; voice; gait; and facial geometry.

7. "facial recognition" shall mean any tool using an automated or semi-automated process that assists in uniquely identifying or verifying a person by comparing and analyzing patterns based on the person's face.

(e) A certificate, sworn to or affirmed by a technician employed by the city of New York in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a bus operation-related photo device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.

(f) An owner liable for a violation of a bus operation-related traffic regulation pursuant to a demonstration program established pursuant to

this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be promulgated by the parking violations bureau of the city of New York. The liability of the owner pursuant to this section shall not exceed fifty dollars for a first violation, one hundred dollars for a second violation within a twelve-month period, one hundred fifty dollars for a third violation within a twelve-month period, two hundred dollars for a fourth violation within a twelve-month period, and two hundred fifty dollars for each subsequent violation within a twelve-month period; provided, however, that an owner shall be liable for an additional penalty not to exceed twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(g) An imposition of liability under the demonstration program established pursuant to this section shall not be deemed a conviction of an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

(h) 1. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of a bus operation-related traffic regulation. Personal delivery to the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of a bus operation-related traffic regulation, the registration number of the vehicle involved in such violation, the location where such violation took place including the street address or cross streets, one or more images identifying the violation, the date and time of such violation, the identification number of the bus operation-related photo device which recorded the violation or other document locator number, and whether the device was stationary or mobile. If the bus operation-related photo device was mobile, an identity of the vehicle containing such bus operation-related photo device shall be included in the notice.

3. The notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

4. The notice of liability shall be prepared and mailed by the agency or agencies designated by the city of New York, or any other entity authorized by such city to prepare and mail such notice of liability.

(i) Adjudication of the liability imposed upon owners by this section shall be conducted by the New York city parking violations bureau.

(j) If an owner of a vehicle receives a notice of liability pursuant to this section for any time period during which such vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of a bus operation-related traffic regulation pursuant to this section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the parking violations bureau of such city.

(k) 1. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (h) of this section shall not be liable for the violation of a bus operation-related traffic regulation, provided that:

(i) prior to the violation, the lessor has filed with such parking violations bureau in accordance with the provisions of section two hundred thirty-nine of this chapter; and

(ii) within thirty-seven days after receiving notice from such parking violations bureau of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to such bureau the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by such bureau pursuant to regulations that may be promulgated for such purpose.

2. Failure to comply with subparagraph (ii) of paragraph one of this subdivision shall render the lessor liable for the penalty prescribed in this section.

3. Where the lessor complies with the provisions of paragraph one of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (h) of this section.

(l) 1. If the owner liable for a violation of a bus operation-related traffic regulation pursuant to this section was not the operator of the vehicle at the time of such violation, the owner may maintain an action for indemnification against the operator.

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator failed to obey a bus operation-related traffic regulation. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator failed to obey a bus operation-related traffic regulation.

(m) Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of a bus operation-related traffic regulation.

(n) If the city of New York adopts a demonstration program pursuant to subdivision (a) of this section, such city and the applicable mass transit agency shall submit a report on the results of the use of bus operation-related photo devices to the governor, the temporary president of the senate, and the speaker of the assembly by April first, two thousand twenty-five and every two years thereafter. The city of New York and applicable mass transit agency shall also make such reports available on their public-facing websites, provided that they may provide aggregate data from paragraph one of this subdivision if the city finds that publishing specific location data would jeopardize public safety. Such report shall include, but not be limited to:

1. a description of the locations and/or buses where bus operation-related photo devices were used;

2. the total number of violations recorded on a monthly and annual basis;

3. the total number of notices of liability issued;

4. the number of fines and total amount of fines paid after the first notice of liability;

5. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made;

6. the total amount of revenue realized by such city and any participating mass transit agency and an itemized list of expenditures made by the participating mass transit agency with these revenues;

7. the quality of the adjudication process and its results;

8. the total number of cameras by type of camera used;

9. the total cost to such city and the total cost to any participating mass transit agency; and

10. a detailed report on the bus speeds, reliability, and ridership before and after implementation of the demonstration program for each bus route, including current statistics.

(o) Any revenue from fines and penalties collected from any mobile bus operation-related photo devices, not including any revenue shared with the city of New York pursuant to agreement, shall be remitted by the city of New York to the applicable mass transit agency on a quarterly basis to be deposited in the general transportation account of the New York city transportation assistance fund established pursuant to section twelve hundred seventy-i of the public authorities law.

(p) It shall be a defense to any prosecution for a violation of a bus operation-related traffic regulation pursuant to a demonstration program adopted pursuant to this section that such bus operation-related photo devices were malfunctioning at the time of the alleged violation.

§ 2. Subdivision 1 of section 235 of the vehicle and traffic law, as separately added by chapters 421, 460 and 773 of the laws of 2021, paragraph (h) as relettered by chapter 258 of the laws of 2022, is amended to read as follows:

1. Notwithstanding any inconsistent provision of any general, special or local law or administrative code to the contrary, in any city which heretofore or hereafter is authorized to establish an administrative tribunal: (a) to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, or (b) to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter, or (c) to adjudicate the liability of owners for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or (d) to adjudicate the liability of owners for violations of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter, or (e) to adjudicate the liability of owners for violations of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authori-

ties to impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with toll collection regulations of such public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or (f) to adjudicate the liability of owners for violations of section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter, or (g) to adjudicate the liability of owners for violations of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter, or (h) to adjudicate the liability of owners for violations of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, **or (i) to adjudicate the liability of owners for violations of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter,** such tribunal and the rules and regulations pertaining thereto shall be constituted in substantial conformance with the following sections.

§ 3. Subdivision 1 of section 236 of the vehicle and traffic law, as separately added by chapters 421, 460 and 773 of the laws of 2021 and paragraph (g) as relettered by chapter 258 of the laws of 2022, is amended to read as follows:

1. Creation. In any city as hereinbefore or hereafter authorized such tribunal when created shall be known as the parking violations bureau and shall have jurisdiction of traffic infractions which constitute a parking violation and, where authorized: (a) to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter, or (b) to adjudicate the liability of owners for violations of

subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or (c) to adjudicate the liability of owners for violations of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter, or (d) to adjudicate the liability of owners for violations of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authorities to impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with toll collection regulations of such public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or (e) to adjudicate the liability of owners for violations of section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter, or (f) to adjudicate the liability of owners for violations of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter, or (g) to adjudicate the liability of owners for violations of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter**, or (h) to adjudicate the liability of owners for violations of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter**. Such tribunal, except in a city with a population of one million or more, shall also have jurisdiction of abandoned vehicle violations. For the purposes of this article, a parking violation is the violation of any

law, rule or regulation providing for or regulating the parking, stopping or standing of a vehicle. In addition for purposes of this article, "commissioner" shall mean and include the commissioner of traffic of the city or an official possessing authority as such a commissioner.

§ 4. Paragraph f of subdivision 1 of section 239 of the vehicle and traffic law, as separately added by chapters 421, 460 and 773 of the laws of 2021, is amended to read as follows:

f. "Notice of violation" means a notice of violation as defined in subdivision nine of section two hundred thirty-seven of this article, but shall not be deemed to include a notice of liability issued pursuant to authorization set forth in articles ten, twenty-four, twenty-nine and thirty of this chapter, section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty to impose monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter[~~.~~]**;** or to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter**; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter**.

§ 5. Subdivisions 1, 1-a and the opening subparagraph of paragraph (a) of subdivision 1-b of section 240 of the vehicle and traffic law, subdivisions 1 and 1-a as separately added by chapters 421, 460 and 773 of the laws of 2021, and the opening subparagraph of paragraph (a) of

subdivision 1-b as added by chapter 407 of the laws of 2022, are amended to read as follows:

1. Notice of hearing. Whenever a person charged with a parking violation enters a plea of not guilty; or a person alleged to be liable in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter[~~.~~]**;** or to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter**; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter**, contests such allegation, the bureau shall advise such person personally by such form of first class mail as the director may direct of the date on which he or she must appear to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain a warning to advise the person so pleading or contesting that failure to appear on the date designated, or on any subsequent adjourned date, shall be deemed an admission of liability, and that a default judgment may be entered thereon.

1-a. Fines and penalties. Whenever a plea of not guilty has been entered, or the bureau has been notified that an allegation of liability in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this

chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter[~~,~~]**;** or to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter**; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter**, is being contested, by a person in a timely fashion and a hearing upon the merits has been demanded, but has not yet been held, the bureau shall not issue any notice of fine or penalty to that person prior to the date of the hearing.

In a city having a population of one million or more, at every hearing for the adjudication of a notice of liability, as provided by this article, there shall be a rebuttable presumption that the owner of a first-response emergency vehicle alleged to be liable in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter**; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules**

of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter is not liable for such alleged violation if such owner of the first-response emergency vehicle provides the hearing officer with:

§ 6. Paragraphs a and g of subdivision 2 of section 240 of the vehicle and traffic law, as separately added by chapters 421, 460 and 773 of the laws of 2021, are amended to read as follows:

a. Every hearing for the adjudication of a charge of parking violation or an allegation of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter, or an allegation of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with certain posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or an allegation of liability of an owner for a violation of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter, or an allegation of liability of an owner for a violation of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authorities to impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with toll collection regulations of such public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or an allegation of liability of an owner for a violation of section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter, or an allegation of liability of an owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with certain posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or an allegation of liability of an owner for a violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York in relation to

gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter, **or an allegation of liability of an owner for a violation of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter,** shall be held before a hearing examiner in accordance with rules and regulations promulgated by the bureau.

g. A record shall be made of a hearing on a plea of not guilty or of a hearing at which liability in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; [~~or~~] to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter[~~, or~~]**;** to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter[~~, or~~]**;** to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter**; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter**, is contested. Recording devices may be used for the making of the record.

§ 7. Subdivisions 1 and 2 of section 241 of the vehicle and traffic law, as separately added by chapters 421, 460 and 773 of the laws of 2021, are amended to read as follows:

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he or she may examine either the prior parking violations record or the record of liabilities incurred in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; [~~or~~] to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter[~~, or~~]; to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; [~~or~~] to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter**; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter**, of the person charged, as applicable prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties.

2. Where an operator or owner fails to enter a plea to a charge of a parking violation or contest an allegation of liability in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo viola-

tion-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter[~~, or~~]**;** to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; [~~or~~] to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; **or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter,** or fails to appear on a designated hearing date or subsequent adjourned date or fails after a hearing to comply with the determination of a hearing examiner, as prescribed by this article or by rule or regulation of the bureau, such failure to plead or contest, appear or comply shall be deemed, for all purposes, an admission of liability and shall be grounds for rendering and entering a default judgment in an amount provided by the rules and regulations of the bureau. However, after the expiration of the original date prescribed for entering a plea and before a default judgment may be rendered, in such case the bureau shall pursuant to the applicable provisions of law notify such operator or owner, by such form of first class mail as the commission may direct; (1) of the violation charged, or liability alleged in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of

bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter[~~, or~~]**;** to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; [~~or~~] to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter**; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter**, (2) of the impending default judgment, (3) that such judgment will be entered in the Civil Court of the city in which the bureau has been established, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York, and (4) that a default may be avoided by entering a plea or contesting an allegation of liability in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter[~~, or~~]**;** to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the

installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; [~~or~~] to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; **or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter;** or making an appearance within thirty days of the sending of such notice. Pleas entered and allegations contested within that period shall be in the manner prescribed in the notice and not subject to additional penalty or fee. Such notice of impending default judgment shall not be required prior to the rendering and entry thereof in the case of operators or owners who are non-residents of the state of New York. In no case shall a default judgment be rendered or, where required, a notice of impending default judgment be sent, more than two years after the expiration of the time prescribed for entering a plea or contesting an allegation. When a person has demanded a hearing, no fine or penalty shall be imposed for any reason, prior to the holding of the hearing. If the hearing examiner shall make a determination on the charges, sustaining them, he or she shall impose no greater penalty or fine than those upon which the person was originally charged.

§ 8. Subparagraph (i) of paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law, as separately added by chapters 421, 460 and 773 of the laws of 2021, clause (vii) as renumbered by chapter 258 of the laws of 2022, is amended to read as follows:

(i) If at the time of application for a registration or renewal thereof there is a certification from a court, parking violations bureau, traffic and parking violations agency or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to a total of three or more summonses or other process in the aggregate, issued within an eighteen month period, charging either that: (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority; or (ii) the registrant was liable for a violation of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or (iii) the registrant was liable for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter;

or (iv) the registrant was liable for a violation of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or (v) the registrant was liable for a violation of section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; or (vi) the registrant was liable for a violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; or (vii) the registrant was liable for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, **or (viii) the registrant was liable for a violation of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter,** the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court, traffic and parking violations agency or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he or she has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

§ 9. Subdivision 1-a of section 1809 of the vehicle and traffic law, as separately added by chapters 421, 460 and 773 of the laws of 2021, paragraph (g) as relettered by chapter 258 of the laws of 2022, is amended to read as follows:

1-a. Notwithstanding the provisions of subdivision one of this section, the provisions of subdivision one of this section shall not apply to an adjudication of liability of owners: (a) for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or (b) for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or (c) for violations of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or (d) for violations of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authorities to impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with toll collection regulations of such public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or (e) for violations of section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; or (f) for violations of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; or (g) for violations of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter;

or (h) for violations of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter.

§ 10. Subdivision 1 of section 1809-a of the vehicle and traffic law, as amended by section 21 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

1. The provisions of any other general or special law notwithstanding, whenever, in a city having a population of one hundred thousand or more according to the nineteen hundred eighty United States census, proceedings in an administrative tribunal or a court result in a finding of liability, or conviction for the violation of any statute, local law, ordinance or rule involving the parking, stopping or standing of a motor vehicle, **except an adjudication of liability of an owner for a violation of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter,** there shall be levied a mandatory surcharge in addition to any other sentence, fine or penalty otherwise permitted or required, in the amount of fifteen dollars. Such surcharge shall not be deemed a monetary penalty for the purposes of section two hundred thirty-seven of this chapter or section 19-203 of the administrative code of the city of New York.

§ 11. Subdivision 1 of section 1809-aa of the vehicle and traffic law, as added by section 7 of part C of chapter 55 of the laws of 2013, is amended to read as follows:

1. Notwithstanding any other provision of law, whenever proceedings in an administrative tribunal or court result in a conviction for a violation of section twelve hundred, twelve hundred one or twelve hundred two of this chapter, **except an adjudication of liability of an owner for a violation of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter,** there shall be levied a mandatory surcharge in addition to any other sentence, fine or penalty otherwise permitted or required, in the amount of twenty-five dollars.

§ 12. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as separately added by chapters 421, 460 and 773 of the laws of 2021, clause (viii) as renumbered by chapter 258 of the laws of 2022, is amended to read as follows:

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except: (i) a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists; and (ii) an adjudication of liability of an

owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; and (iii) an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; and (iv) an adjudication of liability of an owner for a violation of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; and (v) an adjudication of liability of an owner for a violation of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authorities to impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with toll collection regulations of such public authorities through the installation and operation of photo-monitoring systems, in accordance with section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; and (vi) an adjudication of liability of an owner for a violation of section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; and (vii) an adjudication of liability of an owner for a violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; and (viii) an adjudication of liability of an owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter**; and (ix) an adjudication of liability of an owner for a violation of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a**

vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty-eight dollars.

§ 13. Subdivision 2 of section 87 of the public officers law is amended by adding a new paragraph (s) to read as follows:

(s) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-c-one of the vehicle and traffic law.

§ 14. Paragraph 3 of subdivision (a) of section 1111-c of the vehicle and traffic law is REPEALED and a new paragraph 3 is added to read as follows:

3. (i) The city of New York shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a bus lane photo device. Such measures shall include:

(A) utilization of necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such bus lane photo devices shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because such a photograph, microphotograph, videotape or other recorded image allows for the identification of the driver, the passengers, or the contents of a vehicle where the city shows that it made reasonable efforts to comply with the provisions of this paragraph in such case;

(B) the installation of signage that is clearly visible to drivers at regular intervals along and adjacent to bus lanes stating that mobile and/or stationary bus lane photo devices are used to enforce bus lane restrictions, in conformance with standards established in the MUTCD; and

(C) oversight procedures to ensure compliance with the privacy protection measures under this subdivision.

(ii) Photographs, microphotographs, videotape or any other recorded image from a bus lane photo device shall be for the exclusive use of the city of New York for the purpose of the adjudication of liability imposed pursuant to this section and of the owner receiving a notice of liability pursuant to this section, and shall be destroyed by such city upon the final resolution of the notice of liability to which such photographs, microphotographs, videotape or other recorded images relate, or one year following the date of issuance of such notice of liability, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, photographs, microphotographs, videotape or any other recorded image from a bus lane photo device shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images from such systems:

(A) shall be available for inspection and copying and use by the motor vehicle owner and operator for so long as such photographs, microphoto-

graphs, videotape or other recorded images are required to be maintained or are maintained by such public entity, employee, officer or agent; and

(B) (1) shall be furnished when described in a search warrant issued by a court authorized to issue such a search warrant pursuant to article six hundred ninety of the criminal procedure law or a federal court authorized to issue such a search warrant under federal law, where such search warrant states that there is reasonable cause to believe such information constitutes evidence of, or tends to demonstrate that, a misdemeanor or felony offense was committed in this state or another state, or that a particular person participated in the commission of a misdemeanor or felony offense in this state or another state, provided, however, that if such offense was against the laws of another state, the court shall only issue a warrant if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony against the laws of this state; and

(2) shall be furnished in response to a subpoena duces tecum signed by a judge of competent jurisdiction and issued pursuant to article six hundred ten of the criminal procedure law or a judge or magistrate of a federal court authorized to issue such a subpoena duces tecum under federal law, where the judge finds and the subpoena states that there is reasonable cause to believe such information is relevant and material to the prosecution, or the defense, or the investigation by an authorized law enforcement official, of the alleged commission of a misdemeanor or felony in this state or another state, provided, however, that if such offense was against the laws of another state, such judge or magistrate shall only issue such subpoena if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony in this state; and

(3) may, if lawfully obtained pursuant to this clause and clause (A) of this subparagraph and otherwise admissible, be used in such criminal action or proceeding.

(iii) The demonstration program authorized pursuant to this section is prohibited from utilizing and from arranging for the utilization of biometric identifying technology, including but not limited to facial recognition technology, for any purpose. The use, and the arrangement for the use, of biometric identifying technology, including but not limited to facial recognition technology, on photographs, microphotographs, videotape, or any other recorded image or data produced by a bus lane photo device, by any person for any purpose, are prohibited. For purposes of this subparagraph, "person" shall include, but not be limited to, a human being, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, a court or an administrative or adjudicatory body, and any employee, officer, and agent of the foregoing.

(iv) Any applicable mass transit agency operating bus lane photo devices shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images or data from bus lane photo devices but shall provide, pursuant to an agreement with the city of New York, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to such city for the purpose of determining whether a motor vehicle was operated in violation of bus lane restrictions and imposing monetary liability on the owner of such motor vehicle therefor.

(v) Every bus upon which a mobile bus lane photo device is installed and operated pursuant to a bus rapid transit program authorized pursuant to this section shall be equipped with signs, placards or other displays giving notice to approaching motor vehicle operators that bus lane photo devices are used to enforce bus lane restrictions.

§ 15. Subdivision (c) of section 1111-c of the vehicle and traffic law is amended by adding four new paragraphs 7, 8, 9 and 10 to read as follows:

7. "manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the commissioner of transportation pursuant to section sixteen hundred eighty of this chapter.

8. "biometric identifying technology" shall mean any tool using an automated or semi-automated process that assists in verifying a person's identity based on a person's biometric information.

9. "biometric information" shall mean any measurable physical, physiological or behavioral characteristics that are attributable to a person, including but not limited to facial characteristics, fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other characteristics that can be used to identify a person including, but not limited to: fingerprints; handprints; retina and iris patterns; DNA sequence; voice; gait; and facial geometry.

10. "facial recognition" shall mean any tool using an automated or semi-automated process that assists in uniquely identifying or verifying a person by comparing and analyzing patterns based on the person's face.

§ 16. Subdivision (e) of section 1111-c of the vehicle and traffic law, as amended by section 1 of part D of chapter 39 of the laws of 2019, is amended to read as follows:

(e) An owner liable for a violation of a bus lane restriction imposed on any route within a bus rapid transit program shall be liable for monetary penalties in accordance with a schedule of fines and penalties promulgated by the parking violations bureau of the city of New York[~~; provided, however, that the monetary penalty for violating a bus lane restriction~~]. The liability of the owner pursuant to this section shall not exceed fifty dollars for a first violation, one hundred dollars for a second [~~offense~~] violation within a twelve-month period, one hundred fifty dollars for a third [~~offense~~] violation within a twelve-month period, two hundred dollars for a fourth [~~offense~~] violation within a twelve-month period, and two hundred fifty dollars for each subsequent [~~offense~~] violation within a twelve-month period; provided, further, that an owner shall be liable for an additional penalty not to exceed twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

§ 17. Subdivision (j) of section 1111-c of the vehicle and traffic law, as amended by section 6 of part NNN of chapter 59 of the laws of 2018, is amended to read as follows:

(j) 1. If the owner liable for a violation of a bus lane restriction was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator failed to obey a bus lane restriction. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle

with the consent of the owner at the time such operator failed to obey a bus lane restriction.

§ 18. The opening paragraph and paragraph 6 of subdivision (l) of section 1111-c of the vehicle and traffic law, as amended by section 6 of part NNN of chapter 59 of the laws of 2018, are amended to read as follows:

If the city of New York adopts a bus rapid transit demonstration program pursuant to subdivision (a) of this section it shall submit a report on the results of the use of bus lane photo devices to the governor, the temporary president of the senate and the speaker of the assembly by April first, two thousand twelve and every two years thereafter. **The city of New York and applicable mass transit agency shall also make such reports available on their public-facing websites, provided that they may provide aggregate data from paragraph one of this subdivision if the city finds that publishing specific location data would jeopardize public safety.** Such report shall include, but not be limited to:

6. the total amount of revenue realized by such city and any participating mass transit agency **and an itemized list of expenditures made by the participating mass transit agency with these revenues**;

§ 19. Section 1111-c of the vehicle and traffic law is amended by adding a new subdivision (n) to read as follows:

(n) It shall be a defense to any prosecution for a violation of a bus lane restriction pursuant to a bus rapid transit program adopted pursuant to this section that such bus lane photo devices were malfunctioning at the time of the alleged violation.

§ 20. The opening paragraph of section 14 of part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, as amended by section 2 of part D of chapter 39 of the laws of 2019, is amended to read as follows:

This act shall take effect on the ninetieth day after it shall have become a law and shall expire [~~15 years after such effective date~~] **July 1, 2028** when upon such date the provisions of this act shall be deemed repealed; and provided that any rules and regulations related to this act shall be promulgated on or before such effective date, provided that:

§ 21. This act shall take effect one year after it shall have become a law; provided, however, that sections one and thirteen of this act shall expire on July 1, 2028, when upon such date the provisions of such sections shall be deemed repealed; provided further, however, that the amendments to subdivision 1 of section 1809-a of the vehicle and traffic law made by section ten of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and provided, further, that the amendments to section 1111-c of the vehicle and traffic law made by sections fourteen, fifteen, sixteen, seventeen, eighteen and nineteen of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of section one of this act on its effective date are authorized to be made and completed on or before such effective date.

PART NN

Section 1. 1. The Metropolitan Transportation Authority ("the authority") shall take necessary steps to establish and implement a fare-free bus pilot program within the City of New York. The authority shall present the fare-free bus pilot program to its board for approval no later than 60 days after the effective date of this act, for implementation no later than 90 days after board adoption.

2. The purpose of the fare-free bus pilot program shall be to understand the impact of fare-free bus routes on ridership, quality of life issues, bus speed performance, operations, and related issues as the authority deems relevant.

3. The fare-free bus pilot program shall consist of five fare-free bus routes and shall cost no more than fifteen million dollars in net operating costs. Net operating costs shall be determined by the total costs of implementing the fare-free bus pilot program and shall not accrue to the City of New York.

4. The fare-free bus routes included in the fare-free bus pilot program shall be selected by the authority, provided that there shall be at least one fare-free bus route within each of the following counties: Kings County, New York County, Queens County, Richmond County and Bronx County. The factors considered by the authority in selecting such fare-free bus routes shall include but not be limited to: (a) fare evasion; (b) ridership, including subway ridership and ridership on adjacent/redundant bus routes; (c) service adequacy and equity for low-income and economically disadvantaged communities; and (d) access to employment and commercial activity in areas served by the fare-free routes.

5. No express bus routes shall be included in the fare-free bus pilot program.

6. The authority shall report to its board on the fare-free bus pilot program after it has been in effect for six months and again upon the conclusion of the pilot. Such reports shall also be sent to the Governor, the temporary president of the Senate, and the speaker of the Assembly, and shall include, but not be limited to, the following comparative performance metrics: (a) ridership totals relative to equivalent time periods before the pilot took effect; (b) increases or decreases in fare evasion on adjacent/redundant bus routes and subways during the fare-free bus pilot program relative to the equivalent time period before the fare-free bus pilot program took effect; (c) percent of scheduled service delivered; (d) average end-to-end bus speed changes; (e) customer journey time performance; (f) additional bus stop time and travel time; (g) wait assessments; (h) the cost to provide such service itemized by route; (i) scheduled service frequency; and (j) any other impacts associated with and resulting from such fare-free bus pilot program.

7. The fare-free bus routes shall revert to regular revenue service six to twelve months after the fare-free bus pilot program begins.

§ 2. This act shall take effect immediately.

PART OO

Section 1. Subdivision 2 of section 509-a of the racing, pari-mutuel wagering and breeding law, as amended by section 1 of part DD of chapter 59 of the laws of 2022, is amended to read as follows:

2. a. Notwithstanding any other provision of law or regulation to the contrary, from April nineteenth, two thousand twenty-one to March thirty-first, two thousand twenty-two, twenty-three percent of the funds,

not to exceed two and one-half million dollars, in the Catskill off-track betting corporation's capital acquisition fund and twenty-three percent of the funds, not to exceed four hundred forty thousand dollars, in the Capital off-track betting corporation's capital acquisition fund established pursuant to this section shall also be available to such off-track betting corporation for the purposes of statutory obligations, payroll, and expenditures necessary to accept authorized wagers.

b. Notwithstanding any other provision of law or regulation to the contrary, from April first, two thousand twenty-two to March thirty-first, two thousand twenty-three, twenty-three percent of the funds, not to exceed two and one-half million dollars, in the Catskill off-track betting corporation's capital acquisition fund established pursuant to this section, and twenty-three percent of the funds, not to exceed four hundred forty thousand dollars, in the Capital off-track betting corporation's capital acquisition fund established pursuant to this section, shall be available to such off-track betting corporations for the purposes of statutory obligations, payroll, and expenditures necessary to accept authorized wagers.

c. **Notwithstanding any other provision of law or regulation to the contrary, from April first, two thousand twenty-three to March thirty-first, two thousand twenty-four, twenty-three percent of the funds, not to exceed two and one-half million dollars, in the Catskill off-track betting corporation's capital acquisition fund established pursuant to this section, and one million dollars in the Capital off-track betting corporation's capital acquisition fund established pursuant to this section, shall be available to such off-track betting corporation for the purposes of expenditures necessary to accept authorized wagers; past due statutory obligations to New York licensed or franchised racing corporations or associations; past due contractual obligations due to other racing associations or organizations for the costs of acquiring a simulcast signal; past due statutory payment obligations due to the New York state thoroughbred breeding and development fund corporation, agriculture and New York state horse breeding development fund, and the Harry M. Zweig memorial fund for equine research; and past due obligations due the state.**

d. Prior to a corporation being able to utilize the funds authorized by paragraph [~~b~~] **c** of this subdivision, the corporation must **attest that the surcharge monies from section five hundred thirty-two of this chapter are being held separate and apart from any amounts otherwise authorized to be retained from pari-mutuel pools and all surcharge monies have been and will continue to be paid to the localities as prescribed in law. Once this condition is satisfied, the corporation must** submit an expenditure plan to the gaming commission for review. Such plan shall include the corporation's outstanding liabilities, projected revenue for the upcoming year, a detailed explanation of how the funds will be used, and any other information **necessary to detail such plan as** determined [~~necessary~~] by the commission. Upon review, the commission [~~will~~] **shall** make a determination as to whether [~~access to the funds is needed and warranted~~] **the requirements of this paragraph have been satisfied and notify the corporation of expenditure plan approval. In the event the commission determines the requirements of this paragraph have not been satisfied, the commission shall notify the corporation of all deficiencies necessary for approval. As a condition of such expenditure plan approval, the corporation shall provide a report to the commission no later than October first, two thousand twenty-three, which shall include an accounting of the use of such funds. At such time, the commission may**

cause an independent audit to be conducted of the corporation's books to ensure that all moneys were spent as indicated in such approved plan. The audit shall be paid for from money in the fund established by this section. If the audit determines that a corporation used the money authorized under this section for a purpose other than one listed in their expenditure plan, then the corporation shall reimburse the capital acquisition fund for the unauthorized amount.

§ 2. This act shall take effect immediately.

PART PP

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

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

40. Courts special grants (22008).
41. Asbestos safety training program account (22009).
42. Batavia school for the blind account (22032).
43. Investment services account (22034).
44. Surplus property account (22036).
45. Financial oversight account (22039).
46. Regulation of Indian gaming account (22046).
47. Rome school for the deaf account (22053).
48. Seized assets account (22054).
49. Administrative adjudication account (22055).
50. New York City assessment account (22062).
51. Cultural education account (22063).
52. Local services account (22078).
53. DHCR mortgage servicing account (22085).
54. Housing indirect cost recovery account (22090).
55. Voting Machine Examinations account (22099).
56. DHCR-HCA application fee account (22100).
57. Low income housing monitoring account (22130).
58. Restitution account (22134).
59. Corporation administration account (22135).
60. New York State Home for Veterans in the Lower-Hudson Valley account (22144).
61. Deferred compensation administration account (22151).
62. Rent revenue other New York City account (22156).
63. Rent revenue account (22158).
64. Transportation aviation account (22165).
65. Tax revenue arrearage account (22168).
66. New York State Campaign Finance Fund account (22211).
67. New York state medical indemnity fund account (22240).
68. Behavioral health parity compliance fund (22246).
69. Pharmacy benefit manager regulatory fund (22255).
70. State university general income offset account (22654).
71. Lake George park trust fund account (22751).
72. Highway safety program account (23001).
73. DOH drinking water program account (23102).
74. NYCCC operating offset account (23151).
75. Commercial gaming revenue account (23701).
76. Commercial gaming regulation account (23702).
77. Highway use tax administration account (23801).
78. New York state secure choice administrative account (23806).
79. New York state cannabis revenue fund (24800).
80. Fantasy sports administration account (24951).
81. Mobile sports wagering fund (24955).
82. Highway and bridge capital account (30051).
83. State university residence hall rehabilitation fund (30100).
84. State parks infrastructure account (30351).
85. Clean water/clean air implementation fund (30500).
86. Hazardous waste remedial cleanup account (31506).
87. Youth facilities improvement account (31701).
88. Housing assistance fund (31800).
89. Housing program fund (31850).
90. Highway facility purpose account (31951).
91. New York racing account (32213).
92. Capital miscellaneous gifts account (32214).
93. Information technology capital financing account (32215).

94. New York environmental protection and spill remediation account (32219).
95. Mental hygiene facilities capital improvement fund (32300).
96. Correctional facilities capital improvement fund (32350).
97. New York State Storm Recovery Capital Fund (33000).
98. OGS convention center account (50318).
99. Empire Plaza Gift Shop (50327).
100. Unemployment Insurance Benefit Fund, Interest Assessment Account (50651).
101. Centralized services fund (55000).
102. Archives records management account (55052).
103. Federal single audit account (55053).
104. Civil service administration account (55055).
105. Civil service EHS occupational health program account (55056).
106. Banking services account (55057).
107. Cultural resources survey account (55058).
108. Neighborhood work project account (55059).
109. Automation & printing chargeback account (55060).
110. OFT NYT account (55061).
111. Data center account (55062).
112. Intrusion detection account (55066).
113. Domestic violence grant account (55067).
114. Centralized technology services account (55069).
115. Labor contact center account (55071).
116. Human services contact center account (55072).
117. Tax contact center account (55073).
118. Department of law civil recoveries account (55074).
119. Executive direction internal audit account (55251).
120. CIO Information technology centralized services account (55252).
121. Health insurance internal service account (55300).
122. Civil service employee benefits division administrative account (55301).
123. Correctional industries revolving fund (55350).
124. Employees health insurance account (60201).
125. Medicaid management information system escrow fund (60900).
126. Virtual currency assessments account.

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

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

§ 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2024, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. $1,175,000 from the miscellaneous special revenue fund, underground facilities safety training account (22172), to the general fund.

2. An amount up to the unencumbered balance from the miscellaneous special revenue fund, business and licensing services account (21977), to the general fund.

3. $19,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.

4. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

Education:

1. $2,303,000,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

2. $1,033,000,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

3. $137,789,000 from the general fund to the New York state commercial gaming fund, commercial gaming revenue account (23701), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 97-nnnn of the state finance law that are in excess of the amounts deposited in such fund for purposes pursuant to section 1352 of the racing, pari-mutuel wagering and breeding law.

4. $1,061,047,000 from the general fund to the mobile sports wagering fund, education account (24955), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1367 of the racing, pari-mutuel wagering and breeding law.

5. $7,000,000 from the interactive fantasy sports fund, fantasy sports education account (24950), to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law.

6. An amount up to the unencumbered balance in the fund on March 31, 2024 from the charitable gifts trust fund, elementary and secondary education account (24901), to the general fund, for payment of general support for public schools pursuant to section 3609-a of the education law.

7. Moneys from the state lottery fund (20900) up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of the current year appropriation for supplemental aid to education pursuant to section 92-c of the state finance law.

8. $300,000 from the New York state local government records management improvement fund, local government records management account (20501), to the New York state archives partnership trust fund, archives partnership trust maintenance account (20351).

9. $900,000 from the general fund to the miscellaneous special revenue fund, Batavia school for the blind account (22032).

10. $900,000 from the general fund to the miscellaneous special revenue fund, Rome school for the deaf account (22053).

11. $343,400,000 from the state university dormitory income fund (40350) to the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

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

13. $53,000,000 from the state university income fund, state university hospitals income reimbursable account (22656) to the general fund for hospital debt service for the period April 1, 2023 through March 31, 2024.

14. $5,160,000 from the miscellaneous special revenue fund, office of the professions account (22051), to the miscellaneous capital projects fund, office of the professions electronic licensing account (32222).

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

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

17. $30,013,000 from the general fund to the miscellaneous special revenue fund, HESC-insurance premium payments account (21960).

Environmental Affairs:

1. $16,000,000 from any of the department of environmental conservation's special revenue federal funds, and/or federal capital funds, to the environmental conservation special revenue fund, federal indirect recovery account (21065).

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

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

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

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

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

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

8. $1,800,000 from the miscellaneous special revenue fund, public service account (22011) to the miscellaneous special revenue fund, utility environmental regulatory account (21064).

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

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

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

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

13. $500,000 from the general fund to the miscellaneous special revenue fund, authority budget office account (22138).

Family Assistance:

1. $7,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and the general fund, in accordance with agreements with social services districts, to the miscellaneous special revenue fund, office of human resources development state match account (21967).

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

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

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

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

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

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

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

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

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

11. $905,000,000 from the general fund to the housing program fund (31850).

12. Up to $10,000,000 from any of the office of children and family services special revenue federal funds to the office of the court administration special revenue other federal iv-e funds account.

General Government:

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

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

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

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

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

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

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

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

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

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

11. $12,000,000 from the miscellaneous special revenue fund, parking account (22007), to the centralized services, building support services account (55018).

12. $30,000,000 from the general fund to the internal service fund, business services center account (55022).

13. $8,000,000 from the general fund to the internal service fund, building support services account (55018).

14. $1,500,000 from the combined expendable trust fund, plaza special events account (20120), to the general fund.

15. $50,000,000 from the New York State cannabis revenue fund (24800) to the general fund.

16. A transfer from the general fund to the miscellaneous special revenue fund, New York State Campaign Finance Fund Account (22211), up to an amount equal to total reimbursements due to qualified candidates.

17. $6,000,000 from the miscellaneous special revenue fund, standards and purchasing account (22019), to the general fund.

Health:

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

2. A transfer from the general fund to the combined gifts, grants and bequests fund, prostate cancer research, detection, and education account (20183), up to an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

3. A transfer from the general fund to the combined gifts, grants and bequests fund, Alzheimer's disease research and assistance account (20143), up to an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

4. $8,940,000 from the HCRA resources fund (20800) to the miscellaneous special revenue fund, empire state stem cell trust fund account (22161).

5. $3,600,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

6. $4,000,000 from the miscellaneous special revenue fund, vital health records account (22103), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

7. $6,000,000 from the miscellaneous special revenue fund, professional medical conduct account (22088), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

8. $114,500,000 from the HCRA resources fund (20800) to the capital projects fund (30000).

9. $6,550,000 from the general fund to the medical cannabis trust fund, health operation and oversight account (23755).

10. An amount up to the unencumbered balance from the charitable gifts trust fund, health charitable account (24900), to the general fund, for payment of general support for primary, preventive, and inpatient health care, dental and vision care, hunger prevention and nutritional assistance, and other services for New York state residents with the overall goal of ensuring that New York state residents have access to quality health care and other related services.

11. $500,000 from the miscellaneous special revenue fund, New York State cannabis revenue fund, to the miscellaneous special revenue fund, environmental laboratory fee account (21959).

12. An amount up to the unencumbered balance from the public health emergency charitable gifts trust fund to the general fund, for payment of goods and services necessary to respond to a public health disaster emergency or to assist or aid in responding to such a disaster.

13. $1,000,000,000 from the general fund to the health care transformation fund (24850).

14. $2,590,000 from the miscellaneous special revenue fund, patient safety center account (22140), to the general fund.

15. $1,000,000 from the miscellaneous special revenue fund, nursing home receivership account (21925), to the general fund.

16. $130,000 from the miscellaneous special revenue fund, quality of care account (21915), to the general fund.

17. $2,200,000 from the miscellaneous special revenue fund, adult home quality enhancement account (22091), to the general fund.

18. $7,429,000 from the general fund, to the miscellaneous special revenue fund, helen hayes hospital account (22140).

19. $1,117,000 from the general fund, to the miscellaneous special revenue fund, New York city veterans' home account (22141).

20. $813,000 from the general fund, to the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).

21. $313,000 from the general fund, to the miscellaneous special revenue fund, western New York veterans' home account (22143).

22. $1,473,000 from the general fund, to the miscellaneous special revenue fund, New York state for veterans in the lower-hudson valley account (22144).

Labor:

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

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

3. $50,000,000 from the DOL fee and penalty account (21923), unemployment insurance special interest and penalty account (23601), and public work enforcement account (21998), to the general fund.

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

Mental Hygiene:

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

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

3. $20,000,000 from the opioid settlement fund (23817) to the miscellaneous capital projects fund, opioid settlement capital account.

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

Public Protection:

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

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

3. $23,773,000 from the general fund to the correctional industries revolving fund, correctional industries internal service account (55350).

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

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

6. $138,272,000 from the general fund to the correctional facilities capital improvement fund (32350).

7. $5,000,000 from the general fund to the dedicated highway and bridge trust fund (30050) for the purpose of work zone safety activities provided by the division of state police for the department of transportation.

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

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

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

11. $7,980,000 from the miscellaneous special revenue fund, fingerprint identification & technology account (21950), to the general fund.

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

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

14. $2,000,000 from the general fund to the miscellaneous special revenue fund, hazard mitigation revolving loan account.

15. Up to $114,000,000 from the indigent legal services fund, indigent legal services account (23551) to the general fund.

Transportation:

1. $20,000,000 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which $12,000,000 constitutes the base need for operations.

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

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

4. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

5. $477,000 from the miscellaneous special revenue fund, traffic adjudication account (22055), to the general fund.

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

Miscellaneous:

1. $250,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

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

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

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

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

6. $8,250,000,000 from the special revenue federal fund, ARPA-Fiscal Recovery Fund (25546) to the general fund, state purposes account (10050) to cover eligible costs incurred by the state.

§ 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2024:

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

2. Upon request of the commissioner of agriculture and markets, up to $3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the general fund, to pay appropriate administrative expenses.

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

4. Upon request of the commissioner of the division of housing and community renewal, up to $5,500,000 may be transferred from any miscellaneous special revenue fund account, to any miscellaneous special revenue fund.

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

6. Upon the request of the attorney general, up to $4,000,000 from revenues credited to the federal health and human services fund, federal health and human services account (25117) or the miscellaneous special revenue fund, recoveries and revenue account (22041), to the miscellaneous special revenue fund, litigation settlement and civil recovery account (22117).

§ 4. On or before March 31, 2024, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of

the state finance law, to the agencies internal service fund, banking services account (55057), for the purpose of meeting direct payments from such account.

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

§ 6. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2024, up to $16,000,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

§ 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2024, up to $6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.

§ 8. Notwithstanding any law to the contrary, the state university chancellor or his or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (61000) to the state university income fund, state university general revenue offset account (22655) on or before March 31, 2024.

§ 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $1,335,239,500 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2023 through June 30, 2024 to support operations at the state university.

§ 10. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $48,966,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2023 to June 30, 2024 for general fund operating support pursuant to subparagraph (4-b) of paragraph h of subdivision 2 of section three hundred fifty-five of the education law.

§ 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $20,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2023 to June 30, 2024 to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of the education law.

§ 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his or her designee, up to $55,000,000 from the state university income fund, state university hospitals income reimbursable account (22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2024.

§ 13. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2024.

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

§ 15. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $700 million from the unencumbered balance of any special revenue fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2023-24 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

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

and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207), the miscellaneous capital projects fund, the federal capital projects account (31350), information technology capital financing account (32215), or the centralized technology services account (55069), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

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

§ 18. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized and directed to transfer to the state treasury to the credit of the general fund up to $20,000,000 for the state fiscal year commencing April 1, 2023, the proceeds of which will be utilized to support energy-related state activities.

§ 19. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to contribute $913,000 to the state treasury to the credit of the general fund on or before March 31, 2024.

§ 20. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to transfer five million dollars to the credit of the Environmental Protection Fund on or before March 31, 2024 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 21. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 21 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [~~twenty-two~~] **twenty-three**, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [~~$1,830,985,000,~~] **$1,716,913,000** as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [~~twenty-two~~] **twenty-three**.

§ 22. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2024, the following amounts from the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

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

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

3. $456,000 from the miscellaneous special revenue fund, New York city veterans' home account (22141).

4. $570,000 from the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).

5. $170,000 from the miscellaneous special revenue fund, western New York veterans' home account (22143).

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

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

8. $9,016,000 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

9. $142,782,000 from the miscellaneous special revenue fund, state university revenue offset account (22655).

10. $51,897,000 from the state university dormitory income fund, state university dormitory income fund (40350).

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

§ 23. Section 60 of part FFF of chapter 56 of the laws of 2022 providing for the administration of certain funds and accounts related to the 2022-2023 budget, is amended to read as follows:

§ 60. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022; provided, however, that the provisions of sections one, one-a, two, three, four, five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty[~~,~~] **and** twenty-two[~~, and twenty-three~~] of this act shall expire March 31, 2023 when upon such date the provisions of such sections shall be deemed repealed; provided, further, that the amendments to section 89-h of the state finance law made by section twenty-eight of this act shall not affect the repeal of such

section and shall be deemed repealed therewith; and provided, further, that section twenty-eight-a of this act shall expire March 31, 2027**; and provided, further, that section twenty-three of this act shall expire March 31, 2028**.

§ 24. Subdivision 5 of section 183 of the military law, as amended by section 2 of part O of chapter 55 of the laws of 2018, is amended to read as follows:

5. All moneys paid as rent as provided in this section, together with all sums paid to cover expenses of heating and lighting, shall be transmitted by the officer in charge and control of the armory through the adjutant general to the state treasury for deposit to the [~~agencies enterprise fund~~] **miscellaneous special revenue fund - 339** armory rental account.

§ 25. Subdivision 2 of section 92-cc of the state finance law, as amended by section 26 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

2. Such fund shall have a maximum balance not to exceed [~~fifteen~~] **twenty-five** per centum of the aggregate amount projected to be disbursed from the general fund during [~~the fiscal year immediately following~~] the then-current fiscal year. At the request of the director of the budget, the state comptroller shall transfer monies to the rainy day reserve fund up to and including an amount equivalent to [~~three~~] **fifteen** per centum of the aggregate amount projected to be disbursed from the general fund during the then-current fiscal year, unless such transfer would increase the rainy day reserve fund to an amount in excess of [~~fifteen~~] **twenty-five** per centum of the aggregate amount projected to be disbursed from the general fund during the [~~fiscal year immediately following the~~] then-current fiscal year, in which event such transfer shall be limited to such amount as will increase the rainy day reserve fund to such [~~fifteen~~] **twenty-five** per centum limitation.

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

§ 27. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by

section 30 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~nine billion five hundred two million seven hundred thirty-nine thousand dollars $9,502,739,000~~] **nine billion eight hundred sixty-five million eight hundred fifty-nine thousand dollars $9,865,859,000**, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~nine billion five hundred two million seven hundred thirty-nine thousand dollars $9,502,739,000~~] **nine billion eight hundred sixty-five million eight hundred fifty-nine thousand dollars $9,865,859,000**, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 28. Subdivision (a) of section 27 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 31 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, the urban development corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~four hundred twenty-six million one hundred thousand dollars $426,100,000~~] **five hundred thirty-eight million one hundred thousand dollars**

$538,100,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects including IT initiatives for the division of state police, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 29. Subdivision 3 of section 1285-p of the public authorities law, as amended by section 32 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be [~~eight billion one hundred seventy-one million one hundred ten thousand dollars $8,171,110,000~~] **nine billion three hundred thirty-five million seven hundred ten thousand dollars $9,335,710,000**, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 30. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 33 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~three hundred eighty-three million five hundred thousand dollars $383,500,000~~] **five hundred one million five hundred thousand dollars $501,500,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~one billion six hundred four million nine hundred eighty-six thousand dollars $1,604,986,000~~] **one billion seven hundred thirteen million eighty-six thousand dollars $1,713,086,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of

such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 31. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 34 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed [~~sixteen billion six hundred eleven million five hundred sixty-four thousand dollars $16,611,564,000~~] **eighteen billion one hundred ten million nine hundred sixty-four thousand dollars $18,110,964,000**; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding bonds does not exceed the present value of the aggregate debt service on the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from

covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 32. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 35 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed [~~ten billion two hundred fifty-four million six hundred eighty-six thousand dollars $10,254,686,000~~] **eleven billion three hundred fourteen million three hundred fifty-two thousand dollars $11,314,352,000**. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 33. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 36 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [~~one billion one hundred twenty-three million one hundred forty thousand dollars $1,123,140,000~~] **one billion two hundred twenty-seven million ninety-five thousand dollars $1,227,095,000**. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

§ 34. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 37 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~nine hundred sixty-two million seven hundred fifteen thousand dollars $962,715,000~~] **one billion fourteen million seven hundred thirty-five thousand dollars $1,014,735,000**, which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund **or the capital projects fund**, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~nine hundred sixty-two million seven hundred fifteen thousand dollars $962,715,000~~] **one billion fourteen million seven hundred thirty-five thousand dollars $1,014,735,000**, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 35. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by section 38 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement

of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding [~~ten billion nine hundred forty-two million eight hundred thirty-three thousand dollars $10,942,833,000~~] **twelve billion four hundred eighteen million three hundred thirty-seven thousand dollars $12,418,337,000**, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than [~~ten billion nine hundred forty-two million eight hundred thirty-three thousand dollars $10,942,833,000~~] **twelve billion four hundred eighteen million three hundred thirty-seven thousand dollars $12,418,337,000**, only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the

original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law and the amount of bonds issued or outstanding for such purposes shall not be included for purposes of determining the amount of bonds issued pursuant to this section. The director of the budget shall allocate the aggregate principal authorized to be issued by the agency among the office of mental health, office for people with developmental disabilities, and the office of addiction services and supports, in consultation with their respective commissioners to finance bondable appropriations previously approved by the legislature.

§ 36. Subdivision (a) of section 28 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 39 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, one or more authorized issuers as defined by section 68-a of the state finance law are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~one hundred ninety-seven million dollars $197,000,000~~] **two hundred forty-seven million dollars $247,000,000**, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects for public protection facilities in the Division of Military and Naval Affairs, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 37. Section 53 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 40 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

§ 53. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the acquisition of equipment, including but not limited to the creation or modernization of information technology systems and related research and development equipment, health and safety equipment, heavy equipment and machinery, the creation or improvement of security systems, and laboratory equipment and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~three hundred ninety-three million dollars~~

~~$393,000,000~~] four hundred ninety-three million dollars $493,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the urban development corporation in undertaking the financing for project costs for the acquisition of equipment, including but not limited to the creation or modernization of information technology systems and related research and development equipment, health and safety equipment, heavy equipment and machinery, the creation or improvement of security systems, and laboratory equipment and other state costs associated with such capital projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the urban development corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the urban development corporation agree, so as to annually provide to the dormitory authority and the urban development corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the urban development corporation as security for its bonds and notes, as authorized by this section.

§ 38. Subdivision (b) of section 11 of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, as amended by section 41 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of [~~thirteen billion fifty-three million eight hundred eighty-one thousand dollars $13,053,881,000~~] thirteen billion nine hundred forty-nine million two hundred thirty-four thousand dollars $13,949,234,000 cumulatively by the

end of fiscal year [~~2022-23~~] **2023-24**. For purposes of this subdivision, such projects shall be deemed to include capital grants to cities, towns and villages for the reimbursement of eligible capital costs of local highway and bridge projects within such municipality, where allocations to cities, towns and villages are based on the total number of New York or United States or interstate signed touring route miles for which such municipality has capital maintenance responsibility, and where such eligible capital costs include the costs of construction and repair of highways, bridges, highway-railroad crossings, and other transportation facilities for projects with a service life of ten years or more.

§ 39. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 42 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. The dormitory authority is authorized to issue bonds, at the request of the commissioner of education, to finance eligible library construction projects pursuant to section two hundred seventy-three-a of the education law, in amounts certified by such commissioner not to exceed a total principal amount of [~~three hundred thirty-three million dollars $333,000,000~~] **three hundred sixty-seven million dollars $367,000,000**.

§ 40. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 43 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, Lake Ontario regional projects, Pennsylvania station and other transit projects, athletic facilities for professional football in Orchard Park, New York and other state costs associated with such projects. The aggregate prin-

cipal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~fourteen billion nine hundred sixty-eight million four hundred two thousand dollars $14,968,402,000~~] **seventeen billion six hundred fifty-five million six hundred two thousand dollars $17,655,602,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, New York State Capital Assistance Program for Transportation, infrastructure, and economic development, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, Lake Ontario regional projects, Pennsylvania station and other transit projects, athletic facilities for professional football in Orchard Park, New York and other state costs associated with such projects the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the

obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

§ 41. Subdivision 1 of section 386-b of the public authorities law, as amended by section 44 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~ten billion one hundred forty-seven million eight hundred sixty-three thousand dollars $10,147,863,000~~] **twelve billion three hundred eight million three hundred eleven thousand dollars $12,308,311,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 42. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 45 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding [~~thirteen billion eighty-two million eight hundred ninety-one thousand dollars $13,082,891,000~~] **thirteen billion six hundred thirty-five million four hundred twenty-five thousand dollars $13,635,425,000**, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund

any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

§ 43. Subdivision 1 of section 50 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 46 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs undertaken by or on behalf of the state education department, special act school districts, state-supported schools for the blind and deaf, approved private special education schools, non-public schools, community centers, day care facilities, residential camps, day camps, Native American Indian Nation schools, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~three hundred one million seven hundred thousand dollars $301,700,000~~] **three hundred twenty-one million seven hundred ninety-nine thousand dollars $321,799,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 44. Subdivision 1 of section 47 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 47 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, department of law, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~one billion one hundred fifty-two million five hundred sixty-six thousand dollars $1,152,566,000~~] **one billion three hundred fifty-three million eight hundred fifty-two thousand dollars $1,353,852,000,** excluding bonds issued to fund one or more debt service reserve funds, to pay costs of

issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 45. Paragraph (b) of subdivision 1 of section 385 of the public authorities law, as amended by section 48 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

(b) The authority is hereby authorized, as additional corporate purposes thereof solely upon the request of the director of the budget: (i) to issue special emergency highway and bridge trust fund bonds and notes for a term not to exceed thirty years and to incur obligations secured by the moneys appropriated from the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law; (ii) to make available the proceeds in accordance with instructions provided by the director of the budget from the sale of such special emergency highway and bridge trust fund bonds, notes or other obligations, net of all costs to the authority in connection therewith, for the purposes of financing all or a portion of the costs of activities for which moneys in the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law are authorized to be utilized or for the financing of disbursements made by the state for the activities authorized pursuant to section eighty-nine-b of the state finance law; and (iii) to enter into agreements with the commissioner of transportation pursuant to section ten-e of the highway law with respect to financing for any activities authorized pursuant to section eighty-nine-b of the state finance law, or agreements with the commissioner of transportation pursuant to sections ten-f and ten-g of the highway law in connection with activities on state highways pursuant to these sections, and (iv) to enter into service contracts, contracts, agreements, deeds and leases with the director of the budget or the commissioner of transportation and project sponsors and others to provide for the financing by the authority of activities authorized pursuant to section eighty-nine-b of the state finance law, and each of the director of the budget and the commissioner of transportation are hereby authorized to enter into service contracts, contracts, agreements, deeds and leases with the authority, project sponsors or others to provide for such financing. The authority shall not issue any bonds or notes in an amount in excess of [~~nineteen billion seven hundred seventy-six million nine hundred twenty thousand dollars $19,776,920,000~~] twenty billion six hundred forty-eight million five hundred seven thousand dollars $20,648,507,000, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to provide capitalized interest; and, (C) to fund other costs of issuance. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the authority issued pursuant to this section, as amended by a chapter of the laws of nineteen hundred ninety-six, there shall be excluded the amount of bonds or notes issued that would constitute interest under the United States Internal

Revenue Code of 1986, as amended, and the amount of indebtedness issued to refund or otherwise repay bonds or notes.

§ 46. Subdivision 1 of section 1680-r of the public authorities law, as amended by section 50 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects, the health care facility transformation programs, the essential health care provider program, and other health care capital project costs. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~four billion six hundred fifty-three million dollars $4,653,000,000~~] **five billion one hundred fifty-three million dollars $5,153,000,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 47. Subdivision 1 of section 1680-k of the public authorities law, as amended by section 51 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any provisions of law to the contrary, the dormitory authority is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~forty million eight hundred thirty thousand dollars ($40,830,000)~~] **forty million nine hundred forty-five thousand dollars $40,945,000,** excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing the construction of the New York state agriculture and markets food laboratory. Eligible project costs may include, but not be limited to the cost of design, financing, site investigations, site acquisition and preparation, demolition, construction, rehabilitation, acquisition of machinery and equipment, and infrastructure improvements. Such bonds and notes of such authorized issuers shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuers for debt service and related expenses pursuant to any service contract executed pursuant to subdivision two of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 48. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, as amended by section 52 of part FFF of chapter 56 of the laws of 2022, are amended to read as follows:

(b) Within amounts appropriated therefor, the board is hereby authorized and directed to award matching capital grants totaling [~~three hundred forty-five million dollars $345,000,000~~] **three hundred eighty-five million dollars, $385,000,000**. Each college shall be eligible for a grant award amount as determined by the calculations pursuant to subdivision five of this section. In addition, such colleges shall be eligible to compete for additional funds pursuant to paragraph (h) of subdivision four of this section.

(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [~~three hundred forty-five million dollars $345,000,000~~] **three hundred eighty-five million dollars, $385,000,000** for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.

§ 49. Paragraph (b) of subdivision 1 of section 54-b of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 54 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

(b) Notwithstanding any other provision of law to the contrary, including, specifically, the provisions of chapter 59 of the laws of 2000 and section sixty-seven-b of the state finance law, the dormitory authority of the state of New York and the corporation are hereby authorized to issue personal income tax revenue anticipation notes with a maturity no later than March 31, [~~2023~~] **2024**, in one or more series in an aggregate principal amount for each fiscal year not to exceed three billion dollars, and to pay costs of issuance of such notes, for the purpose of temporarily financing budgetary needs of the state. Such purpose shall constitute an authorized purpose under subdivision two of section sixty-eight-a of the state finance law for all purposes of article five-C of the state finance law with respect to the notes authorized by this paragraph. Such notes shall not be renewed, extended or refunded. For so long as any notes authorized by this paragraph shall be outstanding, the restrictions, limitations and requirements contained in article five-B of the state finance law shall not apply.

§ 50. Paragraph (c) of subdivision 1 of section 55-b of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 55 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

(c) Notwithstanding any other provision of law to the contrary, including, specifically, the provisions of chapter 59 of the laws of 2000 and section 67-b of the state finance law, the dormitory authority of the state of New York and the urban development corporation are authorized until March 31, [~~2023~~] **2024** to: (i) enter into one or more line of credit facilities not in excess of [~~two~~] **one** billion dollars in aggregate principal amount; (ii) draw, at one or more times at the direction of the director of the budget, upon such line of credit facilities and provide to the state the amounts so drawn for the purpose of

assisting the state to temporarily finance its budgetary needs; provided, however, that the total principal amounts of such draws for each fiscal year shall not exceed [~~two~~] **one** billion dollars; and (iii) secure repayment of all draws under such line of credit facilities and the payment of related expenses and fees, which repayment and payment obligations shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent moneys are available and that no liability shall be incurred by the state beyond the moneys available for such purpose, and that such payment obligation is subject to annual appropriation by the legislature. Any line of credit facility agreements entered into by the dormitory authority of the state of New York and/or the urban development corporation with financial institutions pursuant to this section may contain such provisions that the dormitory authority of the state of New York and/or the urban development corporation deem necessary or desirable for the establishment of such credit facilities. The maximum term of any line of credit facility shall be one year from the date of incurrence; provided however that no draw on any such line of credit facility shall occur after March 31, [~~2023~~] **2024**, and provided further that any such line of credit facility whose term extends beyond March 31, [~~2023~~] **2024** shall be supported by sufficient appropriation authority enacted by the legislature that provides for the repayment of all amounts drawn and remaining unpaid as of March 31, [~~2023~~] **2024**, as well as the payment of related expenses and fees incurred and to become due and payable by the dormitory authority of the state of New York and/or the urban development corporation.

§ 51. Subdivisions 2 and 3 of section 58 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 56 of part FFF of chapter 56 of the laws of 2022, are amended and a new subdivision 5 is added to read as follows:

2. Definitions. When used in this section:

(a) "Commission" shall mean the gateway development commission, a bi-state commission and a body corporate and politic established by the state of New Jersey and the state of New York, acting in the public interest and exercising essential governmental functions in accordance with the Gateway development commission act, and any successor thereto.

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

(c) "Gateway development commission act" shall mean chapter 108 of the laws of New York, 2019, as amended.

(d) "Gateway project" shall mean the Hudson tunnel project.

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

(f) "State capital commitment" shall mean **(i)** an aggregate principal amount not to exceed [~~$2,350,000,000~~] **$2,850,000,000**, plus **(ii)** any interest costs, including capitalized interest, and **(iii)** related expenses and fees**, all of which shall be** payable by the state of New York to**, or at the direction of,** the commission under one or more

service contracts or other agreements pursuant to this section, as well as any expenses of the state incurred in connection therewith.

(g) "Related expenses and fees" shall mean commitment fees, servicing and monitoring costs, credit risk premium payments and similar charges, administrative fees and other ancillary costs, expenses and fees incurred, and to become due and payable, by the commission in connection with the Federal transportation loan, or by the state in connection with any service contract.

3. Notwithstanding any other provision of law to the contrary, in order to provide for the payment for the state capital commitment, the director of the budget is hereby authorized to enter into one or more service contracts or other agreements with the commission, none of which shall exceed the maximum duration of the Federal transportation loan, upon such terms and conditions as the director of the budget and commission agree, so as to provide to or at the direction of the commission, for each state fiscal year, a sum not to exceed the amount required [~~for the payment of the state capital commitment~~] to be paid as principal and interest under the Federal transportation loan for such fiscal year, plus related expenses and fees for such fiscal year. Any such service contract or other agreement shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available, that no liability shall be incurred by the state beyond the monies available for such purpose, and that such obligation is subject to annual appropriation by the legislature. Any such service contract or other agreement and any payments made or to be made thereunder may be assigned and pledged by the commission as security for the repayment by the commission of the Federal transportation loan.

5. On or before the beginning of each quarter, the director of the budget shall certify to the state comptroller the estimated amount of monies that shall be reserved in the general debt service fund for payment pursuant to any service contract authorized by subdivision 3 of this section payable by such fund during each month of the state fiscal year. Such certificate may be periodically updated, as necessary. Notwithstanding any provision of law to the contrary, the state comptroller shall reserve in the general debt service fund the amount of monies identified on such certificate as necessary for payment pursuant to any service contract authorized by subdivision 3 of this section during the current or next succeeding quarter of the state fiscal year. Such monies so reserved shall not be available for any other purpose. Such certificate shall be reported to the chairpersons of the Senate Finance Committee and the Assembly Ways and Means Committee.

§ 52. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2024 the following amounts from the following special revenue accounts or enterprise funds to the general fund, for the purposes of offsetting principal and interest costs, incurred by the state pursuant to section fifty-four of this act, provided that the annual amount of the transfer shall be no more than the principal and interest that would have otherwise been due to the power authority of the state of New York, from any state agency, in a given state fiscal year. Amounts pertaining to special revenue accounts assigned to the state university of New York shall be considered interchangeable between the designated special revenue accounts as to meet the requirements of this section and section fifty-four of this act:

1. $15,000,000 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

2. $5,000,000 from the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

3. $5,000,000 from the enterprise fund, city university senior college operating fund (60851).

§ 53. Section 59 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 59 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

§ 59. The dormitory authority of the state of New York, the New York state urban development corporation, and the New York state thruway authority are hereby authorized to issue bonds in one or more series under either article 5-C or article 5-F of the state finance law for the purpose of refunding obligations of the power authority of the state of New York to fund energy efficiency projects at state agencies including, but not limited to, the state university of New York, city university of New York, the New York state office of general services, New York state office of mental health, state education department, and New York state department of agriculture and markets. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~two hundred million dollars ($200,000,000)~~] **four hundred seventy-five million dollars ($475,000,000)**, excluding bonds issued to pay costs of issuance of such bonds and to refund or otherwise repay such bonds. Such bonds issued by the dormitory authority of the state of New York, the New York state urban development corporation, and New York state thruway authority shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state under article 5-C or article 5-F of the state finance law, as applicable.

§ 54. Subdivision 1 of section 386-a of the public authorities law, as amended by section 49 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities as defined in subdivision seventeen of section twelve hundred sixty-one of this chapter or other capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed twelve billion five hundred fifteen million eight hundred fifty-six thousand dollars $12,515,856,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds. Notwithstanding any other provision of law to the contrary, including the limitations contained in subdivision four of

section sixty-seven-b of the state finance law, (A) any bonds and notes issued prior to April first, two thousand [~~twenty-three~~] twenty-four pursuant to this section may be issued with a maximum maturity of fifty years, and (B) any bonds issued to refund such bonds and notes may be issued with a maximum maturity of fifty years from the respective date of original issuance of such bonds and notes.

§ 55. Paragraph (b) of subdivision 4 of section 72 of the state finance law, as amended by section 46 of part JJ of chapter 56 of the laws of 2020, is amended to read as follows:

(b) On or before the beginning of each quarter, the director of the budget may certify to the state comptroller the estimated amount of monies that shall be reserved in the general debt service fund for the payment of debt service and related expenses payable by such fund during each month of the state fiscal year, excluding payments due from the revenue bond tax fund. Such certificate may be periodically updated, as necessary. Notwithstanding any provision of law to the contrary, the state comptroller shall reserve in the general debt service fund the amount of monies identified on such certificate as necessary for the payment of debt service and related expenses during the current or next succeeding quarter of the state fiscal year. Such monies reserved shall not be available for any other purpose. Such certificate shall be reported to the chairpersons of the Senate Finance Committee and the Assembly Ways and Means Committee. The provisions of this paragraph shall expire June thirtieth, two thousand [~~twenty-three~~] twenty-six.

§ 56. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023; provided, however, that the provisions of sections one, one-a, two, three, four, five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-two, of this act shall expire March 31, 2024 when upon such date the provisions of such sections shall be deemed repealed.

PART QQ

Section 1. Section 1005 of the public authorities law is amended by adding a new subdivision 27-a to read as follows:

27-a. (a) The authority is authorized and directed, to:

(i) plan, design, develop, finance, construct, own, operate, maintain and improve, either alone, or jointly with other entities through the use of public-private agreements established in paragraph (f) of this subdivision, renewable energy generating projects in the state, including its territorial waters, and/or on property or in waters under the jurisdiction or regulatory authority of the United States, or any component thereof, to: support the state's renewable energy goals established pursuant to the climate leadership and community protection act; provide or maintain an adequate and reliable supply of electric power and energy in the state, including but not limited to, high need areas and communities served by small natural gas power plants as defined in this section; and support the renewable energy access and community help program established pursuant to subdivision twenty-seven-b of this section; subject to the strategic plan developed and updated pursuant to paragraph (e) of this subdivision approved by the trustees of the authority, provided that the authority, or a wholly owned subsidiary thereof, shall at all times maintain majority ownership of any such project, and provided further that the authority, any subsidiary thereof, or any other entity participating in a public-private agreement

established in paragraph (f) of this subdivision, shall only design, develop, finance, construct, own, operate, maintain and improve projects pursuant to this subdivision that have been identified in the strategic plan or its updates as provided in subparagraph (v) of paragraph (e) of this subdivision; and

(ii) notwithstanding any conflicting provision of title five-A of article nine of this chapter, acquire from willing sellers, lease, or dispose of property interests related to the development or disposition of renewable energy generating projects authorized by this paragraph through a competitive selection process or by negotiation, provided that the authority and any subsidiary thereof shall receive not less than fair market value, supported by an appraisal prepared by an independent appraiser, for the disposal of any interest in any renewable energy generating project.

(b) The authority, its subsidiaries or any entity participating in a public-private agreement established in paragraph (f) of this subdivision or acting on behalf of the authority, when developing renewable energy generating projects authorized in this subdivision, or subdivision twenty-seven-b of this section, shall: (i) not develop, except when necessary for generator lead lines and other equipment needed for interconnection of projects to the electric system, on property that consists of land used in agricultural production, taking into consideration whether the land is within an agricultural district or contains mineral soil groups 1-4, as defined by the department of agriculture and markets, unless a renewable energy generation project is in furtherance of an agrivoltaics project; (ii) minimize harm to wildlife, ecosystems, public health and public safety; and (iii) not build on lands located upon any Native American territory or reservation located wholly or partly within the state, except through voluntary sale or other agreement for such use with the consent of the relevant nation and any required consent of the federal government.

(c) Renewable energy generating projects developed by the authority, or a wholly owned subsidiary, pursuant to this subdivision or subdivision twenty-seven-b of this section that meet eligibility criteria under state programs administered by the public service commission and the New York state energy research and development authority shall be eligible to receive renewable energy certificates in accordance with such programs consistent with laws and regulations.

(d) No later than one hundred eighty days after the effective date of this subdivision, and annually thereafter, the authority shall confer with the New York state energy research and development authority, the office of renewable energy siting, the department of public service, climate and resiliency experts, labor organizations, and environmental justice and community organizations concerning the state's progress on meeting the renewable energy goals established by the climate leadership and community protection act. When exercising the authority provided for in paragraph (a) of this subdivision, the information developed through such conferral shall be used to identify projects to help ensure that the state meets its goals under the climate leadership and community protection act. Any conferral provided for in this paragraph shall include consideration of the timing of projects in the interconnection queue of the federally designated electric bulk system operator for New York state, taking into account both capacity factors or planned projects and the interconnection queue's historical completion rate. A report on the information developed through such conferral shall be published and made accessible on the website of the authority.

(e) (i) Beginning in two thousand twenty-five, and biennially thereafter until two thousand thirty-three, the authority, in consultation with the New York state energy research and development authority, the office of renewable energy siting, the department of public service, and the federally designated electric bulk system operator for New York state, shall develop and publish biennially a renewable energy generation strategic plan ("strategic plan") that identifies the renewable energy generating priorities based on the provisions of paragraph (a) of this subdivision for the two-year period covered by the plan as further provided for in this paragraph.

(ii) In developing, and updating, the strategic plan, the authority shall consider:

(A) information developed pursuant to paragraph (d) of this subdivision;

(B) high need areas where transmission and distribution upgrades will be necessary to interconnect new renewable energy generation projects;

(C) the feasibility of projects, based on costs, potential benefits, and other relevant considerations;

(D) the fiscal condition of the authority and the impacts of potential renewable energy generating projects on the authority and its subsidiaries;

(E) ways to minimize any negative tax revenue impacts on municipalities that host renewable energy generating projects, including but not limited to, PILOT and/or community benefit agreements;

(F) the timing, characteristics and size of the renewable energy generating projects in the interconnection queue of the federally designated electric bulk system operator for New York state;

(G) in consultation with the federally designated electric bulk system operator for New York state, the power, energy and ancillary services provided by planned renewable energy generating projects, taking into account the historical completion rate of similar projects; and

(H) opportunities to work in partnership with private sector renewable energy developers to accelerate activity, catalyze greater scale, and spur additional market participation.

(iii) The strategic plan shall address the purposes stated in paragraph (a) of this subdivision, and prioritize projects that:

(A) actively benefit disadvantaged communities;

(B) serve publicly-owned facilities; and

(C) support the renewable energy access and community help program established pursuant to subdivision twenty-seven-b of this section.

(iv) The strategic plan shall assess and identify at a minimum:

(A) renewable energy generating high need and priority areas;

(B) priority locations for the development of renewable energy generating projects;

(C) the types and capacity of renewable energy resources to be utilized;

(D) the estimated cost of renewable energy generating projects to the extent known;

(E) a description of any delays or anticipated delays associated with completion of the renewable energy generating projects;

(F) which of the intended purposes in paragraph (a) of this subdivision each renewable energy generating project is intended to support;

(G) any prioritization given to the order of development of renewable energy generating projects;

(H) the benefits associated with the renewable energy generating projects, including any benefits to disadvantaged communities;

(I) any benefits to rate payers;

(J) the state's progress towards achieving the renewable energy goals of the climate leadership and community protection act; and

(K) any other information the authority determines to be appropriate.

(v) The plan shall include a list of proposed renewable energy generating projects. Such list shall include projects that are planned to be commenced prior to the next update or version of the plan, and at the authority's discretion need not include any projects in the planning stage. Each proposed project listed shall include, without limitation:

(A) location of the project, to the extent that property associated with such location has been secured for the proposed project;

(B) the type, or types, of renewable energy resources utilized;

(C) the potential generating capacity of each project;

(D) the estimated project cost;

(E) the timeline for completion; and

(F) the entity undertaking the proposed project and any public partnership agreements the authority or its subsidiaries enter into for such project.

(vi) In developing the strategic plan, the authority shall consult with stakeholders including, without limitation, climate and resiliency experts, labor organizations, environmental justice communities, disadvantaged community members, residential and small business ratepayer advocates, and community organizations. The authority shall also seek, where possible, community input through the regional clean energy hubs program administered by the energy research and development authority.

(vii) The authority shall post a draft of the strategic plan on its website for public comment for a period of at least sixty days, and shall hold at least three public hearings on the draft strategic plan in regionally diverse parts of the state.

(viii) The authority shall after considering the stakeholder input publish the first final strategic plan on its website no later than January thirty-first, two thousand twenty-five.

(ix) The authority, until two thousand thirty-five, shall update each biennial strategic plan annually, after a public comment period of at least thirty days and at least one public hearing. Such updated strategic plan shall include a review of the implementation of the projects previously included in the strategic plan with necessary updates, including status in the interconnection queue. The authority may update the plan more often than annually provided that it follows the public comment and public hearing process for updated plans prescribed by this paragraph.

(x) The strategic plan and any update thereof shall not be deemed final until it is approved by the authority's trustees.

(f) The authority shall have the right to exercise and perform all or part of its powers and functions pursuant to this subdivision or subdivision twenty-seven-b of this section, through one or more wholly owned subsidiaries. The authority may form such subsidiary by acquiring the voting shares thereof or by resolution of the board directing any of its trustees, officers or employees to organize a subsidiary pursuant to the business corporation law, or the not-for-profit corporation law, or as otherwise authorized by law. Such resolution shall prescribe the purpose for which such subsidiary is to be formed, which shall not be inconsistent with the provisions of this subdivision. Each such subsidiary pursuant to this subdivision shall be subject to any provision of this chapter pertaining to subsidiaries of public authorities, except that subdivision three of section twenty-eight hundred twenty-seven-a of this

chapter shall not apply to any subsidiary organized pursuant to this section. The authority may transfer to any such subsidiary any moneys, property (real, personal or mixed) or facilities in order to carry out the purposes of this subdivision. Each such subsidiary shall have all the privileges, immunities, tax exemptions and other exemptions of the authority to the extent the same are not inconsistent with the statute or statutes pursuant to which such subsidiary was incorporated; provided, however, that in any event any such subsidiary shall be entitled to exemptions from the public service law and any regulation by, or the jurisdiction of, the public service commission, except as otherwise provided in this subdivision or subdivision twenty-seven-b of this section. In exercising the authority provided for in paragraph (a) of this subdivision, the authority or any subsidiary thereof, may enter into public-private partnership agreements, to the extent the authority determines that such collaborations are in the best interest of the state, and necessary to mitigate financial risks to the authority to manageable levels as determined by the trustees. Nothing in this subdivision shall be construed as authorizing any private entity that enters into a public-private partnership or a similar agreement, or any contract authorized herein, with the authority or a subsidiary thereof, to receive, exercise or claim entitlement to any of the privileges, immunities, tax exemptions or other exemptions of the authority or any subsidiary thereof.

(g) The source of any financing and/or loans for any of the actions authorized in this subdivision may include: (i) the proceeds of notes issued pursuant to section one thousand nine-a of this title; (ii) the proceeds of bonds issued pursuant to section one thousand ten of this title; (iii) other funds made available by the authority for such purposes; or (iv) any other funds made available to the authority from non-authority sources including but not limited to state or federal monies.

(h) For any renewable energy generating project authorized by this subdivision, identified in the strategic plan and developed after its effective date, the authority is authorized, pursuant to law and regulation, to:

(i) sell renewable energy credits or attributes to, the New York state energy research and development authority, including for the purpose of supporting the greenhouse gas emission reduction goals in the climate leadership and community protection act;

(ii) sell renewable power and energy and ancillary services to, or into, markets operated by the federally designated electric bulk system operator for New York state;

(iii) sell renewable power and energy and renewable energy credits or attributes to: (A) any load serving entity in the state, including the Long Island power authority (directly, or through its service provider, as appropriate), including but not limited to the purpose of providing bill credits to low-income or moderate-income end-use electricity consumers in disadvantaged communities for renewable energy produced by renewable energy systems as provided for in subdivision twenty-seven-b of this section;

(B) manufacturers of green hydrogen produced through electrolysis or other zero-emission technology to displace fossil fuel use in the state for use at facilities located in the state;

(C) any public entity or authority customer;

(D) community distributed generation providers, energy aggregators and similar entities for the benefit of subscribers to community distributed

generation projects in the state, including low-income or moderate-income end-use electricity consumers located in disadvantaged communities; and

(E) any CCA community.

(i) For purposes of this subdivision, the following terms shall have the meanings indicated in this paragraph unless the context indicates another meaning or intent:

(i) "Authority customer" means an entity located in the state to which the authority sells or is under contract to sell power or energy under the authority in this title or any other law.

(ii) "CCA community" means one or more municipal corporations located within the state that have provided for the purchase of power, energy, or renewable energy credits or other attributes under a CCA program.

(iii) "CCA program" means a community choice aggregation program approved by the public service commission.

(iv) "Disadvantaged communities" has the meaning ascribed to that term by subdivision five of section 75-0101 of the environmental conservation law.

(v) "Public entity" has the same meaning as in subparagraph five of paragraph (b) of subdivision seventeen of this section.

(vi) "Renewable energy generating project" or "project" means:

(A) facilities that generate power and energy by means of a renewable energy system;

(B) facilities that store and discharge power and energy; and

(C) facilities, including generator lead lines, for interconnection of renewable energy generating projects to delivery points within the state of New York.

(vii) "Renewable energy system" has the same meaning as section sixty-six-p of the public service law.

(j) The authority shall complete and submit a report, on or before January thirty-first, two thousand twenty-five, and annually thereafter, to the governor, the speaker of the assembly, and the temporary president of the senate, and shall post such report on the authority's website such that the report is accessible for public review. Such report shall include, but not be limited to:

(i) a description of the renewable energy projects the authority has planned, designed, developed, financed, or constructed and that it owns, operates, maintains or improves, alone or jointly with other entities, under the authority of this subdivision;

(ii) a description of the acquisition, lease or other disposition of interests in renewable energy generating projects by the authority under this subdivision;

(iii) a listing of all renewable power, energy, ancillary services and related credits and attributes sold or purchased by the authority from such projects;

(iv) a listing of the entities to which the authority has supplied, allocated or sold any renewable power, energy, ancillary services or related credits or attributes from such projects;

(v) a listing and description of all subsidiaries that the authority formed, public-private partnerships the authority has joined, and the subsidiaries and public-private partnerships from and to which the authority acquired or transferred any interests;

(vi) the total amount of revenues generated from the sale of renewable energy products from such projects; and

(vii) an explanation of how each renewable energy generation project supports the purposes listed in paragraph (a) of this subdivision.

(k) All renewable energy generating projects subject to this subdivision and subdivision twenty-seven-b of this section shall be deemed public work and subject to and performed in accordance with articles eight and nine of the labor law. Each contract for such renewable energy generating project shall contain a provision that such projects may only be undertaken pursuant to a project labor agreement. For purposes of this subdivision and subdivision twenty-seven-b of this section, "project labor agreement" shall mean a pre-hire collective bargaining agreement between the authority, or a third party on behalf of the authority, and a bona fide building and construction trade labor organization establishing the labor organization as the collective bargaining representative for all persons who will perform work on a public work project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work. All contractors and subcontractors associated with this work shall be required to utilize apprenticeship agreements as defined by article twenty-three of the labor law.

(l) The authority shall include requirements in any procurement or development of a renewable energy generating project, as defined in this subdivision, that the components and parts shall be produced or made in whole or substantial part in the United States, its territories or possessions. The authority's president and chief executive officer, or his or her designee may waive the procurement and development requirements set forth in this paragraph if such official determines that: the requirements would not be in the public interest; the requirements would result in unreasonable costs; obtaining such infrastructure components and parts in the United States would increase the cost of a renewable energy generating project by an unreasonable amount; or such components or parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Such determination must be made on an annual basis no later than December thirty-first, after providing notice and an opportunity for public comment, and such determination shall be made publicly available, in writing, on the authority's website with a detailed explanation of the findings leading to such determination. If the authority's president and chief executive officer, or his or her designee, has issued determinations for three consecutive years finding that no such waiver is warranted pursuant to this paragraph, then the authority shall no longer be required to provide the annual determination required by this paragraph.

(m) (i) Nothing in this subdivision or subdivision twenty-seven-b of this section shall alter the rights or benefits, and privileges, including, but not limited to terms and conditions of employment, civil service status, and collective bargaining unit membership, of any current employees of the authority.

(ii) Nothing in this article shall result in: (A) the discharge, displacement, or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits; (B) the impairment of existing collective bargaining agreements; (C) the transfer of existing duties and functions; or (D) the transfer of future duties and functions, of any currently employed worker of the state or any agency, public authority or the state university of New York.

(n) The authority shall enter into a memorandum of understanding for the operation and maintenance of a renewable energy generating project developed pursuant to this subdivision or subdivision twenty-seven of

this section with a bona fide labor organization of jurisdiction that is actively engaged in representing transitioning employees from non-renewable generation facilities. Such memorandum shall be entered into prior to the completion date of a renewable energy generating project and shall be an ongoing material condition of authorization to operate and maintain a renewable energy generating project developed pursuant to this subdivision or subdivision twenty-seven-b of this section. The memorandum shall only apply to the employees necessary for the maintenance and operation of such renewable energy generating projects. Such memorandum shall contain but not be limited to safety and training standards, disaster response measures, guaranteed hours, staffing levels, pay rate protection, and retraining programs. The employees eligible for these positions shall first be selected from a pool of transitioning workers who have lost their employment or will be losing their employment in the non-renewable energy generation sector. Such list of potential employees will be provided by affected labor organizations and provided to the department of labor. The department of labor shall update and provide such list to the authority ninety days prior to purchase, acquisition, and/or construction of any project under this subdivision or subdivision twenty-seven-b of this section.

(o) For the purposes of article fifteen-A of the executive law, any person entering into a contract for a project authorized pursuant to this section shall be deemed a state agency as that term is defined in such article and such contracts shall be deemed state contracts within the meaning of that term as set forth in such article.

(p) Nothing in this subdivision or subdivision twenty-seven-b of this section, shall be construed as exempting the authority, its subsidiaries, or any renewable energy generating projects undertaken pursuant to this section from the requirements of section ninety-four-c of the executive law respecting any renewable energy system developed by the authority or an authority subsidiary after the effective date of this subdivision that meets the definition of "major renewable energy facility" as defined in section ninety-four-c of the executive law and section eight of part JJJ of chapter fifty-eight of the laws of two thousand twenty, as it relates to host community benefits, and section 11-0535-c of the environmental conservation law as it relates to an endangered and threatened species mitigation bank fund.

(q) All renewable energy generating projects the authority plans to undertake pursuant to the authority and directive of paragraph (a) of this subdivision, and identified in the strategic plan, shall be subject to review and approval of the authority's board of trustees.

§ 2. Section 1005 of the public authorities law is amended by adding a new subdivision 27-b to read as follows:

27-b. (a) Definitions. For purposes of this subdivision, the following terms shall have the following meanings:

(i) "bill credit" means a monthly monetary credit which is funded by the authority, as further determined by the public service commission and appears on the utility bill of a low-income or moderate-income end-use electricity consumer located in a disadvantaged community, for renewable energy produced by renewable energy systems developed, constructed, owned, or contracted for by the power authority of the state of New York and injected into a distribution or transmission facility at one or more points in New York state, together with any enhanced incentive payments for a community distributed generation project serving a disadvantaged community provided for in paragraph (b) of subdivision seven of section sixty-six-p of the public service law,

together with any other funding made available by the authority for such purposes;

(ii) "disadvantaged community" means a community defined as a disadvantaged community in accordance with article seventy-five of the environmental conservation law;

(iii) "jurisdictional load serving entity" has the same meaning as defined in paragraph (a) of subdivision one of section sixty-six-p of the public service law;

(iv) "low-income or moderate-income end-use consumer" shall mean end-use customers of electric corporations and combination gas and electric corporations regulated by the public service commission whose income is found to be below the state median income based on household size;

(v) "renewable energy" means electrical energy produced by a renewable energy system;

(vi) "renewable energy systems" has the same meaning as defined in paragraph (b) of subdivision one of section sixty-six-p of the public service law; and

(vii) "qualified energy storage system" has the same meaning as defined in subdivision one of section seventy-four of the public service law.

(b) The authority is authorized and directed, as deemed feasible and advisable by its trustees, to establish a program, as soon as practicable, to be known as the "renewable energy access and community help program" or "REACH", that will enable low-income or moderate-income end-use electricity consumers in disadvantaged communities, including such end-use electricity customers who reside in buildings that have on-site net-metered generation or who participate in a community choice aggregation or community distributed generation project, unless they opt out of REACH, to receive bill credits generated by the production of renewable energy by a renewable energy system planned, designed, developed, financed, constructed, owned, operated, maintained or improved, or contracted for by the authority as a renewable energy generating project pursuant to subdivision twenty-seven-a of this section. Such bill credits shall be in addition to any other renewable energy program or any other program or benefit that end-use electricity consumers in disadvantaged communities receive. For purposes of this subdivision, a renewable energy system developed, constructed, owned, or contracted for by the authority shall be: (i) sized up to and including five megawatts alternating current and interconnected to the distribution system or transmission system in the service territory of the electric utility that serves the end-use electricity consumers that receive bill credits; or (ii) sized above five megawatts alternating current and interconnected to the distribution or transmission system at one or more points anywhere within the state.

(c) For purposes of implementing REACH, the authority is authorized and directed, as deemed feasible and advisable by the trustees, to:

(i) pursuant to the authority provided in paragraph (a) of subdivision twenty-seven-a of this section, develop, construct, own, and/or operate renewable energy generating projects;

(ii) contract for the development, construction and/or operation of renewable energy systems;

(iii) sell, purchase, and otherwise contract regarding renewable energy, renewable energy credits or attributes and other energy products and services generated by renewable energy generating projects; and

(iv) enter into contracts for purposes of implementing REACH, including but not limited to agreements with developers, owners and operators

of renewable energy systems, and agreements with jurisdictional load serving entities and the Long Island power authority, or its service provider, to provide for bill credits to end-use electricity consumers in disadvantaged communities for renewable energy produced by renewable energy systems, upon terms and conditions approved by the public service commission pursuant to subdivisions seven and eight of section sixty-six-p of the public service law.

(d) The authority shall complete and submit a report, on or before January thirty-first, two thousand twenty-five, and annually thereafter, to the governor, the speaker of the assembly, the temporary president of the senate, the minority leader of the assembly, and the minority leader of the senate which shall be posted on the authority's website, and shall include, but not be limited to:

(i) contracts entered into by the authority for the development, construction and/or operation of renewable energy systems that are intended in whole or in part to support REACH, and the planned location of such projects;

(ii) renewable energy systems that are being planned and developed or that have been developed by or for the authority that are intended in whole or in part to support REACH, and the location of such projects;

(iii) an estimate of the aggregate amount of bill credits provided to end-use electricity consumers in disadvantaged communities under REACH;

(iv) an estimate of: (A) the total amount of revenues generated from the sale of renewable capacity, energy, renewable credits or attributes, and related ancillary services that are used to fund bill credits; and (B) any other authority funds, as determined to be feasible and advisable by the trustees, the authority has contributed for the purpose of funding bill credits under REACH;

(v) the amount of energy produced by each facility; and

(vi) the kilowatt-hour sales by project.

(e) The authority may request from any department, division, office, commission or other agency of the state or any state public authority, and the same are authorized to provide, such assistance, services and data as may be required by the authority in carrying out the purposes of this subdivision.

(f) Within one year of the effective date of this subdivision, the authority shall issue a report to the governor, the speaker of the assembly, the temporary president of the senate, the minority leader of the assembly, and the minority leader of the senate that addresses the feasibility and advisability of implementing a program similar to REACH for the purpose of providing bill credits to low-income or moderate-income end-use electricity consumers located in disadvantaged communities in the service territories of municipal distribution utilities and rural electric cooperatives located in New York state. The authority may confer with any municipal distribution utility or its representatives, and any rural electric cooperative or its representatives, and may request from any municipal distribution utility, rural electric cooperative, department, division, office, commission or other agency of the state or state public authority, and the same are authorized to provide, such assistance, services and data as may be required by the authority to complete the report.

(g) Nothing in this subdivision shall be construed as authorizing any private entity that enters into a public-private partnership or a similar agreement, or any contract authorized herein, with the authority or an authority subsidiary, to receive, exercise or claim entitlement to

any of the privileges, immunities, tax exemptions or other exemptions of the authority or any authority subsidiary.

§ 3. Subdivision 1 of section 66-p of the public service law, as added by chapter 106 of the laws of 2019, is amended to read as follows:

1. As used in this section:

(a) "jurisdictional load serving entity" means any entity subject to the jurisdiction of the commission that secures energy to serve the electrical energy requirements of end-use customers in New York state[~~;~~].

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

(c) "bill credit" shall have the same meaning as in subparagraph (i) of paragraph (a) of subdivision twenty-seven-b of section one thousand five of the public authorities law.

(d) "disadvantaged community" means a community defined as a disadvantaged community under article seventy-five of the environmental conservation law.

(e) "renewable energy" means electrical energy produced by a renewable energy system.

(f) "low-income or moderate-income end-use consumer" shall mean end-use customers of electric corporations and combination gas and electric corporations regulated by the public service commission whose income is found to be below the state median income based on household size.

§ 4. Section 66-p of the public service law is amended by adding a new subdivision 8 to read as follows:

8. The power authority of the state of New York shall, no later than twelve months after the effective date of this subdivision, file a petition to commence, and the commission shall commence, necessary proceedings to enable the power authority of the state of New York to provide bill credits from renewable energy generating projects under the renewable energy access and community help program, or "REACH", established pursuant to subdivision twenty-seven-b of section one thousand five of the public authorities law, to low-income or moderate-income end-use electricity consumers in disadvantaged communities for renewable energy produced by renewable energy generating projects developed, constructed, owned, or contracted for by the power authority of the state of New York pursuant to subdivision twenty-seven-a of section one thousand five of the public authorities law. Such bill credits shall be in addition to any other renewable energy program or any other program or benefit that low-income or moderate-income end-use electricity consumers in disadvantaged communities receive, and any other incentives made available by the power authority of the state of New York. For purposes of this subdivision, a renewable energy system developed, constructed, owned, or contracted for by the authority shall be:

(a) sized up to and including five megawatts alternating current and interconnected to the distribution system or transmission system in the service territory of the electric utility that serves the low-income or moderate-income end-use consumers that receive bill credits; or

(b) sized above five megawatts alternating current and interconnected to the distribution or transmission system at one or more points anywhere in New York state. The commission shall, after public notice and comment, establish such programs implementing REACH which:

(i) provide that jurisdictional load serving entities shall enter into agreements with the power authority of the state of New York to carry out REACH;

(ii) provide that jurisdictional load serving entities shall file tariffs and other solutions determined by the commission to implement REACH at a reasonable cost while ensuring safe and reliable electric service;

(iii) provide that, unless they opt out, low-income or moderate-income end-use electricity consumers in disadvantaged communities, including such end-use electricity customers who have or who reside in buildings that have on-site net-metered generation or who participate in a community choice aggregation or community distributed generation project, shall receive bill credits for renewable energy produced by a renewable energy system developed, constructed, owned, or contracted for by the power authority of the state of New York pursuant to subdivision twenty-seven-a of section one thousand five of the public authorities law;

(iv) consider enhanced incentive payments in bill credits to low-income or moderate-income end-use electricity consumers in disadvantaged communities for renewable energy systems including solar and community distributed generation projects as provided for in paragraph (b) of subdivision seven of this section;

(v) to the extent practicable include energy storage in renewable energy systems to deliver clean energy benefits to low-income or moderate-income end-use electricity consumers in disadvantaged communities as provided for in paragraphs (a) and (b) of subdivision seven of this section; and

(vi) address recovery by jurisdictional load serving entities of their prudently incurred costs of administering REACH in electric service delivery rates of the utility in whose service territory low-income or moderate-income end-use electricity consumers in a disadvantaged community participate in REACH.

§ 5. Section 1005 of the public authorities law is amended by adding a new subdivision 27-c to read as follows:

27-c. (a) Within two years of the effective date of this subdivision, the authority shall publish a plan providing for the proposed phase out, by December thirty-first, two thousand thirty, of the production of electric energy from its small natural gas power plants. The plan shall include a proposed strategy to replace, where appropriate, the small natural gas power plants with renewable energy systems, as defined in section sixty-six-p of the public service law, including renewable energy generating projects authorized pursuant to subdivision twenty-seven-a of this section provided such projects shall be included in the strategic plan established pursuant to subdivision twenty-seven-a of this section. By December thirty-first, two thousand thirty, the authority shall cease production of electricity at each of its small natural gas power plants should the authority determine that such plant or plants, or the electricity production therefrom are not needed for any of the following purposes: (i) emergency power service; or (ii) electric system reliability, including but not limited to, operating facilities to maintain power system requirements for facility thermal limits, voltage limits, frequency limits, fault current duty limits, or dynamic stability limits, in accordance with the system reliability standards of the North American electric reliability corporation, criteria of the northeast power coordinating council, rules of the New York state reliability council, and as applicable, reliability rules of the utility in whose service territory a small natural gas power plant is located. Notwith-

standing any other provision of this paragraph, the authority may continue to produce electric energy at any of the small natural gas power plants if existing or proposed replacement generation resources would result in more than a de minimis net increase of emissions of carbon dioxide or criteria air pollutants within a disadvantaged community as defined in subdivision five of section 75-0101 of the environmental conservation law. The authority shall file deactivation notices with the federally designated electric bulk system operator for the state of New York for the purpose of ceasing electricity production from the small natural gas power plants in a timeframe sufficient to facilitate the cessation of electricity production pursuant to this paragraph.

(b) In determining whether to cease electricity production from any small natural gas power plant, the authority is authorized to confer with the federally designated electric bulk system operator for the state, the New York state energy research and development authority, the department of public service, and the distribution utility in whose service territory such small natural gas power plant operates, in addition to such other stakeholders as the authority determines to be appropriate. Determinations shall be on a plant by plant basis, be updated no less than every two years, and be made publicly available along with the supporting documentation on which the determination was based. In making such determinations, the authority shall provide an opportunity for public comment of not less than sixty days prior to the public hearing and shall hold at least one public hearing in the affected community.

(c) Nothing in this subdivision is intended to, nor shall be construed to, prohibit the authority in its discretion from using, or permitting the use of, including through lease, sale, or other arrangement, any small natural gas power plant or its site or associated infrastructure in whole or in part for electric system purposes that does not involve the combustion of fossil fuels, including, but not limited to providing system voltage support, energy storage, interconnection of existing or new renewable generation, or the use of the generator step up transformers and substations for transmission or distribution purposes provided that such use, lease, sale, or other arrangement shall comply with existing law.

(d) For purposes of this subdivision, the term "small natural gas power plant" or "plant" means each of the seven electric generating power plants owned and operated by the authority located at six sites in Bronx, Brooklyn, Queens and Staten Island and one site in Brentwood, Suffolk county, which each use one or more simple cycle combustion turbine units, totaling eleven units, fueled by natural gas and which typically operate during periods of peak electric system demand.

§ 6. Section 1020-f of the public authorities law, as added by chapter 517 of the laws of 1986, is amended by adding a new subdivision (jj) to read as follows:

(jj) As deemed feasible and advisable by the trustees, to enter into contracts with the power authority of the state of New York for the provision of bill credits generated by the production of renewable energy by a renewable energy system developed, constructed, owned, or contracted for by the power authority of the state of New York under the renewable energy access and community help program established pursuant to subdivision twenty-seven-b of section one thousand five of this article and, unless such end-use electricity consumers opt out, to provide such bill credits to low-income or moderate-income end-use electricity consumers in disadvantaged communities, including such end-use electric-

ity customers who have or who reside in buildings that have on-site net-metered generation or who participate in a community choice aggregation or community distributed generation project.

§ 7. Section 1005 of the public authorities law is amended by adding a new subdivision 27-d to read as follows:

27-d. Beginning in state fiscal year two thousand twenty-four--two thousand twenty-five, the authority is authorized, as deemed feasible and advisable by the trustees, to make available an amount up to twenty-five million dollars annually to the department of labor to fund programs established or implemented by or within the department of labor, including but not limited to the office of just transition and programs for workforce training and retraining, to prepare workers for employment for work in the renewable energy field.

§ 8. Paragraph (a) and subparagraph 1 of paragraph (b) of subdivision 13-b of section 1005 of the public authorities law, as added by section 4 of part CC of chapter 60 of the laws of 2011, are amended to read as follows:

(a) Residential consumer electricity cost discount. Notwithstanding any provision of this title or article six of the economic development law to the contrary, the authority is authorized, as deemed feasible and advisable by the trustees, to use revenues from the sale of hydroelectric power, and such other funds of the authority as deemed feasible and advisable by the trustees, to fund monthly payments to be made for the benefit of such classes of electricity consumers as enjoyed the benefits of authority hydroelectric power withdrawn pursuant to subdivision thirteen-a of this section, for the purpose of mitigating price impacts associated with the reallocation of such power in the manner described in this subdivision. Such monthly payments shall commence after such hydroelectric power is withdrawn **and shall cease August first, two thousand twenty-three**. The total annual amount of monthly payments for each of the three twelve month periods following withdrawal of such [~~hyrdoelectric~~] **hydroelectric** power shall be one hundred million dollars. The total annual amount of monthly payments for each of the two subsequent twelve month periods shall be seventy million dollars and fifty million dollars, respectively. Thereafter, the total annual amount of monthly payments for each twelve month period **through the final period ending August first, two thousand twenty-three** shall be thirty million dollars. The total amount of monthly payments shall be apportioned by the authority among the utility corporations that, prior to the effective date of this subdivision, purchased such hydroelectric power for the benefit of their domestic and rural consumers according to the relative amounts of such power purchased by such corporations. The monthly payments shall be credited to the electricity bills of such corporations' domestic and rural consumers in a manner to be determined by the public service commission of the state of New York. The monthly credit provided by any such corporation to any one consumer shall not exceed the total monthly electric utility cost incurred by such consumer.

(1) Beginning with the second twelve month period after such hydroelectric power is withdrawn, up to eight million dollars of the residential consumer electricity cost discount established by paragraph (a) of this subdivision shall be dedicated for monthly payments to agricultural producers who receive electric service at the residential rate**, provided that in the final twelve month period ending August first, two thousand twenty-three, the amount dedicated for agricultural producers shall not exceed twenty percent of the amount made available for the overall residential consumer electricity cost discount**. The total amount of monthly

payments shall be apportioned by the authority among the utility corporations in the same manner as they are apportioned in paragraph (a) of this subdivision. Monthly payments shall be credited to the electricity bills of such corporations' agricultural consumers in a manner to be determined by the public service commission of the state of New York. The combined monthly credit, under this paragraph and paragraph (a) of this subdivision, provided by any such corporation to any one consumer shall not exceed the total monthly electric utility cost incurred by such consumer.

§ 9. Subdivision 13-b of section 1005 of the public authorities law, as added by section 4 of part CC of chapter 60 of the laws of 2011, paragraph (a) and subparagraph 1 of paragraph (b) as amended by section eight of this act, is amended to read as follows:

13-b. [~~Residential consumer discount programs. (a) Residential consumer electricity cost discount. Notwithstanding any provision of this title or article six of the economic development law to the contrary, the authority is authorized, as deemed feasible and advisable by the trustees, to use revenues from the sale of hydroelectric power, and such other funds of the authority as deemed feasible and advisable by the trustees, to fund monthly payments to be made for the benefit of such classes of electricity consumers as enjoyed the benefits of authority hydroelectric power withdrawn pursuant to subdivision thirteen-a of this section, for the purpose of mitigating price impacts associated with the reallocation of such power in the manner described in this subdivision. Such monthly payments shall commence after such hydroelectric power is withdrawn and shall cease August first, two thousand twenty-three. The total annual amount of monthly payments for each of the three twelve month periods following withdrawal of such hydroelectric power shall be one hundred million dollars. The total annual amount of monthly payments for each of the two subsequent twelve month periods shall be seventy million dollars and fifty million dollars, respectively. Thereafter, the total annual amount of monthly payments for each twelve month period through the final period ending August first, two thousand twenty-three shall be thirty million dollars. The total amount of monthly payments shall be apportioned by the authority among the utility corporations that, prior to the effective date of this subdivision, purchased such hydroelectric power for the benefit of their domestic and rural consumers according to the relative amounts of such power purchased by such corporations. The monthly payments shall be credited to the electricity bills of such corporations' domestic and rural consumers in a manner to be determined by the public service commission of the state of New York. The monthly credit provided by any such corporation to any one consumer shall not exceed the total monthly electric utility cost incurred by such consumer.~~

~~(b)~~] Agricultural consumer electricity cost discount. (1) [~~Beginning with the second twelve month period after such hydroelectric power is withdrawn, up to eight million dollars of the residential consumer electricity cost discount established by paragraph (a) of this subdivision shall be dedicated for monthly payments to agricultural producers who receive electric service at the residential rate, provided that in the final twelve month period ending August first, two thousand twenty-three, the amount dedicated for agricultural producers shall not exceed twenty percent of the amount made available for the overall residential consumer electricity cost discount. The total amount of monthly payments shall be apportioned by the authority among the utility corporations in the same manner as they are apportioned in paragraph (a) of this subdi-~~

~~vision. Monthly payments shall be credited to the electricity bills of such corporations' agricultural consumers in a manner to be determined by the public service commission of the state of New York. The combined monthly credit, under this paragraph and paragraph (a) of this subdivision, provided by any such corporation to any one consumer shall not exceed the total monthly electric utility cost incurred by such consumer.~~] **Notwithstanding any provision of this title or article six of the economic development law to the contrary, the authority is authorized, beginning in two thousand twenty-four, as deemed feasible and advisable by the trustees, to use revenues from the sale of hydroelectric power, and such other funds of the authority as deemed feasible and advisable by the trustees, to fund monthly payments to be made for the benefit of agricultural producers who receive electric service at the residential rate who enjoyed the benefits of authority hydroelectric power withdrawn pursuant to subdivision thirteen-a of this section, and who were previously eligible to receive benefits under the agricultural consumer electricity cost discount created by section four of part CC of chapter sixty of the laws of two thousand eleven, for the purpose of mitigating price impacts associated with the reallocation of such power in the manner described in this subdivision. Such monthly payments shall commence September first, two thousand twenty-four. The total annual amount of monthly payments shall not exceed five million dollars.**

(2) The authority shall work cooperatively with the department of public service to evaluate the agricultural consumer electricity cost discount, which shall include an assessment of the benefits to recipients compared to the benefits the recipients received from the authority's hydroelectric power, withdrawn pursuant to subdivision thirteen-a of this section, during the twelve month period ending December thirty-first, two thousand ten, and compared to other agricultural consumers that did not choose to receive the discount.

[~~(c)~~] **(b)** Energy efficiency program. (1) Beginning with the withdrawal of such hydroelectric power, the authority or the New York state energy research and development authority, shall conduct an energy efficiency program for five years to provide energy efficiency improvements for the purpose of reducing energy consumption for domestic and rural consumers. Such energy efficiency program may be undertaken in cooperation with other energy efficiency programs offered by utility corporations, state agencies and authorities including but not limited to the New York state energy research and development authority; provided however that energy savings attributable to such other energy efficiency programs shall not be included in determining the amount of energy saved pursuant to the program established by this paragraph;

(2) The authority or the New York state energy research and development authority shall annually post on their website a report evaluating the energy efficiency program, including but not limited to, the number of domestic and rural consumers who opted to participate in the program and, if practicable, the estimated savings the domestic and rural consumers received by participating in the energy efficiency program.

§ 10. Nothing in this act is intended to limit, impair, or affect the legal authority of the Power Authority of the State of New York under any other provision of law.

§ 11. Severability. If any word, phrase, clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section, or part ther-

eof directly involved in the controversy in which such judgment shall have been rendered.

§ 12. This act shall take effect immediately; provided, however, that section nine of this act shall take effect January 1, 2024.

PART RR

Section 1. Subdivision 6 of section 11-104 of the energy law, as added by chapter 374 of the laws of 2022, is amended and two new subdivisions 7 and 8 are added to read as follows:

6. (a) To the fullest extent feasible, the standards for construction of buildings in the code shall be designed to help achieve the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction, set forth within chapter one hundred six of the laws of two thousand nineteen, also known as the New York state climate leadership and community protection act, and as further identified by the New York state climate action council established pursuant to section 75-0103 of the environmental conservation law.

(b) In addition to the foregoing, to support the goal of zero on-site greenhouse gas emissions and help achieve the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction requirements set forth within chapter one hundred six of the laws of two thousand nineteen, also known as the New York state climate leadership and community protection act, the code shall prohibit the installation of fossil-fuel equipment and building systems, in any new building not more than seven stories in height, except for a new commercial or industrial building greater than one hundred thousand square feet in conditioned floor area, on or after December thirty-first, two thousand twenty-five, and the code shall prohibit the installation of fossil-fuel equipment and building systems, in all new buildings after December thirty-first, two thousand twenty-eight.

7. (a) The provisions set forth in paragraph (b) of subdivision six of this section shall not be construed as applying to buildings existing prior to the effective date of the applicable prohibition, including to:

(i) the repair, alteration, addition, relocation, or change of occupancy or use of such buildings; and

(ii) the installation or continued use and maintenance of fossil-fuel equipment and building systems, including as related to cooking equipment, in any such buildings.

(b) In addition, in effectuating the provisions set forth in paragraph (b) of subdivision six of this section the code shall include exemptions for the purposes of allowing the installation and use of fossil-fuel equipment and building systems where such are installed and used:

(i) for generation of emergency back-up power and standby power systems;

(ii) in a manufactured home as defined in subdivision seven of section six hundred one of the executive law; or

(iii) in a building or part of a building that is used as a manufacturing facility, commercial food establishment, laboratory, car wash, laundromat, hospital, other medical facility, critical infrastructure, including but not limited to emergency management facilities, wastewater treatment facilities, and water treatment and pumping facilities, agricultural building, fuel cell system, or crematorium, as such terms are defined by the code council.

(c) Where the code includes an allowed exemption pursuant to subparagraph (i) or (iii) of paragraph (b) of this subdivision, other than

agricultural buildings as defined by the council, such exemption shall include provisions that, to the fullest extent feasible, limit the use of fossil-fuel equipment and building systems to the system and area of the building for which a prohibition on fossil-fuel equipment and building systems is infeasible; require the area or service within a new building where fossil-fuel equipment and building systems are installed be electrification ready, except with respect to servicing manufacturing or industrial processes; and minimize emissions from the fossil-fuel equipment and building systems that are allowed to be used, provided that the provisions set forth in this paragraph do not adversely affect health, safety, security, or fire protection. Financial considerations shall not be sufficient basis to determine physical or technical infeasibility.

(d) Exemptions included in the code pursuant to this subdivision shall be periodically reviewed by the state fire prevention and building code council to assure that they continue to effectuate the purposes of subdivision six of this section to the fullest extent feasible.

(e) The code shall allow for exemption of a new building construction project that requires an application for new or expanded electric service, pursuant to subdivision one of section thirty-one of the public service law and/or section twelve of the transportation corporations law, when electric service cannot be reasonably provided by the grid as operated by the local electric corporation or municipality pursuant to subdivision one of section sixty-five of the public service law; provided, however, that the public service commission shall determine reasonableness for purposes of this exemption. For the purposes of this paragraph, "grid" shall have the same meaning as electric plant, as defined in subdivision twelve of section two of the public service law.

8. For the purposes of this section:

(a) "Fossil-fuel equipment and building systems" shall mean (i) equipment, as such term is defined in section 11-102 of this article, that uses fossil-fuel for combustion; or (ii) systems, other than items supporting an industrial or commercial process as referred to in the definition of equipment in section 11-102 of the energy law, associated with a building that will be used for or to support the supply, distribution, or delivery of fossil-fuel for any purpose, other than for use by motor vehicles.

(b) "Electrification ready" means the new building or portion thereof where fossil-fuel equipment and building systems are allowed to be used which contains electrical systems and designs that provide sufficient capacity for a future replacement of such fossil-fuel equipment and building systems with electric-powered equipment, including but not limited to sufficient space, drainage, electrical conductors or raceways, bus bar capacity, and overcurrent protective devices for such electric-powered equipment.

§ 2. Section 371 of the executive law, as added by chapter 707 of the laws of 1981, is amended to read as follows:

§ 371. Statement of legislative findings and purposes. 1. The legislature hereby finds and declares that:

a. The present level of loss of life, injury to persons, and damage to property as a result of fire demonstrates that the people of the state have yet to receive the basic level of protection to which they are entitled in connection with the construction and maintenance of buildings;

b. There does not exist for all areas of the state a single, adequate, enforceable code establishing minimum standards for fire protection and

construction, maintenance and use of materials in buildings. Instead, there exists a multiplicity of codes and requirements for various types of buildings administered at various levels of state and local government. There are, in addition, extensive areas of the state in which no code at all is in effect for the general benefit of the people of the state;

c. The present system of enforcement of fire protection and building construction codes is characterized by a lack of adequately trained personnel, as well as inconsistent qualifications for personnel who administer and enforce those codes;

d. Whether because of the absence of applicable codes, inadequate code provisions or inadequate enforcement of codes, the threat to the public health and safety posed by fire remains a real and present danger for the people of the state; and

e. The multiplicity of fire protection and building construction code requirements poses an additional problem for the people of the state since it increases the cost of doing business in the state by perpetuating multiple requirements, jurisdictional overlaps and business uncertainties, and, in some instances, by artificially inducing high construction costs.

2. The legislature declares that it shall be the public policy of the state of New York to:

a. Immediately provide for a minimum level of protection from the hazards of fire in every part of the state;

b. Provide for the promulgation of a uniform code addressing building construction and fire prevention in order to provide a basic minimum level of protection to all people of the state from hazards of fire and inadequate building construction. In providing for such a uniform code, it is declared to be the policy of the state of New York to:

(1) reconcile the myriad existing and potentially conflicting regulations which apply to different types of buildings and occupancies;

(2) recognize that fire prevention and fire prevention codes are closely related to the adequacy of building construction codes, that the greatest portion of a building code's requirements are fire safety oriented, and that fire prevention and building construction concerns should be the subject of a single code;

(3) **recognize that the decarbonization of new and existing buildings is closely related to the state's clean energy and climate agenda as described in the New York climate leadership and community protection act set forth in chapter one hundred six of the laws of two thousand nineteen, and that the uniform code shall enable the state's clean energy objectives;**

(4) place public and private buildings on an equal plane with respect to fire prevention and adequacy of building construction;

[~~(4)~~] **(5)** require new and existing buildings alike to keep pace with advances in technology concerning fire prevention and building construction, including, where appropriate, that provisions apply on a retroactive basis; and

[~~(5)~~] **(6)** provide protection to both residential and non-residential buildings;

c. Insure that the uniform code be in full force and effect in every area of the state;

d. Encourage local governments to exercise their full powers to administer and enforce the uniform code; and

e. Provide for a uniform, statewide approach to the training and qualification of personnel engaged in the administration and enforcement of the uniform code.

§ 3. Subdivision 19 of section 378 of the executive law, as renumbered by chapter 47 of the laws of 2022, is renumbered subdivision 20 and a new subdivision 19 is added to read as follows:

19. a. To support the goal of zero on-site greenhouse gas emissions and help achieve the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction requirements set forth within chapter one hundred six of the laws of two thousand nineteen, also known as the New York state climate leadership and community protection act, the uniform code shall prohibit the installation of fossil-fuel equipment and building systems, in any new building not more than seven stories in height, except for a new commercial or industrial building greater than one hundred thousand square feet in conditioned floor area, on or after December thirty-first, two thousand twenty-five, and the uniform code shall prohibit the installation of fossil-fuel equipment and building systems, in all new buildings on or after December thirty-first, two thousand twenty-eight.

b. The provisions set forth in paragraph a of this subdivision shall not be construed as applying to buildings existing prior to the effective date of the applicable prohibition, including to:

(i) the repair, alteration, addition, relocation, or change of occupancy or use of such buildings; and

(ii) the installation or continued use and maintenance of fossil-fuel equipment and building systems, including as related to cooking equipment, in any such buildings.

c. In addition, in effectuating the provisions set forth in paragraph a of this subdivision the code shall include exemptions for the purposes of allowing the installation and use of fossil-fuel equipment and building systems where such systems are installed and used:

(i) for generation of emergency back-up power and standby power systems;

(ii) in a manufactured home as defined in subdivision seven of section six hundred one of the executive law; or

(iii) in a building or part of a building that is used as a manufacturing facility, commercial food establishment, laboratory, car wash, laundromat, hospital, other medical facility, critical infrastructure, including but not limited to emergency management facilities, wastewater treatment facilities, and water treatment and pumping facilities, agricultural building, fuel cell system, or crematorium, as such terms are defined by the code council.

d. Where the uniform code includes an allowed exemption pursuant to subparagraph (i) or (iii) of paragraph c of this subdivision, other than agricultural buildings as defined by the council, such exemption shall include provisions that, to the fullest extent feasible, limit the use of fossil-fuel equipment and building systems to the system and area of the building for which a prohibition on fossil-fuel equipment and building systems is infeasible; except with respect to servicing manufacturing or industrial processes, require the area or service within a new building where fossil-fuel equipment and building systems are installed be electrification ready; and minimize emissions from the fossil-fuel equipment and building systems that are allowed to be used, provided that such provisions do not adversely affect health, safety, security, or fire protection. Financial considerations shall not be sufficient basis to determine physical or technical infeasibility.

e. Exemptions included in the uniform code pursuant to this subdivision shall be periodically reviewed by the code council to assure that they continue to effectuate the purposes of paragraph a of this subdivision and subparagraph three of paragraph b of subdivision two of section three hundred seventy-one of this article to the fullest extent feasible.

f. The code shall allow for exemption of a new building construction project that requires an application for new or expanded electric service, pursuant to subdivision one of section thirty-one of the public service law and/or section twelve of the transportation corporations law, when electric service cannot be reasonably provided by the grid as operated by the local electric corporation or municipality pursuant to subdivision one of section sixty-five of the public service law; provided, however, that the public service commission shall determine reasonableness for purposes of this exemption. For the purposes of this paragraph, "grid" shall have the same meaning as electric plant, as defined in subdivision twelve of section two of the public service law.

g. For the purposes of this subdivision:

(i) "Fossil-fuel equipment and building systems" shall mean (A) equipment, as such term is defined in section 11-102 of the energy law, that uses fossil-fuel for combustion; or (B) systems, other than items supporting an industrial or commercial process as referred to in the definition of equipment in section 11-102 of the energy law, associated with a building that will be used for or to support the supply, distribution, or delivery of fossil-fuel for any purpose, other than for use by motor vehicles.

(ii) "Electrification ready" means the new building or portion thereof where fossil-fuel equipment and building systems are allowed to be used which contains electrical systems and designs that provide sufficient capacity for a future replacement of such fossil-fuel equipment and building systems with electric-powered equipment, including but not limited to sufficient space, drainage, electrical conductors or raceways, bus bar capacity, and overcurrent protective devices for such electric-powered equipment.

§ 4. Section 1005 of the public authorities law is amended by adding a new subdivision 30 to read as follows:

30. To establish decarbonization action plans for state-owned facilities as provided for in section ninety of the public buildings law, and to consult, cooperate, and coordinate with any state entity, as required or authorized in article four-D of the public buildings law.

§ 5. The public buildings law is amended by adding a new article 4-D to read as follows:

ARTICLE 4-D
DECARBONIZATION OF STATE-OWNED FACILITIES

Section 90. Definitions.
91. Decarbonization action plans.

§ 90. Definitions. As used in this article:

1. "Authority" shall mean the power authority of the state of New York established under title one of article five of the public authorities law.

2. "Decarbonization" and "decarbonize" means eliminating all on-site combustion of fossil-fuels and associated co-pollutants with the exception of back-up emergency generators and redundant systems needed to address public health, safety and security, providing heating and cooling through thermal energy, and thermal energy networks, from non-com-

bustion sources, and to the greatest extent feasible producing on-site electricity that is one hundred percent renewable.

3. "Highest-emitting facilities" means state-owned facilities that are among the highest producers of greenhouse gas emissions and collectively account for at least thirty percent of the greenhouse gas emissions as recorded by the authority's Build Smart NY program established pursuant to Executive Order 88 of 2012.

4. "Thermal energy" shall have the meaning provided in subdivision twenty-eight of section two of the public service law.

5. "Thermal energy network" shall have the same meaning as defined in subdivision twenty-nine of section two of the public service law.

6. "State energy research and development authority" shall mean the New York state energy research and development authority established under title nine of article eight of the public authorities law.

7. "State-owned facilities" or "facilities" includes "building" as defined by section eighty-one of this chapter, "dormitory" as defined by section three hundred seventy of the education law, and "facility" as defined by section three hundred seventy of the education law.

§ 91. Decarbonization action plans. 1. The authority is hereby authorized and directed to establish decarbonization action plans for fifteen of the highest-emitting facilities that will serve as a basis for decarbonizing the facilities to the maximum extent practicable, and subject to any needed redundant systems and back-up systems needed for public safety and security. Decarbonization action plans shall address the following matters at a minimum:

(a) A comprehensive accounting and analysis of all energy uses at the facilities.

(b) Greenhouse gas and other harmful emissions (e.g., NOx, SOx, particulate matter) resulting from the on-site and source energy usage of the facilities.

(c) Analysis of the feasibility of using thermal energy and thermal energy networks at the facility, including any anticipated limitations on the use of thermal energy networks, along with a characterization of any such limitations, including whether they are permanent, temporary, or resolvable on a cost-effective basis.

(d) Identification and analysis of energy efficiency measures that could be designed and constructed in later decarbonization project phases.

(e) An analysis of the availability and/or feasibility of providing clean energy through electrification technologies and associated electrical upgrades to meet the facility energy needs, as demonstrated by the reduced load profiles determined to be practicable based on the energy efficiency measures identified, either through on-site generation and/or other procurement.

(f) Investigation of the resiliency and redundant capacity of the existing critical infrastructure, such as heating, cooling and backup electrical power systems.

(g) Identification of any parts of the facilities that cannot be decarbonized, with explanations.

(h) Geotechnical investigations into the on-site potential for clean energy sources, including drilling test geothermal wells as needed.

(i) Determination of the feasibility and advisability of gathering, combining, or expanding any clean energy sources or central thermal energy networks with neighboring or nearby related state facilities.

(j) Investigation of the infrastructure, planning and funding needed to electrify transportation resources regularly used to serve the facil-

ities, such as public transit, vehicle fleets or employee/resident/student electric vehicle charging stations.

(k) An economic and feasibility analysis based upon the potential to decarbonize the facility, considering among other things the net present value of the life cycle cost of the thermal systems and other systems proposed, inclusive of the social cost of carbon, capital expenses for initial implementation and major equipment replacements, and operational expenses, including labor costs.

2. The authority shall complete the decarbonization action plans no later than January thirty-first, two thousand twenty-six, provided that such date shall be extended for justifiable delay outside the control of the authority, including, but not limited to, previously planned or current major renovations or replacements to the facilities, delayed permitting or approval by building owners, local authorities, or other essential parties, external resource bottlenecks, pending or unresolved investigations into utility grid capacity or similar circumstances where crucial information is not yet available or determined. Such extension shall be limited to the time necessary to address the factors causing such delay.

3. The authority shall complete and submit a report, on or before January thirty-first, two thousand twenty-five, and annually thereafter, to the governor, the speaker of the assembly, and the temporary president of the senate, and shall post such report on the authority's website so that it is accessible for public review. Such report shall include, but not be limited to: (a) the progress of the decarbonization action plans; (b) any difficulties in preparing the decarbonization action plans; and (c) any anticipated delays in completing the decarbonization action plans by January thirty-first, two thousand twenty-seven.

4. The authority is authorized to allocate up to thirty million dollars to prepare the decarbonization action plans. The owner or operator of state-owned facilities shall not be responsible for reimbursing the authority for the costs the authority incurs to establish the decarbonization action plans provided for in this section, provided that the authority is authorized to obtain reimbursement of such costs from any other available funding sources, and provided further, that nothing in this subdivision is intended to limit the authority from receiving compensation for any services it provides to any owner or operator of state-owned facilities, including services related to implementation of decarbonization plans and decarbonization projects, on such terms and conditions as the parties agree.

5. The authority may ask and shall receive from the state energy research and development authority, the office of general services, the state university of New York, the dormitory authority, the department of environmental conservation, and any owners and operators of state-owned facilities, any information or staff technical assistance necessary to carry out its powers and duties under this section.

6. The chiller. The state university of New York shall utilize up to thirty million dollars of the 2023-24 New York state urban development corporation capital appropriation for the replacement of absorption chillers in the central chiller plant of the state university of New York at Albany.

7. Any project, including any thermal energy project, that may be funded as a result of a decarbonization action plan completed pursuant to this section shall: (a) be deemed a public work project subject to article eight of the labor law; (b) require that the component parts of any geothermal systems or any other heating or cooling systems are

produced or made in whole or substantial part in the United States, its territories or possessions, subject to a waiver provision similar to the one contained in subdivision two of section sixty-six-s of the public service law; (c) contain a requirement that any public owner or third party acting on behalf of a public owner enter into a project labor agreement as defined by section two hundred twenty-two of the labor law for all construction work; and (d) require the payment of prevailing wage standards consistent with article nine of the labor law for building services work. Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing public employees and the work jurisdiction, covered job titles, and work assignments, set forth in the civil service law and collective bargaining agreements with labor organizations representing public employees shall be preserved and protected. Any such project shall not result in the: (i) displacement of any currently employed worker or loss of position (including partial displacement as such a reduction in the hours of non-overtime work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; (ii) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (iii) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

§ 6. This act shall take effect immediately.

PART SS

Section 1. Section 4 of part LL of chapter 58 of the laws of 2019 amending the public authorities law relating to the provision of renewable power and energy by the Power Authority of the State of New York is amended to read as follows:

§ 4. This act shall take effect immediately; **provided, however, that sections two and three of this act shall expire and be deemed repealed on June 30, 2033,** provided, however, that [~~the provisions of sections~~] **subparagraph (2) of paragraph (a) of subdivision 27 of section 1005 of the public authorities law as added by section** two [~~and three~~] of this act shall expire on June 30, 2024 when upon such date [~~the~~] **such** provisions [~~of such sections~~] shall be deemed repealed, provided that such repeal shall not affect or impair any act done, any right, permit or authorization accrued or acquired, or any liability incurred, prior to the time such repeal takes effect, and provided further that any project or contract that was awarded by the power authority of the state of New York prior to such repeal shall be permitted to continue under this act notwithstanding such repeal.

§ 2. This act shall take effect immediately.

PART TT

Section 1. Section 1854 of the public authorities law is amended by adding three new subdivisions 24, 25 and 26 to read as follows:

24. All revenues generated pursuant to regulations or actions taken by the department, the authority or any other state entity, pursuant to sections 75-0107 and 75-0109 of the environmental conservation law, shall be placed into a segregated authority funding account, established pursuant to section eighteen hundred fifty-nine of this title,

prior to programmatic or administrative allocation, and shall not be commingled with other authority funds.

25. Within thirty days following receipt of revenues generated pursuant to regulations or actions taken by the department, the authority or any other state entity pursuant to sections 75-0107 and 75-0109 of the environmental conservation law, the authority shall make the following transfers from such segregated authority funding account:

(a) Not less than thirty percent to the New York climate action fund consumer climate action account established pursuant to section ninety-nine-qq of the state finance law;

(b) Up to three percent to the New York climate action fund industrial small business climate action account established pursuant to section ninety-nine-qq of the state finance law; and

(c) Not less than sixty-seven percent to the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law.

26. Climate affordability study. The authority and the department of environmental conservation, in consultation with the division of the budget, the department of public service, and the department of taxation and finance, shall conduct a study and issue a report with recommendations for the use of moneys transferred to the consumer climate action account established pursuant to section ninety-nine-qq of the state finance law. Such report shall be guided by the final scoping plan prepared pursuant to section 75-0103 of the environmental conservation law and shall consider, among other things: (a) structure and distribution of benefits in an equitable manner, accounting for potential disproportionate impacts to low-income households and disadvantaged communities; (b) implementation of a variety of mechanisms to meet the varied needs of the people of the state, which may include direct payments, tax credits, transit vouchers, utility assistance, or other financial benefits that are reasonable and practicable; (c) financial benefits that ensure that individuals receiving means-tested government assistance receive benefits that will not constitute income for purposes of any such means-tested government assistance programs; and (d) benefit programs that limit the administrative effort required of recipients. Such study shall be completed by the first of January, two thousand twenty-four, and shall be delivered to the governor and the legislature.

§ 2. The state finance law is amended by adding a new section 99-qq to read as follows:

§ 99-qq. New York climate action fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the state comptroller a special fund to be known as the "New York climate action fund".

2. The comptroller shall establish the following separate and distinct accounts within the New York climate action fund:

(a) consumer climate action account;

(b) industrial small business climate action account; and

(c) climate investment account.

3. (a) The New York climate action fund consumer climate action account shall consist of moneys received by the state pursuant to paragraph (a) of subdivision twenty-five of section eighteen hundred fifty-four of the public authorities law, and all other moneys appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Moneys of the account shall be expended for the purposes of providing benefits to help reduce potential increased costs of various goods and services to consumers in the state.

(b) The New York climate action fund industrial small business climate action account shall consist of moneys received by the state pursuant to paragraph (b) of subdivision twenty-five of section eighteen hundred fifty-four of the public authorities law, and all other moneys appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Moneys of the account shall be expended for the purposes of providing benefits to help reduce potential increased costs of various goods and services to industrial small businesses incorporated, formed or organized, and doing business in the state of New York.

(c) The New York climate action fund climate investment account shall consist of moneys received by the state pursuant to paragraph (c) of subdivision twenty-five of section eighteen hundred fifty-four of the public authorities law, and all other moneys appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Moneys of the account shall be made available for the purposes of assisting the state in transitioning to a less carbon intensive economy, including but not limited to: (i) purposes which are consistent with the general findings of the scoping plan prepared pursuant to section 75-0103 of the environmental conservation law; (ii) administrative and implementation costs, auction design and support costs, program design, evaluation, and other associated costs; and (iii) measures which prioritize disadvantaged communities by supporting actions consistent with the requirements of paragraph d of subdivision three of section 75-0109 and of section 75-0117 of the environmental conservation law, identified through community decision-making and stakeholder input, including early action to reduce greenhouse gas emissions in disadvantaged communities.

4. Moneys in the New York climate action fund shall be kept separate from and shall not be commingled with any other moneys in the custody of the comptroller or the commissioner of taxation and finance. Provided, however, that any moneys of the fund not required for immediate use may, at the discretion of the comptroller, in consultation with the director of the division of budget, be invested by the comptroller in obligations of the United States or the state. The proceeds of any such investment shall be retained by the fund as assets to be used for purposes of the fund.

§ 3. The labor law is amended by adding a new section 224-f to read as follows:

§ 224-f. Wage requirements for certain climate risk-related and energy transition projects. 1. For purposes of this section, a "covered climate risk-related and energy transition project" means a construction project that receives at least one hundred thousand dollars of funds from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law.

2. A covered climate risk-related and energy transition project shall be subject to prevailing wage requirements in accordance with sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-i, two hundred twenty-three, and two hundred twenty-four-b of this article, provided that a covered climate risk-related and energy transition project may still otherwise be considered a covered project pursuant to section two hundred twenty or two hundred twenty-four-a of this article if it meets the definition therein.

3. For purposes of this section, a covered climate risk-related and energy transition project shall exclude:

a. Privately owned construction work performed under a pre-hire collective bargaining agreement between an owner or developer and a bona

fide building and construction trades labor organization which has established itself, and/or its affiliates, as the collective bargaining representative for all persons who will perform work on such a project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform work on such a project; or

b. Construction work on one- or two-family dwellings where the property is the owner's primary residence, or construction work performed on property where the owner of the property owns no more than four dwelling units; or

c. Construction work performed on a multiple residence and/or ancillary amenities or installations that is wholly privately owned in any of the following circumstances:

(i) where no less than twenty-five percent of the residential units are affordable and shall be retained subject to an anticipated regulatory agreement with a local, state, or federal governmental entity, or a not-for-profit entity with an anticipated formal agreement with a local, state, or federal governmental entity for purposes of providing affordable housing in a given locality or region provided that the period of affordability for a residential unit deemed affordable under the provisions of this paragraph shall be for no less than fifteen years from the date of construction; or

(ii) where no less than thirty-five percent of the residential units involves the provision of supportive housing services for vulnerable populations provided that such units are subject to an anticipated regulatory agreement with a local, state, or federal governmental entity.

4. As a condition of receiving funds from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law for a covered climate risk-related and energy transition project, the owner or developer of such covered climate risk-related and energy transition project, or a third party acting on such owner's or developer's behalf, shall agree to enter into a labor peace agreement with at least one bona fide labor organization either:

a. where such bona fide labor organization is actively representing non-construction employees who will be working within the covered climate risk-related and energy transition project once built; or

b. upon notice by a bona fide labor organization that is attempting to represent such non-construction employees.

5. For purposes of this section "labor peace agreement" means an agreement between an owner and/or developer and labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference.

6. The owner or developer using funds from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law for a covered climate risk-related and energy transition project pursuant to this section shall:

a. require the use of apprenticeship agreements as defined by article twenty-three of this chapter; or for industries without apprenticeship programs, require the use of workforce training, preferably in conjunction with a bona fide labor organization; and

b. consider use of registered pre-apprenticeship direct entry programs for the recruitment of local and/or disadvantaged workers.

7. For purposes of this section, the "fiscal officer" shall be deemed to be the commissioner. The enforcement of any covered climate risk-re-

lated and energy transition project under this section shall be subject to the requirements of sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-i, two hundred twenty-three, two hundred twenty-four-b of this article, and section two hundred twenty-seven of this chapter and within the jurisdiction of the fiscal officer; provided, however, nothing contained in this section shall be deemed to construe any covered climate risk-related and energy transition project as otherwise being considered public work pursuant to this article.

8. The fiscal officer may issue rules and regulations governing the provisions of this section. Violations of this section shall be grounds for determinations and orders pursuant to section two hundred twenty-b of this article.

9. For any building service work on a covered climate risk-related and energy transition project, prevailing wage shall be paid consistent with article nine of this chapter.

10. Any public entity receiving at least five million dollars in funds from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law for a project which involves the construction, reconstruction, alteration, maintenance, moving, demolition, excavation, development or other improvement of any building, structure or land, shall be subject to section two hundred twenty-two of this article.

§ 4. The labor law is amended by adding a new section 21-f to read as follows:

§ 21-f. Job transition plan for certain climate risk-related and energy transition projects. 1. The commissioner, in consultation with labor organizations, shall develop a comprehensive plan to transition, train, or retrain employees that are impacted by climate risk-related and energy transition projects funded from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law. This plan shall include a method of allowing displaced and transitioning workers, including affected labor organizations, to notify the commissioner of the loss of employment, their previous title, and previous wage rates including whether they previously received medical benefits, retirement benefits, and/or other benefits. The plan shall require employers to notify the commissioner of workers laid off or discharged due to climate risk-related and energy transition projects funded from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law.

2. Funding shall be made available for worker transition and retraining, which shall include funding as provided by subdivision twenty-seven-d of section one thousand five of the public authorities law.

3. The commissioner shall create a program pursuant to which, where applicable and feasible, newly created job opportunities shall be offered to a pool of transitioning workers who have lost their employment or will be losing their employment in the energy sector due to climate risk-related and energy transition projects funded from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law. Such program shall include a method for the commissioner to communicate names and contact information for displaced or transitioning workers to public entities that may have job opportunities for such workers every ninety days.

§ 5. Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and

protection of civil service and collective bargaining status of all existing public employees and the work jurisdiction, covered job titles, and work assignments, set forth in the civil service law and collective bargaining agreements with labor organizations representing public employees shall be preserved and protected. Nothing in this section shall result in the: (i) displacement of any currently employed worker or loss of position (including partial displacement as such a reduction in the hours of non-overtime work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; (ii) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (iii) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

§ 6. The public service law is amended by adding a new section 66-v to read as follows:

§ 66-v. Requirements for certain climate risk-related and energy transition projects. 1. Each contract using funds from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law for a covered climate risk-related and energy transition project shall contain a provision that the iron and steel used or supplied in the performance of the contract or any subcontract thereto and that is permanently incorporated into the project, shall be produced or made in whole or substantial part in the United States, its territories or possessions. In the case of an iron or steel product, all manufacturing must take place in the United States, its territories or possessions, from the initial melting stage through the application of coatings, except metallurgical processes involving the refinement of steel additives. For the purposes of this subdivision, "permanently incorporated" shall mean an iron or steel product that is required to remain in place at the end of the project contract, in a fixed location, affixed to the project to which it was incorporated. Iron and steel products that are capable of being moved from one location to another shall not be considered permanently incorporated.

2. The provisions of subdivision one of this section shall not apply if the head of the public entity providing funds, in his or her sole discretion, determines that the provisions would not be in the public interest, would result in unreasonable costs, or that obtaining such steel or iron in the United States, its territories or possessions would increase the cost of the contract by an unreasonable amount, or such iron or steel, including without limitation iron and steel, cannot be produced or made in the United States its territories or possessions in sufficient and reasonably available quantities and of satisfactory quality.

3. The head of the public entity providing funds generated from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law may, in his or her sole discretion, provide for in a request for proposal, invitation for bid, or solicitation of proposal, or any other method provided for by law or regulation for soliciting a response from offerors intending to result in a contract in support of a project, a competitive process in which the evaluation of competing bids gives significant consideration in the evaluation process to the procurement of equipment and supplies from businesses located in New York state.

§ 7. This act shall take effect immediately.

PART UU

Section 1. The Legislature hereby finds and declares that the Marijuana Regulation and Taxation Act (MRTA) envisioned the creation of new legal industries in which cannabis is regulated, controlled and taxed, and the generation of new revenue streams that enable substantial investments into communities and for the people most impacted by cannabis criminalization. The Legislature further finds that additional regulations to curb illegal cannabis retail establishments are necessary to fully effectuate the MRTA and ensure that the goals of the MRTA are achieved.

§ 2. Subdivisions (a) and (g) of section 492 of the tax law, as added by chapter 92 of the laws of 2021, are amended and a new subdivision (l) is added to read as follows:

(a) "Adult-use cannabis product" [~~or "adult-use cannabis" has the same meaning as the term is defined in section three of the cannabis law~~] **means cannabis, concentrated cannabis, and cannabis-infused products, as reflected on the product label, whether or not such adult-use cannabis product is for use by a cannabis consumer as such a consumer is defined in subdivision six of section three of the cannabis law**. For purposes of this article, under no circumstances shall adult-use cannabis product include medical cannabis or cannabinoid hemp product as defined in section three of the cannabis law.

(g) "Illicit cannabis" means and includes [~~cannabis flower, concentrated cannabis, cannabis edible product and cannabis plant~~] **any adult-use cannabis product, including concentrated cannabis and cannabis edible products** on which any tax required to have been paid under this chapter has not been paid. Illicit cannabis shall not include any cannabis lawfully possessed in accordance with the cannabis law or penal law.

(l) "Possession for sale" or "possessed for sale" means possession of more than five pounds of adult-use cannabis products, or one pound of concentrated cannabis products or cannabis edible products, at a business or other location used for the storage, distribution or sale of such cannabis products with the intent that such products be sold at retail. Possession shall be presumed to be for sale when the adult-use cannabis products are possessed in any place of business used for the buying and selling of such adult-use cannabis products. Possession shall not be presumed to be for sale when the adult-use cannabis products are possessed in a residence or other real property, or any personal vehicle on or about such property, not being used as a business for the buying and selling of such adult-use cannabis products.

§ 3. Section 494 of the tax law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

§ 494. Registration and renewal. (a) [~~(i)~~] **(1)** Every distributor on whom tax is imposed under this article and every person who sells adult-use cannabis products at retail must file with the commissioner a properly completed application for a certificate of registration **and obtain such certificate** before engaging in business**, provided, however, this section shall not apply to a natural person engaged in lawful activity pertaining to personal use or personal cultivation pursuant to article two hundred twenty-two of the penal law**. An application for a certificate of registration must be submitted electronically, on a form prescribed by the commissioner, and must be accompanied by a non-refundable application fee of six hundred dollars. A certificate of registration shall not be assignable or transferable and shall be destroyed

immediately upon such person ceasing to do business as specified in such certificate, or in the event that such business never commenced.

[~~(ii)~~] (2) Provided, however, that the commissioner shall refund or credit an application fee paid with respect to the registration of an adult-use cannabis business in this state if, prior to the beginning of the period with respect to which such registration relates, the certificate of registration described in [~~subparagraph (i)~~] paragraph one of this [~~paragraph~~] subdivision is returned to the department or, if such certificate has been destroyed, the operator of such business satisfactorily accounts to the commissioner for the missing certificate, but such business may not sell adult-use cannabis products in this state during such period, unless it is re-registered. Such refund or credit shall be deemed a refund of tax paid in error, provided, however, no interest shall be allowed or paid on any such refund.

(b) (1) The commissioner shall refuse to issue a certificate of registration to any applicant and shall revoke the certificate of registration of any such person who does not possess a valid license from the office of cannabis management.

(2) The commissioner may refuse to issue a certificate of registration to any applicant where such applicant:

(i) has a past-due liability as that term is defined in section one hundred seventy-one-v of this chapter;

(ii) has had a certificate of registration under this article, a license from the office of cannabis management, or any license or registration provided for in this chapter revoked or suspended where such revocation or suspension was in effect on the date the application was filed or ended within one year from the date on which such application was filed;

(iii) has been convicted of a crime provided for in this chapter within one year from the date on which such application was filed or the certificate was issued, as applicable;

(iv) willfully fails to file a report or return required by this article;

(v) willfully files, causes to be filed, gives or causes to be given a report, return, certificate or affidavit required by this article which is false; [~~or~~]

(vi) willfully fails to collect or truthfully account for or pay over any tax imposed by this article[~~.~~];

(vii) has been determined to have possessed illicit cannabis within one year from the date on which such application was filed;

(viii) is a distributor that has been determined to have knowingly sold adult-use cannabis products to any person who sells adult-use cannabis products at retail and who is not registered under this section, or whose registration has been suspended or revoked; or

(ix) has a place of business at the same premises as that of a distributor upon whom tax is imposed under this article, or person who sells adult-use cannabis products at retail, whose registration has been revoked and where such revocation is still in effect, unless the applicant provides the commissioner with adequate documentation demonstrating that such applicant acquired the premises or business through an arm's length transaction as defined in paragraph (e) of subdivision one of section four hundred eighty-a of this chapter and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original registrant to avoid the effect of the previous revocation for the same premises.

(3) The commissioner may revoke the certificate of registration issued to any person who:

(i) has had any license or registration provided for in this chapter revoked or suspended;

(ii) has been convicted of a crime provided for in this chapter where such conviction occurred not more than one year prior to the date of revocation;

(iii) willfully fails to file a report or return required by this article;

(iv) willfully files, causes to be filed, gives or causes to be given a report, return, certificate or affidavit required by this article which is false;

(v) willfully fails to collect or truthfully account for or pay over any tax imposed by this article; or

(vi) is a distributor that has been determined to have knowingly sold adult-use cannabis products to any person who sells adult-use cannabis products at retail and who is not registered under this section, or whose registration has been suspended or revoked.

[~~(2)~~] (4) In addition to the grounds for revocation in [~~paragraph (1) of~~] this subdivision, where a person who holds a certificate of registration is determined to have possessed or sold illicit cannabis:

(1) such registration may be revoked (i) for a period of up to one year for the first such possession or sale by such person;

[~~(2)~~] (ii) for a period of up to three years for a second such possession or sale within a period of five years by such person[~~, the registration of such person may be revoked for a period of up to three years~~]; and

[~~(3)~~] (iii) for a period of up to five years for a third such possession or sale within a period of [~~up to~~] five years by such person[~~, the registration of such person may be revoked for a period of five years~~]. A certificate of registration may be revoked pursuant to this paragraph immediately upon such person's receipt of written notice of revocation from the commissioner.

A person who is notified of a revocation of their certificate of registration pursuant to this paragraph shall have the right to have the revocation reviewed by the commissioner or their designee by contacting the department at a telephone number or an address to be disclosed in the notice of revocation within ten days of such person's receipt of such notification. Such person may present written evidence or argument in support of their defense to the revocation or may appear at a scheduled conference with the commissioner or their designee to present oral arguments and written and oral evidence in support of such defense. The commissioner or their designee is authorized to delay the effective date of the revocation to enable such person to present further evidence or arguments in connection with the revocation. The commissioner or their designee shall cancel the revocation of the certificate of registration if the commissioner or their designee is not satisfied by a preponderance of the evidence that a basis for revocation pursuant to this paragraph exists. An order of revocation of a certificate of registration under this paragraph shall not be reviewable by the division of tax appeals but may be reviewed pursuant to article seventy-eight of the civil practice law and rules by a proceeding commenced in the supreme court within four months of the revocation petitioning that the order of revocation be enjoined or set aside. Such proceeding shall be instituted in the county where the commissioner has their principal office. Upon the filing of such petition the court shall have jurisdiction to set

aside such order of revocation, in whole or in part, or to dismiss the petition. The jurisdiction of the supreme court shall be exclusive and its order dismissing the petition or enjoining or setting aside such order, in whole or in part, shall be final, subject to review by the appellate division of the supreme court and the court of appeals in the same manner and form and with the same effect as provided by law for appeals from a judgment in a special proceeding. All such proceedings shall be heard and determined by the court and by any appellate court as expeditiously as possible and with lawful precedence over other civil matters. All such proceedings for review shall be heard on the petition, transcript and other papers, and on appeal shall be heard on the record, without requirement of printing.

(c) Where a person that does not possess a certificate of registration under this section has been determined to have possessed or sold any adult-use cannabis product or illicit cannabis:

(1) The commissioner may revoke a certificate of authority issued to such person pursuant to section eleven hundred thirty-four of this chapter for a place of business where such person has been determined to have possessed for sale or to have sold adult-use cannabis product or illicit cannabis three or more times within a period of five years without a certificate of registration.

(2) The commissioner may refuse to issue a certificate of authority under section eleven hundred thirty-four of this chapter to a distributor upon whom tax is imposed under this article, or a person who sells adult-use cannabis products at retail, who has a place of business at the same premises as that of a person whose certificate of authority has been revoked pursuant to paragraph one of this subdivision and where such revocation is still in effect, unless the applicant provides the commissioner with adequate documentation demonstrating that such applicant acquired the premises or business through an arm's length transaction as defined in paragraph (e) of subdivision one of section four hundred eighty-a of this chapter and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original registrant to avoid the effect of the previous revocation for the same premises.

(d) A certificate of registration shall be valid for the period specified thereon, unless earlier suspended or revoked. Upon the expiration of the term stated on a certificate of registration, such certificate shall be null and void.

[~~(d)~~] (e) Every holder of a certificate of registration must notify the commissioner of changes to any of the information stated on the certificate, or of changes to any information contained in the application for the certificate of registration. Such notification must be made on or before the last day of the month in which a change occurs and must be made electronically on a form prescribed by the commissioner.

[~~(e)~~] (f) Every holder of a certificate of registration under this article shall be required to reapply prior to such certificate's expiration, during a reapplication period established by the commissioner. Such reapplication period shall not occur more frequently than every two years. Such reapplication shall be subject to the same requirements and conditions as an initial application, including grounds for refusal and the payment of the application fee.

[~~(f)~~] (g) Any person who is required to obtain a certificate of registration under subdivision (a) of this section who possesses adult-use cannabis products without such certificate shall be subject to a penalty of [~~five hundred dollars for each month or part thereof during which~~

~~adult-use cannabis products are possessed without such certificate, not to exceed ten thousand dollars in the aggregate~~] up to seven thousand five hundred dollars for a first violation and up to fifteen thousand dollars for a second or subsequent violation within three years following a prior violation. Any such adult-use cannabis product shall be subject to immediate forfeiture to, and seizure by, the commissioner or their duly authorized representatives, or the duly authorized representatives of the office of cannabis management.

(h) No distributor on whom tax is imposed under this article shall sell any adult-use cannabis product to any person who sells adult-use cannabis products at retail and who is not registered under this section, or whose registration has been suspended or revoked.

§ 4. Section 496 of the tax law is amended by adding a new subdivision (c) to read as follows:

(c) The failure of any person who sells adult-use cannabis products at retail, except a person who possesses a valid registered organization adult-use cultivator processor distributor retail dispensary license or microbusiness license issued by the office of cannabis management, to comply with subdivision (a) of this section for the adult-use cannabis products in such person's possession shall be presumptive evidence that the tax thereon has not been paid, and that such person shall be liable for the tax thereon unless evidence of such invoice, payment or assumption shall later be produced.

§ 5. Section 496-c of the tax law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

§ 496-c. [~~Illicit cannabis penalty~~] Additional penalties. (a) In addition to any other civil or criminal penalties that may apply, any person knowingly in possession of or knowingly having control over any type of illicit cannabis, as defined in section four hundred ninety-two of this article, after notice and an opportunity for a hearing, shall be liable for a civil penalty [~~of not less than two hundred dollars per ounce of illicit cannabis flower, five dollars per milligram of the total weight of any illicit cannabis edible product, fifty dollars per gram of the total weight of any product containing illicit cannabis concentrate, and five hundred dollars per illicit cannabis plant, but not to exceed four hundred dollars per ounce of illicit cannabis flower, ten dollars per milligram of the total weight of any illicit cannabis edible product, one hundred dollars per gram of the total weight of any product containing illicit cannabis concentrate, and one thousand dollars per illicit cannabis plant~~] in an amount up to two times the amount of tax otherwise required to be paid for such product for a first violation, and for a second [~~and~~] or subsequent violation within three years following a prior violation [~~shall~~] may be liable for a civil penalty [~~of not less than four hundred dollars per ounce of illicit cannabis flower, ten dollars per milligram of the total weight of any illicit cannabis edible product, one hundred dollars per gram of the total weight of any product containing illicit cannabis concentrate, and one thousand dollars per illicit cannabis plant, but not to exceed five hundred dollars per ounce of illicit cannabis flower, twenty dollars per milligram of the total weight of any illicit cannabis edible product, two hundred dollars per gram of the total weight of any product containing illicit cannabis concentrate, and two thousand dollars per illicit cannabis plant~~] in an amount up to three times the amount of tax otherwise required to be paid for such product.

(b) In addition to any other penalty authorized by this chapter or any other law:

(1) Any person who knowingly possesses for sale, as such term is defined in section four hundred ninety-two of this article, more than five pounds but less than twelve pounds of illicit cannabis or more than one pound but less than four pounds of illicit concentrated cannabis or illicit cannabis edible product, after notice and an opportunity for a hearing, may be liable for a civil penalty of up to twenty-five thousand dollars for a first violation and may be liable for a civil penalty of up to fifty thousand dollars for a second or subsequent violation within three years following a prior violation.

(2) Any person who knowingly possesses for sale, as such term is defined in section four hundred ninety-two of this article, over twelve or more pounds of illicit cannabis or four or more pounds of illicit concentrated cannabis or illicit cannabis edible product, after notice and an opportunity for a hearing, may be liable for a civil penalty of up to seventy-five thousand dollars for a first violation and may be liable for a civil penalty of up to one hundred thousand dollars for a second or subsequent violation within three years following a prior violation.

(3) In addition to any penalty imposed pursuant to paragraphs one or two of this subdivision, any person who knowingly possesses for sale, as such term is defined in section four hundred ninety-two of this article, more than five pounds of illicit cannabis, or more than one pound of illicit concentrated cannabis or illicit cannabis edible product, in a commercial location, after notice and an opportunity for a hearing, may be subject to an additional civil penalty of up to fifty thousand dollars for a first violation and may be liable for a civil penalty of up to one hundred thousand dollars for a second or subsequent violation within three years following a prior violation. For purposes of this paragraph, "commercial location" means real property or a vehicle held out as open to the public or otherwise being used to conduct wholesale or retail transactions, including a storage area in or adjacent to such property or vehicle. Such term shall not include a residence or a personally-owned vehicle located at such residence.

(c) Any distributor on whom tax is imposed under this article that knowingly sells any adult-use cannabis product to any person who sells at retail adult-use cannabis products who is not registered under section four hundred ninety-four of this article, or whose registration has been suspended or revoked, may, after notice and an opportunity for a hearing, be liable for a civil penalty of up to fifty thousand dollars for a first violation and up to one hundred thousand dollars for a second or subsequent violation within three years following a prior violation.

(d) No enforcement action taken under this section shall be construed to limit any other criminal or civil liability of anyone in possession of illicit cannabis.

[~~(c)~~] (e) The [~~penalty~~] penalties imposed by this section shall not apply to natural persons lawfully in possession of [~~less than two ounces of~~] adult-use cannabis or [~~ten grams of~~] concentrated cannabis [~~in accordance with the cannabis law or penal law~~] for personal use as provided in article two hundred twenty-two of the penal law.

§ 6. The tax law is amended by adding two new sections 496-d and 496-e to read as follows:

§ 496-d. Enforcement. The commissioner or the commissioner's duly authorized representatives are hereby authorized:

(a) To conduct regulatory inspections during normal business hours of any place of business, including a vehicle used for such business,

where adult-use cannabis products are distributed, placed, stored, sold or offered for sale. For the purposes of this section, "place of business" shall not include a residence or other real property, or any personal vehicle on or about such property, not held out as open to the public or otherwise being utilized in a business or commercial manner, unless probable cause exists to believe that such residence, real property or vehicle is being used in such a business or commercial manner for the buying or selling of adult-use cannabis products.

(b) To examine any adult-use cannabis products and the books, papers, invoices and other records of any place of business or vehicle where adult-use cannabis products are distributed, placed, stored, sold or offered for sale. Any person in possession, control or occupancy of any such business is required to give to the commissioner or the commissioner's duly authorized representatives or the duly authorized representatives of the office of cannabis management, the means, facilities, and opportunity for such examinations. For the purposes of this section, "place of business" shall not include a residence or other real property, or any personal vehicle on or about such property, not held out as open to the public or otherwise being utilized in a business or commercial manner, unless probable cause exists to believe that such residence, real property or vehicle is being used in such a business or commercial manner for the buying or selling of adult-use cannabis products.

(c) If any person registered under section four hundred ninety-four of this article, or their agents, refuses to give the commissioner, or the commissioner's duly authorized representatives, the means, facilities and opportunity for the inspections and examinations required by this section, the commissioner, after notice and an opportunity for a hearing, may revoke their registration to distribute or sell adult-use cannabis products at retail:

(i) for a period of one year for the first such failure;

(ii) for a period of up to three years for a second such failure within a period of three years; and

(iii) for a period of up to seven years for a third such failure within five years.

(d) The commissioner or the commissioner's duly authorized representatives shall seize any illicit cannabis found in any place of business or vehicle where adult-use cannabis products are distributed, placed, stored, sold or offered for sale by any person who does not possess a certificate of registration as described in section four hundred ninety-four of this chapter.

(e) All illicit cannabis seized pursuant to the authority of this chapter or any other law of this state shall be turned over to the office of cannabis management or their authorized representative. Such seized illicit cannabis shall, after notice and an opportunity for a hearing, be forfeited to the state. If the office of cannabis management determines the illicit cannabis cannot be used for law enforcement purposes, it may, within a reasonable time after the forfeiture of such illicit cannabis, upon publication in the state registry, destroy such forfeited illicit cannabis.

§ 496-e. Notification of enforcement actions. The commissioner shall notify the cannabis control board and the office of cannabis management of the commencement of any enforcement actions taken under this article as well as the conclusion, outcomes, and the amount of penalties collected as a result of such actions.

§ 7. Paragraph 8 of subdivision (a) of section 1801 of the tax law, as added by section 15 of subpart I of part V-1 of chapter 57 of the laws of 2009, is amended and a new paragraph 9 is added to read as follows:

(8) issues an exemption certificate, interdistributor sales certificate, resale certificate, or any other document capable of evidencing a claim that taxes do not apply to a transaction, which he or she does not believe to be true and correct as to any material matter, which omits any material information, or which is false, fraudulent, or counterfeit[~~.~~]**; or**

(9) (a) knowingly fails to collect or remit any taxes imposed by section four hundred ninety-three of this chapter on the sale of any adult-use cannabis product; or (b) knowingly possesses for sale, as such term is defined in section four hundred ninety-two of this chapter, any such product on which the tax required to be paid under subdivision (a) of such section has not been paid.

§ 8. Section 3 of the cannabis law is amended by adding two new subdivisions 40-a and 46-a to read as follows:

40-a. "Person" means an individual, institution, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

46-a. "Indirect retail sale" means to give any cannabis, cannabis product, cannabinoid hemp, hemp extract product, or any product marketed or labeled as such by any person engaging in a commercial business venture or otherwise providing or offering goods or services to the general public for remuneration for such goods and/or services, where any such cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, accompanies (a) the sale of any tangible or intangible property; or (b) the provision of any service, including but not limited to entry to a venue or event, or a benefit of a membership to a club, association, or other organization.

§ 9. Subdivisions 3 and 8 of section 10 of the cannabis law are amended and a new subdivision 3-a is added to read as follows:

3. [~~Sole discretion to~~] **To** revoke, cancel or suspend [~~for cause~~]**, after notice and an opportunity to be heard,** any registration, license, or permit issued under this chapter [~~and/or to impose a civil penalty for cause, after notice and an opportunity for a hearing, against any holder of a registration, license, or permit issued pursuant to this chapter~~] **for a violation of this chapter or any regulation pursuant thereto**.

3-a. To impose or recover a civil penalty, as otherwise authorized under this chapter, against any person found to have violated any provision of this chapter, whether or not a registration, license, or permit has been issued to such person pursuant to this chapter.

8. To [~~inspect or provide authorization for the inspection at any time~~] **conduct regulatory inspections during normal business hours** of any [~~premises~~] **place of business, including a vehicle used for such business,** where medical cannabis, adult-use cannabis [~~or~~]**, cannabis, cannabis product,** cannabinoid hemp [~~and~~]**,** hemp extract [~~is~~] **products, or any products marketed or labeled as such, are** cultivated, processed, stored, distributed or sold **by any person holding a registration, license, or permit under this chapter, or by any person who is engaging in activity for which a license would be required under this chapter. For the purposes of this subdivision, "place of business" shall not include a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or**

any private vehicle on or about the same such property, unless probable cause exists to believe that such residence, real property, or vehicle are being used in such business or commercial manner for the activity described herein.

§ 10. Subdivisions 3 and 5 of section 11 of the cannabis law are amended and three new subdivisions 13, 14 and 15 are added to read as follows:

3. To [~~inspect or provide for the inspection~~] conduct regulatory inspections during normal business hours of any [~~premises~~] place of business, including a vehicle used for such business, where [~~medical~~] cannabis, [~~adult-use cannabis~~] cannabis product, cannabinoid hemp [~~cannabis~~], hemp extract products, or any products marketed or labeled as such, are cultivated, processed, manufactured or sold, irrespective of whether a registration, license, or permit has been issued under this chapter. For the purposes of this subdivision, "place of business" shall not include a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle on or about the same such property, unless probable cause exists to believe that such residence, real property, or vehicle are being used in such business or commercial manner for the activity described herein.

5. To [~~inspect or provide for the inspection~~] conduct regulatory inspections during normal business hours of any registered, licensed or permitted [~~premises~~] place of business, including a vehicle used for such business, where medical cannabis, adult-use [~~or~~] cannabis, cannabinoid hemp [~~is~~], hemp extract products, or any products marketed or labeled as such, are cultivated, processed, stored, distributed or sold. For the purposes of this subdivision, "place of business" shall not include a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle on or about the same such property, unless probable cause exists to believe that such residence, real property, or vehicle are being used in such business or commercial manner for the activity described herein.

13. To create and maintain a publicly available directory of the names and locations of persons licensed or registered pursuant to this chapter to engage in retail sales.

14. To create a system whereby persons registered, licensed, or permitted under this chapter can confirm the registration, license, or permit of another person for the purposes of ensuring compliance with this chapter.

15. Beginning January first, two thousand twenty-four and annually thereafter, report on enforcement actions taken under this chapter and the enforcement actions taken by the department of taxation and finance, including the information required to be provided in section four hundred ninety-six-e of the tax law and to submit such annual report to the legislature and post it publicly on its website.

§ 11. Subdivisions 1, 2, 3 and 4 of section 16 of the cannabis law are amended and a new subdivision 6 is added to read as follows:

1. Any person who violates, disobeys or disregards any term or provision of this chapter or of any lawful notice, order or regulation pursuant thereto for which a civil [~~or criminal~~] penalty is not otherwise expressly prescribed in this chapter by law, [~~shall~~] may be liable to the people of the state for a civil penalty of not to exceed five thousand dollars for [~~every~~] each such violation or subsequent violation. In assessing the civil penalty under this subdivision, the

board or office, as may be applicable shall take into consideration the nature of such violation and shall assess a penalty that is proportionate to the violation.

2. The penalty provided for in subdivision one of this section may be recovered by an action or proceeding in a court of competent jurisdiction brought by the board or the office, as may be applicable, or by the attorney general at the request of the board [~~in any court of competent jurisdiction~~] or the office.

3. Such civil penalty may be released or compromised by the board or the office, as may be applicable, before the matter has been referred to the attorney general, and where such matter has been referred to the attorney general, any such penalty may be released or compromised and any action or proceeding commenced to recover the same may be settled and discontinued by the attorney general with the consent of the board.

4. It shall be the duty of the attorney general upon the request of the board or office, as may be applicable, to bring an action [~~for an injunction~~] or proceeding against any person who violates, disobeys or disregards any term or provision of this chapter or of any lawful notice, order or regulation pursuant thereto for any relief authorized under this chapter, including equitable and/or injunctive relief and the recovery of civil penalties; provided, however, that the board or executive director shall furnish the attorney general with such material, evidentiary matter or proof as may be requested by the attorney general for the prosecution of such an action or proceeding.

6. The board or the office, as may be applicable, shall forward any final findings of a violation under this chapter to any other statewide licensing agency where such findings were entered against a business holding any other such license, for any such other licensing agency to review the findings to determine if there has been a violation of any such license issued by such agency.

§ 12. The cannabis law is amended by adding a new section 16-a to read as follows:

§ 16-a. Emergency relief. Following service of a notice of violation and order requiring immediate cessation of unlicensed activity under this chapter, the office of cannabis management, or the attorney general, at the request of and on behalf of the office may bring and maintain a civil proceeding in the supreme court of the county in which the building or premises is located to permanently enjoin such unlicensed activity when conducted, maintained, or permitted in such building or premises, occupied as a place of business as described in subdivision eight of section ten of this chapter, in violation of subdivision one or one-a of section one hundred twenty-five of this chapter or subdivision eight of section one hundred thirty-two of this chapter, which shall constitute an unlicensed activity that presents a danger to the public health, safety, and welfare, and shall also enjoin the person or persons conducting or maintaining such unlicensed activity, in accordance with the following procedures:

1. Proceeding for permanent injunction. (a) To the extent known, the owner, lessor, and lessee of a building or premises wherein the unlicensed activity is being conducted, maintained, or permitted shall be made defendants in the proceeding. The venue of such proceeding shall be in the county where the unlicensed activity is being conducted, maintained, or permitted. The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this section.

(b) The proceeding shall name as defendants the building or premises wherein the unlicensed activity is being conducted, maintained, or permitted, by describing it by tax lot and street address and at least one of the owners of some part of or interest in the property.

(c) In rem jurisdiction shall be complete over the building or premises wherein the unlicensed activity is being conducted, maintained, or permitted by affixing the notice of petition to the door of the building or premises and by mailing the notice of petition by certified or registered mail, return receipt requested, to one of the owners of some part of or interest in the property. Proof of service shall be filed within two days thereafter with the clerk of the court designated in the notice of petition. In any county where e-filing is unavailable, proof of service may be mailed to the clerk. Service shall be complete upon such filing or mailing.

(d) Defendants, other than the building or premises wherein the unlicensed activity is being conducted, maintained, or permitted, shall be served with the notice of petition as provided in the civil practice law and rules or pursuant to court order. No more than thirty days prior to such service, the office shall mail a copy, by certified mail, of any prior notice of violation or letter or order to cease and desist relating to the unlicensed activity at the building or premises to the person in whose name the real estate affected by the proceeding is recorded in the office of the city register or the county clerk, as the case may be, who shall be presumed to be the owner thereof. Such mailing shall constitute notice to the owner and shall be deemed to be complete upon such mailing by the office as provided above. No more than fifteen days prior to such service, the office, or the attorney general, at the request of and on behalf of the office of cannabis management, shall verify the ongoing occupancy of any natural person who is a tenant of record and alleged to have caused or permitted the unlicensed activity in the building or premises wherein the unlicensed activity is alleged to have been conducted, maintained, or permitted. If at any time such defendants vacate such building or premises, any action or proceeding filed in accordance with these procedures relating to such building or premises shall be withdrawn.

(e) With respect to any proceeding commenced or to be commenced pursuant to this section by the office of cannabis management or the attorney general, at the request of and on behalf of the office, may file a notice of pendency pursuant to the provisions of article sixty-five of the civil practice law and rules.

(f) The person in whose name the real estate affected by the proceeding is recorded in the office of the city register or the county clerk, as the case may be, shall be presumed to be the owner thereof. Upon being served in a proceeding under this section, such owner shall, to the extent known, provide to the office of cannabis management, within three days, the names of any other owners, lessors and lessees of the building or premises that is the subject of the proceeding. Thereafter, such owners, lessors and lessees may be made parties to the proceeding.

(g) Whenever there is evidence that a person was the manager, operator, supervisor or, in any other way, in charge of the premises, at the time the unlicensed activity was being conducted, maintained, or permitted, such evidence shall be presumptive that he or she was an agent or employee of the owner or lessee of the building or premises.

(h) If a finding is made that the defendant has conducted, maintained, or permitted the unlicensed activity a penalty, to be included in the judgment, may be awarded in an amount not to exceed ten thousand dollars

for each day it is found that the defendant intentionally conducted, maintained or permitted the unlicensed activity. Upon recovery, such penalty shall be paid to the office of cannabis management.

2. Preliminary injunction. (a) Pending a proceeding for a permanent injunction pursuant to this section the court may grant a preliminary injunction enjoining the unlicensed activity and the person or persons conducting, maintaining, or permitting the unlicensed activity from further conducting, maintaining, or permitting the unlicensed activity, where the public health, safety or welfare immediately requires the granting of such injunction. A temporary closing order may be granted pending a hearing for a preliminary injunction where it appears by clear and convincing evidence that unlicensed activity within the scope of this section is being conducted, maintained, or permitted and that the public health, safety or welfare immediately requires the granting of a temporary closing order. A temporary restraining order may be granted pending a hearing for a preliminary injunction.

(b) A preliminary injunction shall be enforced by the office or, at the request of the office, the attorney general. At the request of the office, a police officer or peace officer with jurisdiction may also enforce the preliminary injunction.

(c) The office or the attorney general shall show, by affidavit and such other evidence as may be submitted, that there is a cause of action for a permanent injunction abating unlicensed activity.

3. Temporary closing order. (a) If, on a motion for a preliminary injunction alleging unlicensed activity as described in this section in a building or premises used for commercial purposes only, the office or the attorney general demonstrates by clear and convincing evidence that such unlicensed activity is being conducted, maintained, or permitted and that the public health, safety, or welfare immediately requires a temporary closing order, a temporary order closing such part of the building or premises wherein such unlicensed activity is being conducted, maintained, or permitted may be granted without notice, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary closing order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but no later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within three business days after the conclusion of the hearing.

(b) Unless the court orders otherwise, a temporary closing order together with the papers upon which it was based and a notice of hearing for the preliminary injunction shall be personally served, in the same manner as a summons as provided in the civil practice law and rules.

(c) A temporary closing order shall only be issued prior to a hearing on a preliminary injunction if the building or premises is used for commercial purposes only.

(d) No temporary closing order shall be issued against any building or premises where, in addition to the unlicensed activity which is alleged, activity that is licensed or otherwise lawful remains in place. In addition, no temporary closing order shall be issued against any building or premises which is used in part as residence and pursuant to local law or ordinance is zoned and lawfully occupied as a residence.

4. Temporary restraining order. (a) If, on a motion for a preliminary injunction alleging unlicensed activity as described in this section in a building or premises used for commercial purposes, the office or the attorney general demonstrates by clear and convincing evidence that such

unlicensed activity is being conducted, maintained, or permitted and that the public health, safety, or welfare immediately requires a temporary restraining order, a temporary restraining order may be granted without notice restraining the defendants and all persons from removing or in any manner interfering with the furniture, fixtures and movable property used in conducting, maintaining or permitting such unlicensed activity, including adult-use cannabis, and from further conducting, maintaining or permitting such unlicensed activity, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary restraining order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but no later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within three business days after the conclusion of the hearing.

(b) Unless the court orders otherwise, a temporary restraining order and the papers upon which it was based and a notice of hearing for the preliminary injunction shall be personally served, in the same manner as a summons as provided in the civil practice law and rules.

5. Temporary closing order; temporary restraining order; additional enforcement procedures. (a) If on a motion for a preliminary injunction, the office of cannabis management or the attorney general submits evidence warranting both a temporary closing order and a temporary restraining order, the court shall grant both orders.

(b) Upon the request of the office, any police officer or peace officer with jurisdiction may assist in the enforcement of a temporary closing order and temporary restraining order.

(c) The police officer or peace officer serving a temporary closing order or a temporary restraining order shall forthwith make and return to the court an inventory of personal property situated in and used in conducting, maintaining, or permitting the unlicensed activity within the scope of this chapter and shall enter upon the building or premises for such purpose. Such inventory shall be taken in any manner which is deemed likely to evidence a true and accurate representation of the personal property subject to such inventory including, but not limited to photographing such personal property.

(d) The police officer or peace officer serving a temporary closing order shall, upon service of the order, command all persons present in the building or premises to vacate the premises forthwith. Upon the building or premises being vacated, the premises shall be securely locked and all keys delivered to the officer serving the order who thereafter shall deliver the keys to the fee owner, lessor, or lessee of the building or premises involved. If the fee owner, lessor, or lessee is not at the building or premises when the order is being executed, the officer shall securely padlock the premises and retain the keys until the fee owner, lessor, or lessee of the building is ascertained, in which event, the officer shall deliver the keys to such owner, lessor, or lessee.

(e) Upon service of a temporary closing order or a temporary restraining order, the police officer or peace officer shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of such premises where the unlicensed activity is being conducted, maintained, or permitted. In addition, where a temporary closing order has been granted, the officer shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that the premises have been closed by

court order, which notice shall contain the legend "closed by court order" in block lettering of sufficient size to be observed by anyone intending or likely to enter the premises, the date of the order, the court from which issued, and the name of the officer or agency posting the notice. In addition, where a temporary restraining order has been granted, the police officer or peace officer shall affix, in the same manner, a notice similar to the notice provided for in relation to a temporary closing order except that the notice shall state that certain described activity is prohibited by court order and that removal of property is prohibited by court order. Mutilation or removal of such a posted order or such a posted notice while it remains in force, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of not more than five thousand dollars or by imprisonment not exceeding ninety days, or by both, provided such order or notice contains therein a notice of such penalty. Any police officer or peace officer with jurisdiction may, upon the request of the office, assist in the enforcement of this section.

6. Temporary closing order; temporary restraining order; defendant's remedies. (a) A temporary closing order or a temporary restraining order shall be vacated, upon notice to the office, if the defendant shows by affidavit and such other proof as may be submitted that the unlicensed activity within the scope of this chapter has been abated. An order vacating a temporary closing order or a temporary restraining order shall include a provision authorizing the office to inspect the building or premises which is the subject of a proceeding pursuant to this subdivision, periodically without notice, during the pendency of the proceeding for the purpose of ascertaining whether or not the unlicensed activity has been resumed. Any police officer or peace officer with jurisdiction may, upon the request of the office, assist in the enforcement of an inspection provision of an order vacating a temporary closing order or temporary restraining order.

(b) A temporary closing order or a temporary restraining order may be vacated by the court, upon notice to the office, when the defendant gives an undertaking and the court is satisfied that the public health, safety, or welfare will be protected adequately during the pendency of the proceeding. The undertaking shall be in an amount equal to the assessed valuation of the building or premises where the unlicensed activity is being conducted, maintained, or permitted or in such other amount as may be fixed by the court. The defendant shall pay to the office and the attorney general, in the event a judgment of permanent injunction is obtained, their actual costs, expenses and disbursements in bringing and maintaining the proceeding. In addition, the defendant shall pay to the local government or law enforcement agency that provided assistance in enforcing any order of the court issued pursuant to a proceeding brought under this section, its actual costs, expenses and disbursements in assisting with the enforcement of the proceeding.

7. Permanent injunction. (a) A judgment awarding a permanent injunction pursuant to this chapter shall direct that any illicit cannabis seized shall be turned over to the office of cannabis management or their authorized representative. The judgment may further direct any police officer or peace officer with jurisdiction to seize and remove from the building or premises all material, equipment, and instrumentalities used in the creation and maintenance of the unlicensed activity and shall direct the sale by the sheriff of any such property in the manner provided for the sale of personal property under execution pursuant to the provisions of the civil practice law and rules. The net

proceeds of any such sale, after deduction of the lawful expenses involved, shall be paid to the general fund of the state.

(b) A judgment awarding a permanent injunction pursuant to this chapter may direct the closing of the building or premises by any police officer or peace officer with jurisdiction to the extent necessary to abate the unlicensed activity and shall direct any police officer or peace officer with jurisdiction to post a copy of the judgment and a printed notice of such closing conforming to the requirements of this chapter. The closing directed by the judgment shall be for such period as the court may direct but in no event shall the closing be for a period of more than one year from the posting of the judgment provided for in this section. If the owner shall file a bond in the value of the property ordered to be closed and submits proof to the court that the unlicensed activity has been abated and will not be created, maintained, or permitted for such period of time as the building or premises has been directed to be closed in the judgment, the court may vacate the provisions of the judgment that direct the closing of the building or premises. A closing by a police officer or peace officer with jurisdiction pursuant to the provisions of this section shall not constitute an act of possession, ownership, or control by such police officer or peace officer of the closed premises.

(c) Upon the request of the office of cannabis management or its authorized representative, any police officer or peace officer with jurisdiction may assist in the enforcement of a judgment awarding a permanent injunction entered in a proceeding brought pursuant to this chapter.

(d) A judgment rendered awarding a permanent injunction pursuant to this chapter shall be and become a lien upon the building or premises named in the petition in such proceeding, such lien to date from the time of filing a notice of lis pendens in the office of the clerk of the county wherein the building or premises is located. Every such lien shall have priority before any mortgage or other lien that exists prior to such filing except tax and assessment liens.

(e) A judgment awarding a permanent injunction pursuant to this chapter shall provide, in addition to the costs and disbursements allowed by the civil practice law and rules, upon satisfactory proof by affidavit or such other evidence as may be submitted, the actual costs, expenses and disbursements of the office and the attorney general in bringing and maintaining the proceeding.

8. Civil proceedings. In addition to the authority granted in this section to the office of cannabis management and the attorney general, county attorney, corporation counsel, or local government in which such building or premises is located may, after the office of cannabis management grants permission in writing, bring and maintain a civil proceeding in the supreme court of the county in which the building or premises is located to permanently enjoin the unlicensed activity described in this section and the person or persons conducting or maintaining such unlicensed activity, in accordance with the procedures set forth in this section. The office shall be permitted to intervene as of right in any such proceeding. Any such governmental entity which obtains a permanent injunction pursuant to this chapter shall be awarded, in addition to the costs and disbursements allowed by the civil practice law and rules, upon satisfactory proof by affidavit or such other evidence as may be submitted, the actual costs, expenses and disbursements in bringing and maintaining the proceeding. The authority provided by this subdivision shall be in addition to, and shall not be deemed to

diminish or reduce, any rights of the parties described in this section under existing law for any violation pursuant to this chapter or any other law.

§ 13. Subdivisions 3, 6 and 7 of section 17 of the cannabis law are amended to read as follows:

3. Notice and right of hearing as provided in the state administrative procedure act shall be served at least fifteen days prior to the date of the hearing, provided that, whenever because of danger to the public health, safety or welfare it appears prejudicial to the interests of the people of the state to delay action for fifteen days or with respect to a violation of subdivision one or one-a of section one hundred twenty-five of this chapter, the board may serve the respondent with an order requiring certain action or the cessation of certain activities immediately or within a specified period of less than fifteen days.

6. Following a hearing, the board may make appropriate determinations and issue a final order in accordance therewith. The respondent shall have thirty days to submit a written appeal to the board. If the respondent does not submit a written appeal within thirty days of the determination of the board the order shall be final.

7. The board may adopt, amend and repeal administrative rules and regulations governing the procedures to be followed with respect to hearings, [~~such~~] investigations, and other administrative enforcement actions taken pursuant to this chapter, including any such enforcement actions taken against persons not registered, licensed, or permitted under this chapter. Such rules [~~to~~] shall be consistent with the policy and purpose of this chapter and the effective and fair enforcement of its provisions.

§ 14. Section 19 of the cannabis law is amended to read as follows:

§ 19. Public health and education campaign. The office, in consultation with the commissioners of the department of health, office of addiction services and supports, and office of mental health, shall develop and implement a comprehensive public health monitoring, surveillance and education campaign regarding the legalization of adult-use cannabis and the impact of cannabis use on public health and safety. The public health and education campaign shall also include general education to the public about the cannabis law, including the potential risks associated with patronizing unlicensed retail locations, or otherwise procuring cannabis product, cannabinoid hemp or hemp extract product through persons not authorized by the office.

§ 15. Paragraphs (l) and (m) of subdivision 1 of section 64 of the cannabis law are amended and a new paragraph (n) is added to read as follows:

(l) the applicant satisfies any other conditions as determined by the board; [~~and~~]

(m) if the applicant is a registered organization, the organization's maintenance of effort in manufacturing and/or dispensing and/or research of medical cannabis for certified patients and caregivers[~~.~~]; and

(n) whether the applicant or its managing officers have been found to have engaged in activities in violation of this chapter.

§ 16. Section 125 of the cannabis law is amended by adding a new subdivision 1-a to read as follows:

1-a. No person shall engage in an indirect retail sale irrespective of whether such person has obtained a registration, license, or permit issued under this chapter.

§ 17. Subdivisions 1 and 6 of section 132 of the cannabis law are amended and three new subdivisions 1-a, 7, and 8 are added to read as follows:

1. (a) Any person who cultivates for sale or sells cannabis, cannabis products, [~~or~~] medical cannabis, or any product marketed or labeled as such, without having an appropriate registration, license or permit therefor, [~~or~~] including a person whose registration, license, or permit has been revoked, surrendered or cancelled, [~~may be subject to prosecution in accordance with article two hundred twenty-two of the penal law~~] where such person is engaging in activity for which a license would be required under this chapter, may be subject to a civil penalty of not more than ten thousand dollars for each day during which such violation continues and an additional civil penalty in an amount of no more than five times the revenue from such prohibited sales or, in an amount of no more than three times the projected revenue for any such product found in the possession of such person based on the retail list price of such products; provided, however, that any such person who engages in such activity from a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle on or about same such property, and the quantity of such product on such premises or vehicle does not exceed the limits of personal use under article two hundred twenty-two of the penal law, may be subject to a civil penalty of no more than five thousand dollars.

Provided, further, that where such person has been ordered to cease such conduct pursuant to subdivision one of section one hundred thirty-eight-a of this chapter, such person may be assessed a civil penalty of no more than twenty thousand dollars per day for each day during which such violation continues after receiving such order in addition to the additional civil penalties set forth above; provided, however, that any such person who engages in such activity from a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle on or about same such property, and the quantity of such product on such premises or vehicle does not exceed the limits of personal use under article two hundred twenty-two of the penal law, may be subject to a civil penalty of no more than ten thousand dollars.

(b) If a person engaging in the conduct described in paragraph (a) of this subdivision, or subdivision one-a of this section refuses to permit the office or the board from performing a regulatory inspection, such person may be assessed a civil penalty of up to four thousand dollars for a first refusal and up to eight thousand dollars for a second or subsequent refusal within three years of a prior refusal. If the office or board is not permitted access for a regulatory inspection pursuant to section ten or section eleven of this chapter, as applicable, by such person, the attorney general, upon the request of the office or the board, shall be authorized to apply, without notice to such person, to the supreme court in the county in which the place of business is located for an order granting the office or board access to such place of business. The court may grant such an order if it determines, based on evidence presented by the attorney general, that there is reasonable cause to believe that such place of business is a place of business which does not possess a valid registration, license, or permit issued by the office or board.

(c) In assessing the civil penalties under this subdivision, the board or office shall take into consideration the nature of such violation and shall assess a penalty that is proportionate to the violation.

1-a. Any person found to have engaged in indirect retail sale in violation of subdivision one-a of section one hundred twenty-five of this chapter, shall be subject to a civil penalty in an amount equaling the lesser of three times the revenue for such indirect retail sales or up to two thousand five hundred dollars for each such sale, provided, however, that where such conduct also constitutes a violation of subdivision one of this section, such person may only be subject to the civil penalties under one such subdivision, and provided, further, that where such person has been ordered to cease such conduct pursuant to subdivision one of section one hundred thirty-eight-a of this article, such person may be assessed a civil penalty of up to five thousand dollars for each day during which such violation continues in addition to any civil penalties set forth above.

6. [~~After due~~] Except as otherwise provided for in this chapter, the board shall promulgate rules and regulations providing for notice and opportunity to be heard, [~~as established by rules and regulations~~] prior to the imposition of any civil penalty under this section, except where such civil penalty is being sought in an action or proceeding by the attorney general as otherwise authorized in this chapter, provided, further, nothing in this section shall prohibit the board from suspending, revoking, or denying a license, permit, registration, or application in addition to the penalties [~~prescribed in~~] that may be assessed under this section.

7. The penalties provided for in subdivision one of this section may be recovered by the attorney general on behalf of the board or office in an action or proceeding brought pursuant to section one hundred thirty-eight-a of this chapter.

8. Any person who knowingly and unlawfully sells, gives, or causes to be sold or given, any cannabis or cannabis products for which the sale of such products requires a license, permit, or registration under this chapter where such person owns and/or is principally responsible for the operation of a business where such products were sold, given, or caused to be sold or given without having obtained a valid license, permit or registration therefor shall be guilty of a class A misdemeanor. For the purposes of this section, "operation of a business" shall mean engaging in the sale of, or otherwise offering for sale, goods and services to the general public, including through indirect retail sales.

§ 18. Subdivisions 6 and 8 of section 133 of the cannabis law are amended to read as follows:

6. Any registration, license or permit issued by the board pursuant to this chapter may be revoked, cancelled or suspended and/or be subjected to the imposition of a monetary penalty set forth in this chapter in the manner prescribed by this section. In addition to the grounds set forth in this section, the board may also revoke, cancel, or suspend any registration, license, or permit where such person holding such registration, license, or permit has been found to have refused to permit a regulatory inspection by the board.

8. All other registrations, licenses or permits issued under this chapter may be revoked, cancelled, suspended and/or made subject to the imposition of a civil penalty by the office after a hearing to be held in such manner and upon such notice as may be prescribed in regulation by the board. In addition to the grounds set forth in this section, the office may also revoke, cancel, or suspend any registration, license, or

permit where such person holding such registration, license, or permit has been found to have refused to permit a regulatory inspection by the office.

§ 19. Subdivision 1 of section 137 of the cannabis law is amended by adding a new paragraph (d-1) to read as follows:

(d-1) A person who has been found to have engaged in unlicensed, unregistered, or unpermitted conduct under this chapter, until three years after such finding;

§ 20. Section 138-a of the cannabis law is amended to read as follows:

§ 138-a. [~~Injunction~~] Action for unlawful [~~manufacturing, sale, or distribution of~~] business practices relating to cannabis. The board or the office of cannabis management shall, in accordance with the authority otherwise conferred in this chapter, have the authority to [~~request an injunction~~]:

1. order any person who is unlawfully cultivating, processing, distributing or selling cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such in this state without obtaining the appropriate registration, license, or permit therefor, or engaging in an indirect retail sale to cease such prohibited conduct;

2. seize any cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, found in the possession of a person engaged in the conduct described in subdivision one of this section;

3. initiate or refer the matter to the board for an administrative proceeding to enforce the provisions of this section;

4. seek injunctive relief against any person [~~who is unlawfully cultivating, processing, distributing or selling cannabis in this state without obtaining the appropriate registration, license, or permit therefor, in accordance with this chapter and any applicable state law~~] engaging in conduct in violation of this section; and

5. request that the attorney general obtain judicial enforcement of an order issued under subdivision one of this section or bring an action or proceeding for any relief otherwise authorized under this chapter for a violation of this chapter, including the recovery of any applicable civil penalties.

§ 21. The real property actions and proceedings law is amended by adding a new section 715-a to read as follows:

§ 715-a. Grounds and procedure for removal of commercial tenants for unlicensed cannabis retail sale. 1. Any duly authorized enforcement agency of the state or of a subdivision thereof, under a duty to enforce the provisions of the penal law or of any state or local law, ordinance, code, rule or regulation relating to buildings, or the cannabis control board, office of cannabis management or the attorney general pursuant to section one hundred thirty-eight-a of the cannabis law, may serve personally upon the owner or landlord of real property authorized or otherwise intended or advertised, in whole or part, for use to buy, sell or otherwise provide goods or services, or for other business, commercial, professional services or manufacturing activities, or upon their agent, a written notice requiring the owner or landlord to make an application for the removal of a commercial tenant so using or occupying the same for a violation of article two hundred twenty-two of the penal law or article six of the cannabis law involving the unlicensed sale of cannabis, where such property, or the portion thereof being used for such unlicensed activity, is not occupied for any other licensed or lawful purpose. If the owner or landlord or their agent does not make

such application within five days thereafter; or, having made it, does not in good faith diligently prosecute it, the enforcement agency giving the notice may bring a proceeding under this article for such removal as though the petitioner were the owner or landlord of the premises, and shall have precedence over any similar proceeding thereafter brought by such owner or landlord or to one theretofore brought by them and not prosecuted diligently and in good faith. An enforcement agency authorized to bring a petition hereunder may do so on their own initiative or upon a referral from an agency of the state or a subdivision thereof. The person in possession of the property, as well as any lessee or sublessee and the owner or landlord shall be made respondents in the proceeding.

2. A court, upon a finding of such violation may, in addition to any other order provided by law:

(a) grant a petition pursuant to this section ordering the immediate removal of such tenant;

(b) impose and require the payment by any respondent not otherwise subject to a civil penalty under section sixteen or one hundred twenty-five of the cannabis law, who has been found to have knowingly permitted such a violation, a civil penalty not exceeding three times the amount of rent charged for the duration of the violation;

(c) order the payment of reasonable attorneys fees and the costs of the proceeding to the petitioner; and

(d) order that any such multiple respondents shall be jointly and severally liable for any payment so ordered under this subdivision.

3. For the purposes of a proceeding under this section, an enforcement agency of the state or of a subdivision thereof, which may commence a proceeding under this section, may subpoena witnesses, compel their attendance, examine them under oath before themselves or a court and require that any books, records, documents or papers relevant or material to the inquiry be turned over to them for inspection, examination or audit, pursuant to the civil practice law and rules.

4. The use or occupancy of premises solely or primarily for the unlicensed retail sale of cannabis shall constitute an illegal trade, manufacture, or other business for the purposes of section two hundred thirty-one of the real property law.

§ 22. Section 2.10 of the criminal procedure law is amended by adding a new subdivision 86 to read as follows:

86. Investigators appointed by the cannabis control board, pursuant to section ten of the cannabis law; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair, or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

§ 23. This act shall take effect immediately; provided, however, that the provisions of section 16-a of the cannabis law as added by section twelve of this act shall expire and be deemed repealed on May 1, 2028.

PART VV

Section 1. This Part enacts into law major components of legislation relating to securing orders, mandatory arrests for domestic violence cases, and data collection. Each component is wholly contained within a Subpart identified as Subparts A through C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which

makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of this act.

SUBPART A

Section 1. The opening paragraph and paragraphs (d) and (f) of subdivision 3-a and subdivision 5 of section 500.10 of the criminal procedure law, the opening paragraph and paragraph (d) as amended and paragraph (f) of subdivision 3-a as added by section 1 of part UU of chapter 56 of the laws of 2020 and subdivision 5 as amended by section 1-e of part JJJ of chapter 59 of the laws of 2019, are amended to read as follows:

"Release under non-monetary conditions." A court releases a principal under non-monetary conditions when, having acquired control over a person, it authorizes the person to be at liberty during the pendency of the criminal action or proceeding involved under conditions ordered by the court[~~, which~~]**. The conditions ordered** shall [~~be the least restrictive conditions that will~~] **reflect the findings of the individualized determination warranting such imposition of non-monetary conditions to** reasonably assure the principal's return to court and reasonably assure the principal's compliance with court conditions. A principal shall not be required to pay for any part of the cost of release on non-monetary conditions. Such conditions may include, among other conditions reasonable under the circumstances:

(d) that, [~~when it is shown pursuant to~~] **upon a finding in accordance with** subdivision four of section 510.45 of this title [~~that no other realistic non-monetary condition or set of non-monetary conditions will suffice to reasonably assure the person's return to court~~], the person be placed in reasonable pretrial supervision with a pretrial services agency serving principals in that county**, provided, however that where non-monetary conditions are imposed in combination with a securing order also fixing bail, the court shall not be required to make such separate finding**;

(f) that the principal be referred to a pretrial services agency for placement in mandatory programming, including counseling, treatment**, including but not limited to mental health and chemical dependence treatment**, and intimate partner violence intervention programs. Where applicable, the court may **refer the principal to a crisis stabilization center or** direct **that** the principal be removed to a hospital pursuant to section 9.43 of the mental hygiene law;

5. "Securing order" means an order of a court committing a principal to the custody of the sheriff or fixing bail, where authorized, or releasing the principal on the principal's own recognizance or releasing the principal under non-monetary conditions**, or, as otherwise authorized under this title, ordering non-monetary conditions in conjunction with fixing bail**.

§ 2. The opening paragraph of subdivision 1, subdivision 3 and the opening paragraph of subdivision 4 of section 510.10 of the criminal procedure law, the opening paragraph of subdivision 1 as amended by section 1 of subpart C of part UU of chapter 56 of the laws of 2022, subdivision 3 as added by section 2 of part JJJ of chapter 59 of the laws of 2019, and the opening paragraph of subdivision 4 as amended by section 2 of part UU of chapter 56 of the laws of 2020, are amended and a new opening paragraph is added to read as follows:

The imposition of a specific type of securing order is in some cases required by law and in other cases within the discretion of the court in accordance with the principles of, and pursuant to its authority granted under, this title.

When a principal, whose future court attendance at a criminal action or proceeding is or may be required, comes under the control of a court, such court shall[~~,~~] **impose a securing order** in accordance with this title[~~, by a securing order release the principal on the principal's own recognizance, release the principal under non-monetary conditions, or, where authorized, fix bail or commit the principal to the custody of the sheriff. In all such cases, except where another type of securing order is shown to be required by law, the court shall release the principal pending trial on the principal's own recognizance, unless it is demonstrated and~~]**. Except as otherwise required by law,** the court [~~makes~~] **shall make** an individualized determination [~~that~~] **as to whether** the principal poses a risk of flight to avoid prosecution**, consider the kind and degree of control or restriction necessary to reasonably assure the principal's return to court, and select a securing order consistent with its determination under this subdivision**. [~~If such a finding is made, the court must select the least restrictive alternative and condition or conditions that will reasonably assure the principal's return to court.~~] The court shall explain **the basis for its determination and** its choice of [~~release, release with conditions, bail or remand~~] **securing order** on the record or in writing. In making [~~its~~] **a** determination **under this subdivision**, the court must consider and take into account available information about the principal, including:

3. In cases other than as described in subdivision four of this section**,** the court shall release the principal pending trial on the principal's own recognizance, unless the court finds on the record or in writing that release on the principal's own recognizance will not reasonably assure the principal's return to court. In such instances, the court shall release the principal under non-monetary conditions[~~, selecting the least restrictive alternative and conditions~~] **as provided for in subdivision three-a of section 500.10 of this title** that will reasonably assure the principal's return to court. The court shall explain its choice of [~~alternative and conditions~~] **securing order** on the record or in writing.

Where the principal stands charged with a qualifying offense, the court, unless otherwise prohibited by law, may in its discretion release the principal pending trial on the principal's own recognizance or under non-monetary conditions, fix bail, **or order non-monetary conditions in conjunction with fixing bail,** or, where the defendant is charged with a qualifying offense which is a felony, the court may commit the principal to the custody of the sheriff. A principal stands charged with a qualifying offense for the purposes of this subdivision when he or she stands charged with:

§ 3. Subdivision 1 and paragraph (b) of subdivision 2 of section 510.20 of the criminal procedure law, as amended by section 3 of part JJJ of chapter 59 of the laws of 2019, are amended and a new subdivision 3 is added to read as follows:

1. Upon any occasion when a court has issued a securing order with respect to a principal and the principal is confined in the custody of the sheriff as a result of the securing order or a previously issued securing order, the principal may make an application for recognizance, release under non-monetary conditions [~~or~~]**,** bail**, a reduction of bail,**

or imposition of non-monetary conditions in conjunction with bail or a reduction of bail.

(b) Upon such application, the principal must be accorded an opportunity to be heard, present evidence and to contend that an order of recognizance, release under non-monetary conditions or, where authorized, bail**, a reduction of bail, or imposition of non-monetary conditions in conjunction with bail or a reduction of bail,** must or should issue, that the court should release the principal on the principal's own recognizance or under non-monetary conditions rather than fix bail, **or where bail has been imposed, reduce the amount of bail and impose non-monetary conditions, where authorized under this title,** and that if bail is authorized and fixed it should be in a suggested amount and form.

3. When an application for a change in securing order is brought under this section and one or more of the charge or charges on which such securing order was based have been dismissed and/or reduced such that the securing order is no longer supported by the provisions of section 510.10 of this article, the court shall impose a new securing order in accordance with such section.

§ 4. Subdivision 1 of section 510.30 of the criminal procedure law, as amended by section 2 of subpart C of part UU of chapter 56 of the laws of 2022, is amended to read as follows:

1. With respect to any principal, the court in all cases, unless otherwise provided by law, must impose [~~the least restrictive kind and degree of control or restriction that is necessary to secure the principal's return to court when required. In determining that matter, the court must, on the basis of available information, consider and take into account information about the principal that is relevant to the principal's return to court, including:~~

~~(a) The principal's activities and history;~~

~~(b) If the principal is a defendant, the charges facing the principal;~~

~~(c) The principal's criminal conviction record if any;~~

~~(d) The principal's record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.2 of the family court act, or, of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any;~~

~~(e) The principal's previous record with respect to flight to avoid criminal prosecution;~~

~~(f) If monetary bail is authorized, according to the restrictions set forth in this title, the principal's individual financial circumstances, and, in cases where bail is authorized, the principal's ability to post bail without posing undue hardship, as well as his or her ability to obtain a secured, unsecured, or partially secured bond;~~

~~(g) any violation by the principal of an order of protection issued by any court;~~

~~(h) the principal's history of use or possession of a firearm;~~

~~(i) whether the charge is alleged to have caused serious harm to an individual or group of individuals; and~~

~~(j) If the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal~~] **a securing order in accordance with section 510.10 of this article, and shall explain the basis for its determination and choice of securing order on the record or in writing**.

§ 5. Subdivision 3 and paragraph (b) of subdivision 4 of section 510.40 of the criminal procedure law, as added by section 6 of part JJJ of chapter 59 of the laws of 2019, are amended to read as follows:

3. Non-monetary conditions of release shall be individualized and established in writing by the court. At future court appearances, the court shall consider a lessening of conditions or modification of conditions to a less burdensome form based on the principal's compliance with such conditions of release. In the event of alleged non-compliance with the conditions of release in an important respect, pursuant to this subdivision, additional conditions may be imposed by the court, on the record or in writing, only after notice of the facts and circumstances of such alleged non-compliance, reasonable under the circumstances, affording the principal and the principal's attorney and the people an opportunity to present relevant, admissible evidence, relevant witnesses and to cross-examine witnesses, and a finding by clear and convincing evidence that the principal violated a condition of release in an important respect. Following such a finding, in determining whether to impose additional conditions for non-compliance, the court shall consider and may select conditions [~~consistent with the court's obligation to impose the least restrictive condition or conditions~~] **as provided for in subdivision three-a of section 500.10 of this title** that will reasonably assure the defendant's return to court. The court shall explain on the record or in writing the reasons for its determination and for any changes to the conditions imposed.

(b) The specific method of electronic monitoring of the principal's location must be approved by the court. [~~It must be the least restrictive~~] **The** procedure and method [~~that will~~] **of such electronic monitoring shall reflect the findings of the individualized determination warranting such imposition of electronic monitoring to** reasonably assure the principal's return to court, and **shall be** unobtrusive to the greatest extent practicable.

§ 6. Paragraph (a) and the opening paragraph of paragraph (b) of subdivision 1, and the opening paragraph of subdivision 2 of section 530.20 of the criminal procedure law, paragraph (a) of subdivision 1 as amended by section 3 of subpart C of part UU of chapter 56 of the laws of 2022, the opening paragraph of paragraph (b) as amended by section 3 of part UU of chapter 56 of the laws of 2020, and the opening paragraph of subdivision 2 as amended by section 16 of part JJJ of chapter 59 of the laws of 2019, are amended to read as follows:

(a) In cases other than as described in paragraph (b) of this subdivision**,** the court shall release the principal pending trial on the principal's own recognizance[~~, unless the court finds on the record~~] or [~~in writing that~~] release [~~on~~] the [~~principal's own recognizance will not reasonably assure the principal's return to court. In such instances, the court shall release the~~] principal **pending trial** under non-monetary conditions, [~~selecting the least restrictive alternative and conditions that will reasonably assure the principal's return to court~~] **the determination for which shall be made in accordance with subdivision one of section 510.10 of this title**. The court shall explain **the basis for** its **determination and** choice of [~~alternative and conditions~~] **securing order** on the record or in writing. [~~In making its determination, the court must consider and take into account available information about the principal, including:~~

~~(i) the principal's activities and history;~~

~~(ii) if the principal is a defendant, the charges facing the principal;~~

~~(iii) the principal's criminal conviction record if any;~~

~~(iv) the principal's record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.1 of the family court~~

~~act, or of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any;~~

~~(v) the principal's previous record with respect to flight to avoid criminal prosecution;~~

~~(vi) if monetary bail is authorized, according to the restrictions set forth in this title, the principal's individual financial circumstances, and, in cases where bail is authorized, the principal's ability to post bail without posing undue hardship, as well as his or her ability to obtain a secured, unsecured, or partially secured bond;~~

~~(vii) any violation by the principal of an order of protection issued by any court;~~

~~(viii) the principal's history and use or possession of a firearm;~~

~~(ix) whether the charge is alleged to have caused serious harm to an individual or group of individuals; and~~

~~(x) if the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal.~~]

Where the principal stands charged with a qualifying offense, the court, unless otherwise prohibited by law, may in its discretion release the principal pending trial on the principal's own recognizance or under non-monetary conditions, fix bail, **order non-monetary conditions in conjunction with fixing bail,** or, where the defendant is charged with a qualifying offense which is a felony, the court may commit the principal to the custody of the sheriff. The court shall explain its choice of [~~release, release with conditions, bail or remand~~] **securing order** on the record or in writing. A principal stands charged with a qualifying offense when he or she stands charged with:

When the defendant is charged, by felony complaint, with a felony, the court may, in its discretion, **and in accordance with section 510.10 of this title,** order recognizance, release under non-monetary conditions, or, where authorized, **fix** bail**, or order non-monetary conditions in conjunction with fixing bail,** or commit the defendant to the custody of the sheriff except as otherwise provided in subdivision one of this section or this subdivision:

§ 7. The closing paragraph of subdivision 1 of section 530.30 of the criminal procedure law, as amended by section 17 of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

In such case, such superior court judge may vacate the order of such local criminal court and release the defendant on recognizance or under non-monetary conditions, or where authorized, fix bail in a lesser amount or in a less burdensome form, [~~whichever are the least restrictive alternative and~~] **or order non-monetary** conditions [~~that will reasonably assure the defendant's return to court~~] **in conjunction with fixing bail, including fixing bail in a lesser amount or in a less burdensome form, the determination for which shall be made in accordance with section 510.10 of this title**. The court shall explain **the basis for** its **determination and** choice of [~~alternative and conditions~~] **securing order** on the record or in writing.

§ 8. Subdivision 3 and the opening paragraph of subdivision 4 of section 530.40 of the criminal procedure law, subdivision 3 as amended by section 3 of subpart B of part UU of chapter 56 of the laws of 2022 and the opening paragraph of subdivision 4 as amended by section 4 of part UU of chapter 56 of the laws of 2020, are amended to read as follows:

3. In cases other than as described in subdivision four of this section the court shall release the principal pending trial on the prin-

cipal's own recognizance[~~, unless the court finds on the record~~] or [~~in writing that~~] release [~~on~~] the [~~principal's own recognizance will not reasonably assure the principal's return to court. In such instances, the court shall release the~~] principal **pending trial** under non-monetary conditions, [~~selecting the least restrictive alternative and conditions that will reasonably assure the principal's return to court~~] **the determination for which shall be made in accordance with section 510.10 of this title**. The court shall explain **the basis for** its **determination and** choice of [~~alternative and conditions~~] **securing order** on the record or in writing. [~~In making its determination, the court must consider and take into account available information about the principal, including:~~

~~(a) the principal's activities and history;~~

~~(b) if the principal is a defendant, the charges facing the principal;~~

~~(c) the principal's criminal conviction record if any;~~

~~(d) the principal's record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.1 of the family court act, or of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any;~~

~~(e) the principal's previous record with respect to flight to avoid criminal prosecution;~~

~~(f) if monetary bail is authorized, according to the restrictions set forth in this title, the principal's individual financial circumstances, and, in cases where bail is authorized, the principal's ability to post bail without posing undue hardship, as well as his or her ability to obtain a secured, unsecured, or partially secured bond;~~

~~(g) any violation by the principal of an order of protection issued by any court;~~

~~(h) the principal's history and use or possession of a firearm;~~

~~(i) whether the charge is alleged to have caused serious harm to an individual or group of individuals; and~~

~~(j) if the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal.~~]

Where the principal stands charged with a qualifying offense, the court, unless otherwise prohibited by law, may in its discretion**, and in accordance with section 510.10 of this title,** release the principal pending trial on the principal's own recognizance or under non-monetary conditions, fix bail, **or order non-monetary conditions in conjunction with fixing bail,** or, where the defendant is charged with a qualifying offense which is a felony, the court may commit the principal to the custody of the sheriff. The court shall explain **the basis for its determination and** its choice of [~~release, release with conditions, bail or remand~~] **securing order** on the record or in writing. A principal stands charged with a qualifying offense for the purposes of this subdivision when he or she stands charged with:

§ 9. Subdivisions 1 and 2-a of section 530.45 of the criminal procedure law, subdivision 1 as amended by section 19 of part JJJ of chapter 59 of the laws of 2019, and subdivision 2-a as added by section 9 of part UU of chapter 56 of the laws of 2020, are amended to read as follows:

1. When the defendant is at liberty in the course of a criminal action as a result of a prior **securing** order [~~of recognizance, release under non-monetary conditions or bail~~] and the court revokes such order and then, where authorized, fixes no bail [~~or~~]**,** fixes bail in a greater amount or in a more burdensome form than was previously fixed**, or, in conjunction with the imposition of non-monetary conditions, fixes bail**

in a greater amount or in a more burdensome form than was previously fixed and remands or commits defendant to the custody of the sheriff, or issues a more restrictive securing order, a judge designated in subdivision two of this section, upon application of the defendant following conviction of an offense other than a class A felony or a class B or class C felony offense as defined in article one hundred thirty of the penal law committed or attempted to be committed by a person eighteen years of age or older against a person less than eighteen years of age, and before sentencing, may issue a securing order and release the defendant on the defendant's own recognizance, release the defendant under non-monetary conditions, or, where authorized, fix bail [~~or~~]**, which may be in conjunction with the imposition of non-monetary conditions,** fix bail in a lesser amount or in a less burdensome form**, which may be in conjunction with the imposition of non-monetary conditions**, or issue a less restrictive securing order, than fixed by the court in which the conviction was entered.

2-a. Notwithstanding the provisions of subdivision four of section 510.10, paragraph (b) of subdivision one of section 530.20 and subdivision four of section 530.40 of this title, when a defendant charged with an offense that is not such a qualifying offense is convicted, whether by guilty plea or verdict, in such criminal action or proceeding of an offense that is not a qualifying offense, the court may, in accordance with law, issue a securing order: releasing the defendant on the defendant's own recognizance or under non-monetary conditions where authorized, fix bail, **or ordering non-monetary conditions in conjunction with fixing bail,** or remand the defendant to the custody of the sheriff where authorized.

§ 10. Subdivisions 2 and 3 of section 530.50 of the criminal procedure law, subdivision 2 as added by section 10 of part UU of chapter 56 of the laws of 2020, and subdivision 3 as added by section 4 of subpart D of part UU of chapter 56 of the laws of 2022, are amended to read as follows:

2. Notwithstanding the provisions of subdivision four of section 510.10, paragraph (b) of subdivision one of section 530.20 and subdivision four of section 530.40 of this title, when a defendant charged with an offense that is not such a qualifying offense applies, pending determination of an appeal, for an order of recognizance or release on non-monetary conditions, where authorized, [~~or~~] fixing bail, **or ordering non-monetary conditions in conjunction with fixing bail,** a judge identified in subdivision two of section 460.50 or paragraph (a) of subdivision one of section 460.60 of this chapter may, in accordance with law, and except as otherwise provided by law, issue a securing order: releasing the defendant on the defendant's own recognizance or under non-monetary conditions where authorized, fixing bail, **or ordering non-monetary conditions in conjunction with fixing bail,** or remanding the defendant to the custody of the sheriff where authorized.

3. Where an appeal by the people has been taken from an order dismissing one or more counts of an accusatory instrument for failure to comply with a discovery order pursuant to subdivision twelve of section 450.20 of this chapter and the defendant is charged with a qualifying offense in the remaining counts in the accusatory instrument, pending determination of an appeal, the defendant may apply for an order of recognizance or release on non-monetary conditions, where authorized, [~~or~~] fixing bail**, or ordering non-monetary conditions in conjunction with fixing bail**. A judge identified in subdivision two of section 460.50 of this chapter or paragraph (a) of subdivision one of section 460.60 of

this chapter may, in accordance with law, and except as otherwise provided by law, issue a securing order releasing the defendant on the defendant's own recognizance or under non-monetary conditions where authorized, fixing bail, **or ordering non-monetary conditions in conjunction with fixing bail,** or remanding the defendant to the custody of the sheriff where authorized.

§ 11. The opening paragraph of paragraph (b), and the closing paragraph of subparagraph (i) and subparagraph (ii) of paragraph (d) of subdivision 2 of section 530.60 of the criminal procedure law, as amended by section 20 of part JJJ of chapter 59 of the laws of 2019, are amended and a new subparagraph (iii) of paragraph (d) is added to read as follows:

Except as provided in paragraph (a) of this subdivision or any other law, whenever in the course of a criminal action or proceeding a defendant charged with the commission of an offense is at liberty as a result of [~~an order of recognizance, release under non-monetary conditions or bail~~] **a securing order** issued pursuant to this article it shall be grounds for revoking such order and [~~fixing bail~~] **imposing a new securing order in accordance with paragraph (d) of this subdivision, the basis for which shall be made on the record or in writing,** in such criminal action or proceeding when the court has found, by clear and convincing evidence, that the defendant:

Upon expiration of any of the three periods specified within this subparagraph, whichever is shortest, the court may grant or deny release upon an order of bail or recognizance in accordance with the provisions of this article. Upon conviction to an offense the provisions of article five hundred thirty of this chapter shall apply; [~~and~~]

(ii) Under **subparagraph (i) of** paragraph (b) of this subdivision, revocation of [~~the order of recognizance, release under non-monetary conditions or, as the case may be, bail~~] **a previously issued securing order** shall result in the issuance of a new securing order which may, if otherwise authorized by law, permit the principal's release on recognizance or release under non-monetary conditions, but shall also render the defendant eligible for an order fixing bail**, or ordering non-monetary conditions in conjunction with fixing bail,** provided, however, that in accordance with the principles in this title the court must [~~select the least restrictive alternative and condition or conditions that will reasonably assure the principal's return to court~~] **impose a new securing order in accordance with subdivision one of section 510.10 of this title, and in imposing such order, may consider the circumstances warranting such revocation**. Nothing in this subparagraph shall be interpreted as shortening the period of detention, or requiring or authorizing any less restrictive form of a securing order, which may be imposed pursuant to any other law[~~.~~]**; and**

(iii) Under subparagraphs (ii), (iii), and (iv) of paragraph (b) of this subdivision, revocation of a previously issued securing order shall result in the issuance of a new securing order which may, if otherwise authorized by law, permit the principal's release on recognizance or release under non-monetary conditions, but shall also render the defendant eligible for an order fixing bail or ordering non-monetary conditions in conjunction with fixing bail. In issuing the new securing order, the court shall consider the kind and degree of control or restriction necessary to reasonably assure the principal's return to court and compliance with court conditions, and select a securing order consistent with its determination, taking into account the factors required to be considered under subdivision one of section 510.10 of

this title, the circumstances warranting such revocation, and the nature and extent of the principal's noncompliance with previously ordered non-monetary conditions of the securing order subject to revocation under this subdivision. Nothing in this subparagraph shall be interpreted as shortening the period of detention, or requiring or authorizing any less restrictive form of a securing order, which may be imposed pursuant to any other law.

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

SUBPART B

Section 1. Paragraph (a) of subdivision 1 of section 150.20 of the criminal procedure law, as amended by section 1-a of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

(a) Whenever a police officer is authorized pursuant to section 140.10 of this title to arrest a person without a warrant for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law, [~~he~~] **or other than where an arrest is required to be made pursuant to subdivision four of section 140.10 of this title, the officer** shall, except as set out in paragraph (b) of this subdivision, subject to the provisions of subdivisions three and four of section 150.40 of this title, instead issue to and serve upon such person an appearance ticket.

§ 2. Subdivision 2 of section 150.20 of the criminal procedure law, as amended by chapter 550 of the laws of 1987, is amended to read as follows:

2. (a) Whenever**, pursuant to section 140.10 of this title,** a police officer has arrested a person without a warrant for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law **or other than where an arrest was required to be made** pursuant to **subdivision four of** section 140.10 **of this title**, or (b) whenever a peace officer, who is not authorized by law to issue an appearance ticket, has arrested a person for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law pursuant to section 140.25 **of this title**, and **such peace officer** has requested a police officer to issue and serve upon such arrested person an appearance ticket pursuant to subdivision four of section 140.27 **of this title**, or (c) whenever a person has been arrested for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law and **such person** has been delivered to the custody of an appropriate police officer pursuant to section 140.40 **of this title**, such police officer may, instead of bringing such person before a local criminal court and promptly filing or causing the arresting peace officer or arresting person to file a local criminal court accusatory instrument therewith, issue to and serve upon such person an appearance ticket. [~~The issuance and service of an appearance ticket under such circumstances may be conditioned upon a deposit of pre-arraignment bail, as provided in section 150.30.~~]

§ 3. Subdivisions 2 and 3 of section 140.20 of the criminal procedure law, as amended by chapter 550 of the laws of 1987, are amended to read as follows:

2. If the arrest is for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19

or 215.56 of the penal law, **or other than where an arrest is required to be made pursuant to subdivision four of section 140.10 of this article,** the arrested person need not be brought before a local criminal court as provided in subdivision one, and the procedure may instead be as follows:

(a) A police officer may issue and serve an appearance ticket upon the arrested person and release him from custody, as prescribed in subdivision two of section 150.20 **of this title**; or

(b) The desk officer in charge at a police station, county jail or police headquarters, or any of his superior officers, may, in such place fix pre-arraignment bail and, upon deposit thereof, issue and serve an appearance ticket upon the arrested person and release him from custody[~~, as prescribed in section 150.30~~].

3. [~~If~~] **Other than where an arrest is required to be made pursuant to subdivision four of section 140.10 of this article, if** (a) the arrest is for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law, and (b) owing to unavailability of a local criminal court the arresting police officer is unable to bring the arrested person before such a court with reasonable promptness, either an appearance ticket must be served unconditionally upon the arrested person or pre-arraignment bail must be fixed, as prescribed in subdivision two. If pre-arraignment bail is fixed but not posted, such arrested person may be temporarily held in custody but must be brought before a local criminal court without unnecessary delay. Nothing contained in this subdivision requires a police officer to serve an appearance ticket upon an arrested person or release him from custody at a time when such person appears to be under the influence of alcohol, narcotics or other drug to the degree that he may endanger himself or other persons.

§ 4. This act shall take effect immediately.

SUBPART C

Section 1. Subdivision 5 of section 216 of the judiciary law, as amended by section 1 of subpart G of part UU of chapter 56 of the laws of 2022, is amended to read as follows:

5. The chief administrator of the courts, in conjunction with the division of criminal justice services, shall collect data and report every six months regarding pretrial release and detention. Such data and report shall contain information categorized by age, gender, racial and ethnic background; regarding the nature of the criminal offenses, including the top charge of each case; the number and type of charges in each defendant's criminal record; whether the prosecutor requested that the court fix bail, the amounts and forms of bail requested by the prosecutor, and the amounts and forms of bail set by the court; the number of individuals released on recognizance; the number of individuals released on non-monetary conditions, including the conditions imposed; the number of individuals committed to the custody of a sheriff prior to trial; the rates of failure to appear and rearrest; the outcome of such cases or dispositions; the length of the pretrial detention stay and any other such information as the chief administrator and the division of criminal justice services may find necessary and appropriate. **Further, the chief administrator of the courts shall collect data and report every month regarding pretrial commitments to local correctional facilities. Such data shall include but not be limited to age, gender, racial and ethnic background of the principal; both beginning and end**

dates of pretrial commitment to the custody of the sheriff; total days of pretrial commitment to the custody of the sheriff; the type of commitment ordered by the court; the top charge at arrest and arraignment; and whether the principal had been previously released from custody in the case. Such report shall aggregate the data collected by county; court, including city, town and village courts; and judge. The data shall be aggregated in order to protect the identity of individual defendants. The report shall be released publicly and published on the websites of the office of court administration and the division of criminal justice services. The first report shall be published twelve months after this subdivision shall have become a law, and shall include data from the first six months following the enactment of this section. Reports for subsequent periods shall be published every six months thereafter**; provided, however, that the pretrial detention admissions and discharges report will be published every month**.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

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

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

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

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