STATE OF NEW YORK

S. 8305--C A. 8805--C

SENATE - ASSEMBLY

January 17, 2024

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 penal law, in relation to assault on a retail worker (Part A); to amend the penal law, in relation to establishing the crime of fostering the sale of stolen goods (Part B); to amend the penal law and the judiciary law, in relation to specified offenses that constitute a hate crime (Part C); relating to the closure of correctional facilities; and providing for the repeal of such provisions upon the expiration thereof (Part D); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part E); to amend the judiciary law, the penal law and the election law, in relation to increasing the safety and security of judges and their immediate families (Part F); to amend the cannabis law, the administrative code of the city of New York, the county law, the penal law, and the real property actions and proceedings law, in relation to providing additional enforcement powers to localities and the office of cannabis management (Part G); to amend the alcoholic beverage control law, in relation to notifying municipalities of the filing of certain applications, and providing for certain temporary permits; and to repeal certain provisions of such law related thereto (Part H); to amend the alcoholic beverage control law, in relation to

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

LBD12670-05-4

establishing a temporary wholesale permit (Part I); to amend chapter 118 of the laws of 2012 amending the alcoholic beverage control law relating to the powers of the chairman and members of the authority, in relation to the effectiveness of certain provisions thereof (Part J); to amend chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part K); intentionally omitted (Part L); to amend the labor law, in relation to providing paid prenatal personal leave (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the state finance law, in relation to eliminating the alternate procedure for the payment of salaries for certain employees and the withholding of five days of salary for certain employees (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the general municipal law, in relation to county-wide shared services panels; to amend the executive law, in relation to the administration of certain monies; and to amend the village law, in relation to unexpended fund balances incurred for the incorporation if a village is not incorporated (Part U); intentionally omitted (Part V); to amend the state finance law, in relation to reforming the local government efficiency grant program (Part W); intentionally omitted (Part X); to amend part P of chapter 55 of the laws of 2022, amending the alcoholic beverage control law relating to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption, in relation to the effectiveness thereof (Part Y); to amend the penal law, in relation to harassing certain employees of a transit agency or authority (Part Z); to amend the criminal procedure law, in relation to maintaining actions against certain adolescent offenders for certain sexual offenses in criminal court (Part AA); to amend the real property tax law, in relation to requiring excess proceeds from a tax foreclosure sale to be returned to the former owner, delinquent tax interest rates and establishing a homeowner bill of rights; to amend the tax law, in relation to disclosure of STAR credit disclosures; and to amend chapter 602 of the laws of 1993 amending the real property tax law relating to the enforcement of the collection of delinquent real property taxes and to the collection of taxes by banks, in relation to the effectiveness thereof (Part BB); to amend the alcoholic beverage control law, in relation to alcohol in certain motion picture theatres, and providing for the repeal of such provisions upon the expiration thereof (Part CC); in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police shooting range and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart A); in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police shooting range and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart B); in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police training facility and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart C); and in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police training facility, including planning and design work, related site improvements, and furnishings

and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart D)(Part DD); to amend the retirement and social security law, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors (Part EE); to amend the penal law, in relation to determining the value of goods or merchandise stolen pursuant to a common scheme for the purpose of grand larceny offenses; and in relation to exempting grand larceny offenses from the definition of persistent felony offender (Part FF); to amend part HH of chapter 56 of the laws of 2022 amending the retirement and social security law relating to waiving approval and income limitations on retirees employed in school districts and board of cooperative educational services, in relation to the effectiveness thereof (Part GG); to amend the retirement and social security law, in relation to certain disabilities of university police officers appointed by the state university of New York (Part HH); to amend the administrative code of the city of New York, in relation to the pensionable earnings of first grade police officers (Part II); to amend the retirement and social security law, in relation to the calculation of past service credit for police officers employed by the division of law enforcement in the department of environmental protection in the city of New York transferring between the New York city employees' retirement system to the New York state and local police and fire retirement system (Part JJ); and to amend the retirement and social security law, in relation to extending provisions setting certain member contribution rates (Part KK)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2024-2025 state fiscal year. Each component is wholly contained within a Part identified as Parts A through KK. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a 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 Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. The penal law is amended by adding a new section 120.19 to read as follows:

§ 120.19 Assault on a retail worker.

1. A person is guilty of assault on a retail worker when, with the intent to prevent a retail worker from performing an act within the scope of such worker's employment, such person causes physical injury to such retail worker and the person knew or reasonably should have known that such individual was a retail worker.

2. For the purposes of this section:

a. "Retail worker" shall mean any person whose usual place of work is a retail establishment. This shall include, but is not limited to, an employee of the retail establishment, an owner of the retail establishment, or a person who works in the retail establishment under arrangements made between the person and the establishment.

b. "Retail establishment" shall mean any physical business or commercial entity engaged in the sale of goods, merchandise, or services directly to consumers.

Assault on a retail worker is a class E felony.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART B

Section 1. The penal law is amended by adding a new section 165.66 to read as follows:

§ 165.66 Fostering the sale of stolen goods.

A person is guilty of fostering the sale of stolen goods when such person, for the purposes of financial gain, acting alone or in concert with another person or persons:

1. Uses any internet website, application, online marketplace, digital service, or any other platform or venue, including any physical building, public or private space, or location to offer for sale retail goods or merchandise which are stolen or unlawfully obtained; and

2. Knew or should have known that such retail goods or merchandise were stolen or unlawfully obtained.

Fostering the sale of stolen goods is a class A misdemeanor.

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

PART C

Section 1. Subdivision 3 of section 485.05 of the penal law, as amended by section 3 of part R of chapter 55 of the laws of 2020, is amended to read as follows:

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.06 (gang assault in the second degree); section 120.07 (gang assault in the first degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.11 (criminal obstruction of breathing or blood circulation); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 125.26 (aggravated murder); section 125.27 (murder in the first degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); [~~subdivision one of~~] section 130.20 (sexual misconduct); section 130.25 (rape in the third degree); section 130.30 (rape in the second degree);

section 130.35 (rape in the first degree); [~~subdivision one of~~] **section 130.40 (criminal sexual act in the third degree); section 130.45 (criminal sexual act in the second degree);** section 130.50 (criminal sexual act in the first degree); [~~subdivision one of~~] **section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree);** section 130.65 (sexual abuse in the first degree); [~~paragraph (a) of subdivision one of~~] **section 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66 (aggravated sexual abuse in the third degree);** section 130.67 (aggravated sexual abuse in the second degree); [~~paragraph (a) of subdivision one of~~] section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); **section 230.34 (sex trafficking); section 230.34-a (sex trafficking of a child);** section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); **section 240.50 (falsely reporting an incident in the third degree); section 240.55 (falsely reporting an incident in the second degree); section 240.60 (falsely reporting an incident in the first degree); subdivision one of section 265.03 (criminal possession of a weapon in the second degree); subdivision one of section 265.04 (criminal possession of a weapon in the first degree);** section 490.10 (soliciting or providing support for an act of terrorism in the second degree); section 490.15 (soliciting or providing support for an act of terrorism in the first degree); section 490.20 (making a terroristic threat); section 490.25 (crime of terrorism); section 490.30 (hindering prosecution of terrorism in the second degree); section 490.35 (hindering prosecution of terrorism in the first degree); section 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree); section 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); section 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); section 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); section 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); section 490.55 (criminal use of a chemical weapon or

biological weapon in the first degree); or any attempt or conspiracy to commit any of the foregoing offenses.

§ 2. Subdivision 3 of section 485.05 of the penal law, as amended by chapter 23 of the laws of 2024, is amended to read as follows:

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); **section 120.06 (gang assault in the second degree); section 120.07 (gang assault in the first degree);** section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); **section 121.11 (criminal obstruction of breathing or blood circulation);** section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); **section 125.26 (aggravated murder); section 125.27 (murder in the first degree);** section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); [~~paragraph (a) of subdivision one, paragraph (a) of subdivision two and paragraph (a) of subdivision three of~~] **section 130.20 (sexual misconduct); section 130.25 (rape in the third degree); section 130.30 (rape in the second degree);** section 130.35 (rape in the first degree); [~~former subdivision one of section 130.35 (rape in the first degree); subdivision one of~~] **former section 130.40; former section 130.45;** former section 130.50; [~~subdivision one of~~] **section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree);** section 130.65 (sexual abuse in the first degree); [~~paragraph (a) of subdivision one of~~] **section 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66 (aggravated sexual abuse in the third degree);** section 130.67 (aggravated sexual abuse in the second degree); [~~paragraph (a) of subdivision one of~~] section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in

the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); **section 230.34 (sex trafficking); section 230.34-a (sex trafficking of a child);** section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); **section 240.50 (falsely reporting an incident in the third degree); section 240.55 (falsely reporting an incident in the second degree); section 240.60 (falsely reporting an incident in the first degree); subdivision one of section 265.03 (criminal possession of a weapon in the second degree); subdivision one of section 265.04 (criminal possession of a weapon in the first degree);** section 490.10 (soliciting or providing support for an act of terrorism in the second degree); section 490.15 (soliciting or providing support for an act of terrorism in the first degree); section 490.20 (making a terroristic threat); section 490.25 (crime of terrorism); section 490.30 (hindering prosecution of terrorism in the second degree); section 490.35 (hindering prosecution of terrorism in the first degree); section 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree); section 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); section 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); section 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); section 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); section 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); or any attempt or conspiracy to commit any of the foregoing offenses.

§ 3. Subdivision 5 of section 216 of the judiciary law, as amended by section 1 of subpart C of part VV of chapter 56 of the laws of 2023, 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 a hate crime was charged;** 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.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that the provisions of section two of this act shall take effect on the same date and in the same manner as chapter 23 of the laws of 2024, takes effect; provided further, however, that the provisions of section three of this act shall take effect on the one hundred eightieth day after it shall have become a law.

PART D

Section 1. Notwithstanding the provisions of sections 79-a and 79-b of the correction law, the governor is authorized to close up to five correctional facilities of the department of corrections and community supervision, in the state fiscal year 2024-2025, as the governor determines to be necessary for the cost-effective and efficient operation of the correctional system, provided that the governor provides at least 90 days notice prior to any such closures to the temporary president of the senate and the speaker of the assembly. Such notice shall include the list of facilities the governor plans to close, the number of incarcerated individuals in said facilities, and the number of staff working in said facilities. The commissioner of corrections and community supervision shall also report in detail to the temporary president of the senate and the speaker of the assembly on the results of staff relocation efforts within 60 days after such closure.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024 and shall expire and be deemed repealed March 31, 2025.

PART E

Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax law, as amended by section 1 of part G of chapter 55 of the laws of 2022, is amended to read as follows:

(b) The sum of one million five hundred thousand dollars must be deposited into the New York state emergency services revolving loan fund annually; provided, however, that such sums shall not be deposited for state fiscal years two thousand eleven--two thousand twelve, two thousand twelve--two thousand thirteen, two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen, two thousand sixteen--two thousand seventeen, two thousand seventeen--two thousand eighteen, two thousand eighteen--two thousand nineteen, two thousand nineteen--two thousand twenty, two thousand twenty--two thousand twenty-one, two thousand twenty-one--two thousand twenty-two, two thousand twenty-two--two thousand twenty-three, [~~and~~] two thousand twenty-three--two thousand twenty-four**, two thousand twenty-four--two thousand twenty-five, and two thousand twenty-five--two thousand twenty-six**;

§ 2. This act shall take effect April 1, 2024; provided, however, if this act shall become a law after such date it shall take effect imme-

diately and shall be deemed to have been in full force and effect on and after April 1, 2024.

PART F

Section 1. Legislative purpose. The objective of this act, which shall be referred to as the "New York State Judicial Security Act", is to improve the safety and security of judges of the courts of the unified court system and of the federal courts sitting in New York state and of their immediate families. Greater confidence in their personal safety and security, and in that of their family members, will enable the judiciary to perform its duties fairly without fear of personal reprisal by litigants and others affected by the decisions of judges.

This objective will be accomplished by providing a means by which (i) private information concerning active and former judges and their immediate families can be kept from public display; and (ii) persons, businesses, associations, and public and private agencies having such information can be forbidden from posting it, or sharing or trading it with others.

This act shall be broadly construed to favor protections of the private information of those persons designated hereunder as "eligible individuals".

§ 2. The judiciary law is amended by adding a new article 22-C to read as follows:

ARTICLE 22-C

NEW YORK STATE JUDICIAL SECURITY ACT

Section 859. New York state judicial security act.

§ 859. New York state judicial security act. 1. Definitions. As used in this article:

(a) "Eligible individual" shall mean an actively employed or former:

(i) judge or justice of the unified court system or judge of the housing part of the civil court of the city of New York; or

(ii) a federal judge, which shall include a federal judge or a senior, recalled, or retired federal judge sitting or maintaining chambers in New York, where such federal judge means:

(A) a justice of the United States or a judge of the United States, as those terms are defined in section 451 of title 28, United States Code;

(B) a bankruptcy judge appointed under section 152 of title 28, United States Code;

(C) a United States magistrate judge appointed under section 631 of title 28, United States Code;

(D) a judge confirmed by the United States Senate and empowered by statute in any commonwealth, territory, or possession to perform the duties of a federal judge;

(E) a judge of the United States Court of Federal Claims appointed under section 171 of title 28, United States Code;

(F) a judge of the United States Court of Appeals for Veterans Claims appointed under section 7253 of title 38, United States Code;

(G) a judge of the United States Court of Appeals for the Armed Forces appointed under section 942 of title 10, United States Code;

(H) a judge of the United States Tax Court appointed under section 7443 of the Internal Revenue Code of 1986; or

(I) a special trial judge of the United States Tax Court appointed under section 7443A of the Internal Revenue Code of 1986.

(b) "Immediate family" shall mean, for each eligible individual, the spouse, former spouse, parent, child, and sibling.

(c) "Personal information" shall include the following for an eligible individual and, if such individual so indicates as provided in subparagraph (ii) of paragraph (a) of subdivision two of this section, for the members of their immediate family: (i) home address, including primary residence and secondary residences; (ii) unlisted telephone number; (iii) personal cell phone number; (iv) personal email address; (v) social security number; (vi) driver's license number; (vii) license plate number; (viii) marital status and identity of any present and former spouse; (ix) identity of children under the age of eighteen; (x) name and address of a school or day care facility attended by an immediate family member; (xi) bank account number; (xii) credit or debit card number; and (xiii) personal identification number (PIN).

(d) "Cease making public the personal information" of an identified person shall mean deleting, redacting or otherwise removing any existing posting on the internet and any display or publication in any medium accessible to the public containing such personal information and ceasing the sharing, trading, or transferring of such personal information with others, as is specified in the written request of the eligible individual on whose behalf the notification is made.

(e) "Excluded entity" means a commercial entity engaged in the following activity:

(i) reporting, news-gathering, speaking, or other activity intended to inform the public on matters of public interest or public concern;

(ii) using personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for transaction or service requested by or concerning the individual whose personal information is being transferred;

(iii) providing publicly available information via real-time or near real-time alert services for health or safety purposes;

(iv) any activity where the commercial entity is a consumer reporting agency subject to the Fair Credit Reporting Act (15 U.S.C. 1681, et seq.);

(v) any activity where the commercial entity is a financial institution subject to the Gramm-Leach-Bliley Act (Public Law 106-102) and regulations implementing that Act;

(vi) providing 411 directory assistance or directory information services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier;

(vii) any activity where the commercial entity is subject to the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320-d note); and

(viii) the collection and sale or licensing of personal information incidental to conducting the activities described in this paragraph.

(f) "Public agency" shall mean an agency of the state of New York and any of its political subdivisions.

2. Written request. (a) An eligible individual or their representative may submit a written request to their employer or former employer. To be enforceable, a written request shall be signed by an eligible individual, or their representative, and specify:

(i) those items of personal information that the eligible individual wishes to be kept from being made public;

(ii) the identity of members of the eligible individual's immediate family and whether, for purposes of the written request, their personal

information should be deemed to include that of such immediate family members; and

(iii) each person, business, association, and public or private agency that the eligible individual wishes to bar from making public the personal information of such eligible individual.

(b) The employer may develop procedures to review and process written requests.

(c) (i) If a written request has been properly submitted and is complete, the employer for an active or former judge or justice of the unified court system or active or former judge of the housing part of the civil court of the city of New York, as appropriate, shall, within five business days of receipt of such written request from an eligible individual, notify each person, business, association, and public or private agency identified in the written request that (A) within seventy-two hours of receipt of such notification, that such person, business, association, and public or private agency must cease making public the personal information of the eligible individual identified in such request, and (B) they must make reasonable efforts to ensure that the personal information of the eligible individual is not made available on any website or subsidiary website controlled by that person, business, or association. For purposes of this subparagraph, notification shall be by certified mail, return receipt requested, either at the recipient's last known residence (if recipient is a person) or at the recipient's principal office (which shall be the location at which the office of the chief executive officer of the recipient is generally located).

(ii) If a written request has been properly submitted and is complete, the employer of an active or former federal judge of a federal court established in New York may notify each person, business, association, and public or private agency identified in the written request that (A) within seventy-two hours of receipt of such notification, they must cease making public the personal information of the eligible individual identified in such request, and (B) they must make reasonable efforts to ensure that the personal information of the eligible individual is not made available on any website or subsidiary website controlled by that person, business, or association. For purposes of this subparagraph, notification may be by certified mail, return receipt requested, either at the recipient's last known residence (if the recipient is a person) or at the recipient's principal office (which shall be the location at which the office of the chief executive officer of the recipient is generally located).

(iii) Notwithstanding any provision of this paragraph to the contrary, subparagraphs (i) and (ii) of this paragraph shall not apply to:

(A) display of the personal information of an eligible individual if such information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(B) personal information that the eligible individual voluntarily publishes after the effective date of this section;

(C) personal information received from a public agency or from an agency of the federal government; and

(D) permissible uses of personal information pursuant to the Driver's Privacy Protection Act (18 U.S.C. § 2721 et seq.), except that no eligible individual making a written request under this article shall be deemed to have given express consent to share personal information for the purposes of 18 U.S.C. § 2721(b), unless the written request contains an express declaration to the contrary.

3. Recipient of notification not to make an eligible individual's personal information public. After a person, business, association, or public or private agency has received a notification pursuant to paragraph (c) of subdivision two of this section, they shall have seventy-two hours to cease making public the personal information of the eligible individual identified in such notification.

4. (a) An eligible individual may seek an injunction or declaratory relief in a court of competent jurisdiction against a person, business, association, or public or private agency that, after receiving a notification pursuant to paragraph (c) of subdivision two of this section, fails to timely comply with the requirements of such notification. If the court grants such injunctive or declaratory relief, the affected person, business, association, or agency shall be required to pay the eligible individual's costs and reasonable attorney's fees.

(b) Upon a violation of any order granting injunctive or declarative relief obtained pursuant to this subdivision, the court issuing such order may: (i) where the violator is a public agency, impose a fine not exceeding one thousand dollars and require the payment of court costs and reasonable attorney's fees; or (ii) where the violator is a person, business, association, or private agency, award damages to the affected eligible individual in an amount up to a maximum of three times the actual damages, but not less than four thousand dollars, and require the payment of court costs and reasonable attorney's fees.

5. Notwithstanding any other provision of law, where the department of motor vehicles receives a notification pursuant to paragraph (c) of subdivision two of this section, such department shall comply therewith except that, where the notification requires the department to cease making a person's address public, the department may make their business address public.

§ 3. Section 120.09 of the penal law, as added by chapter 148 of the laws of 2011, is amended to read as follows:

§ 120.09 Assault on a judge.

A person is guilty of assault on a judge when, with intent to [~~cause serious physical injury and~~] prevent a judge from performing official judicial duties, [~~he or she~~] such person causes serious physical injury to such judge. For the purposes of this section, the term judge shall mean a judge of a court of record or a justice court.

Assault on a judge is a class C felony.

§ 4. The penal law is amended by adding a new section 120.09-a to read as follows:

§ 120.09-a Aggravated assault on a judge.

A person is guilty of aggravated assault on a judge when, with intent to cause serious physical injury and prevent a judge from performing official judicial duties, such person causes serious physical injury to such judge. For the purposes of this section, the term judge shall mean a judge of a court of record or a justice court.

Aggravated assault on a judge is a class B felony.

§ 5. The penal law is amended by adding a new section 240.33 to read as follows:

§ 240.33 Aggravated harassment of a judge.

A person is guilty of aggravated harassment of a judge when:

1. With intent to harass another person, the actor either:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or

reasonably should know is a judge, or a member of such judge's immediate family, and the actor knows or reasonably should know that such communication will cause such judge to reasonably fear harm to such judge's physical safety or property, or to the physical safety or property of a member of such judge's immediate family; or

(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge, or a member of such judge's immediate family, and the actor knows or reasonably should know that such communication will cause such judge to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such judge's immediate family; or

2. With intent to harass or threaten a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

4. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to an immediate family member of such person; or

5. The actor commits the crime of harassment in the first degree against a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

For purposes of this section: "judge" shall mean a judge of a court of record or a justice court; and "immediate family" shall have the same meaning as defined in section 120.40 of this chapter.

Aggravated harassment of a judge is a class E felony.

§ 6. Section 3-220 of the election law is amended by adding a new subdivision 8 to read as follows:

8. Where a board of elections receives a notification pursuant to paragraph (c) of subdivision two of section eight hundred fifty-nine of the judiciary law, such board of elections shall comply with such notification, except that where the notification requires the board of elections to cease making a person's address public, such board shall not comply therewith from the date of filing of any ballot access or related document containing such address until thirty days after the last day to commence a special proceeding or action with respect to such filing.

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

PART G

Section 1. Section 8 of the cannabis law is amended to read as follows:

§ 8. Establishment of an office of cannabis management. There is hereby established, within the division of alcoholic beverage control, an independent office of cannabis management, which shall have exclusive jurisdiction to exercise the powers and duties provided by this chapter, **except as expressly authorized in sections sixteen-a of this article and one hundred thirty-one of this chapter**. The office shall exercise its authority by and through an executive director.

§ 2. Subdivision 8 of section 10 of the cannabis law, as amended by section 9 of part UU of chapter 56 of the laws of 2023, is amended to read as follows:

8. To conduct regulatory inspections [~~during normal business hours~~] of any place of business, including a vehicle used for such business, where medical cannabis, adult-use cannabis, cannabis, cannabis product, cannabinoid hemp, hemp extract 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.

§ 3. Subdivisions 3 and 5 of section 11 of the cannabis law, as amended by section 10 of part UU of chapter 56 of the laws of 2023, are amended to read as follows:

3. To conduct regulatory inspections [~~during normal business hours~~] of any place of business, including a vehicle used for such business, where cannabis, cannabis product, cannabinoid hemp, hemp extract products, or any products marketed or labeled as such, are cultivated, processed, manufactured**, distributed, stored,** 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 conduct regulatory inspections [~~during normal business hours~~] of any registered, licensed or permitted place of business, including a vehicle used for such business, where medical cannabis, adult-use cannabis, cannabinoid hemp, 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.

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

7. Any request for a temporary closing order or a temporary restraining order to be issued without notice in connection with an action or proceeding brought pursuant to this section or section sixteen-a of this article or section one hundred thirty-eight-a of this chapter may be filed under temporary seal pending order of the court granting or refusing a preliminary injunction and until further order of the court, and the clerk shall provide a sealed index number upon request of the office or the attorney general. If temporary sealing cannot be implemented via the court's electronic filing system, such action or proceeding shall be permitted by the court to be filed through hard copy.

§ 5. Section 16-a of the cannabis law, as added by section 12 of part UU of chapter 56 of the laws of 2023, is amended to read as follows:

§ 16-a. Emergency relief. Following service of [~~a notice of violation and~~] **an** order **issued by the office of cannabis management** requiring immediate cessation of unlicensed activity under this chapter**, by a local government pursuant to a local law authorized by section one hundred thirty-one of this chapter or pursuant to an order issued under section 7-552 of the administrative code of the city of New York**, the office of cannabis management, or the attorney general, at the request of and on behalf of the office**, or any county attorney, corporation counsel, or local government authorized pursuant to subdivision eight of this section to bring and maintain a civil proceeding in accordance with the procedures set forth in this section,** 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 **or in any venue where a respondent is located**. 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 **or order to show cause** to the door of the building or premises and by mailing the notice of petition **or order to show cause** 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 **or as**

set by the court in the order to show cause. 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 or order to show cause 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, or any local government authorized pursuant to subdivision eight of this section 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~~] they were an agent or employee of the owner or lessee of the building or premises.

(h) A defendant shall furnish to any other party, within five days after a demand, a verified statement identifying:

(i) If the responding party is a natural person, such party's: (1) full legal name; (2) date of birth; (3) current home or business street address; and (4) a unique identifying number from: (A) an unexpired passport; (B) an unexpired state driver's license; or (C) an unexpired identification card or document issued by a state or local government agency or tribal authority for the purpose of identification of that individual;

(ii) If the responding party is a partnership, limited liability partnership, limited liability company, or other unincorporated association, including a for profit or not-for-profit membership organization or club, the information required pursuant to subparagraph (i) of this

paragraph for each of its partners or members, as well as the state or other jurisdiction of its formation;

(iii) If the responding party is a corporation, its state or other jurisdiction of incorporation, principal place of business, and any state or other jurisdiction of which that party is a citizen;

(iv) If the responding party is not an individual, in addition to any information provided pursuant to subparagraphs (ii) and (iii) of this paragraph, and to the extent not previously provided, each beneficial owner of the responding party by: (1) full legal name; (2) date of birth; (3) current home or business street address; and (4) a unique identifying number from: (A) an unexpired passport; (B) an unexpired state driver's license; or (C) an unexpired identification card or document issued by a state or local government agency or tribal authority for the purpose of identification of that individual. As used in this subparagraph, the term "beneficial owner" shall have the same meaning as defined in 31 U.S.C. § 5336(a)(3), as amended, and any regulations promulgated thereunder.

(i) 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. With regard to any defendant conducting the referenced unlicensed activity, any such penalties may be awarded in addition to any penalties that may be imposed pursuant to section one hundred thirty-two of this chapter. Upon recovery, such penalty shall be paid to the office of cannabis management, or to the county attorney, corporation counsel, or local government that has been authorized pursuant to subdivision eight of this section to bring and maintain a civil proceeding in accordance with the procedures set forth in this section.

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. **Any such closing order may also include a preservation order authorizing issuance of subpoenas to third parties to preserve all off site electronic business records.** 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~~] **four** 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 **that is the subject of the closure order** 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**, unless the licensed or otherwise lawful activity is a de minimis part of the business**. 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, **cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such** 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. **Any such temporary restraining order may also include a preservation order authorizing issuance of subpoenas to third parties to preserve all off site electronic business records.** 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~~] **thirty calendar** 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**, upon any**

agent, employee, or other representative of the defendant business present at the time the temporary restraining order is effectuated.

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. **Any reference to police officer or peace officer in this subdivision and subdivisions six and seven of this section shall also include any investigator employed by the office of the attorney general.**

(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**, except that any cash found on the premises during such inventory shall be inventoried, seized, and secured off premises pending further order of the court. Any police officer or peace officer, or any representative of the office, shall be permitted to review and copy records**.

(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~~] **may** 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~~] **may** deliver the keys to such owner, lessor, or lessee **or retain them pending further order of the court**.

(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~~] may be vacated, upon notice to the office and to any county attorney, corporation counsel, or local government that may have been authorized pursuant to subdivision eight of this section to bring and maintain the proceeding in accordance with the procedures set forth in this section, if [~~the~~] a defendant who is the fee owner, lessor, or lessee of the building or premises shows by affidavit and such other proof as may be submitted that the unlicensed activity within the scope of this chapter has been abated and that they are also not affiliated with the person who is conducting the unlicensed activity. An order vacating a temporary closing order or a temporary restraining order shall include a provision authorizing the office, or any county attorney, corporation counsel, or local government, as applicable, 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, or any county attorney, corporation counsel, or local government, as applicable, when [~~the~~] a defendant entitled to request vacatur pursuant to paragraph (a) of this subdivision 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, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such 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 sher-

iff 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**, if the estimated value of the property exceeds the estimated lawful expenses of such sale, or the disposal of the property if the estimated value of the property does not exceed the estimated lawful expenses of such sale**. 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, **and also submits proof that they are also not affiliated with the person who is conducting the unlicensed activity,** 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, **or any county attorney, corporation counsel, or local government authorized pursuant to subdivision eight of this section to bring and maintain a civil proceeding in accordance with the procedures set forth in this section,** 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**, or of any county attorney, corporation counsel, or local government authorized pursuant to subdivision eight of this section to bring and maintain a civil proceeding in accordance with the procedures set forth in this section,** 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, **any** county attorney, corporation counsel, or local government in which

such building or premises is located may, **seven days or more** after **providing notice to** 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, **any penalties awarded pursuant to paragraph (i) of subdivision one or paragraph (e) of subdivision five of this section and** 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.

§ 6. Subdivision 3 of section 17 of the cannabis law, as amended by section 13 of part UU of chapter 56 of the laws of 2023, is 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**, or the sealing of a premises** immediately or within a specified period of less than fifteen days**, in accordance with the provisions of this chapter**. **Whenever a notice of violation or order has been served, including an order to seal, the respondent shall be provided an opportunity to request a hearing pursuant to the procedures established by the office and in accordance with the state administrative procedure act and the provisions of this chapter.**

§ 7. Subdivisions 5, 6, 7 and 8 of section 17 of the cannabis law are renumbered subdivisions 7, 8, 9 and 10 and two new subdivisions 5 and 6 are added to read as follows:

5. Upon a demand by the office, a respondent shall furnish to the office, within five days after a demand, or sooner if the hearing is scheduled less than five days from the date of demand, a verified statement setting forth:

(a) If the respondent is a natural person, the respondent's: (i) full legal name; (ii) date of birth; (iii) current home or business street address; and (iv) a unique identifying number from: (1) an unexpired passport; (2) an unexpired state driver's license; or (3) an unexpired identification card or document issued by a state or local government agency or tribal authority for the purpose of identification of that individual;

(b) If the respondent is a partnership, limited liability partnership, limited liability company, or other unincorporated association, including a for profit or not-for-profit membership organization or club, the information required pursuant to paragraph (a) of this subdivision for

all of its partners or members, as well as the state or other jurisdiction of its formation;

(c) If the respondent is a corporation, its state or other jurisdiction of incorporation, principal place of business, and any state or other jurisdiction of which the respondent is a citizen;

(d) If the respondent is not an individual, in addition to any information provided pursuant to paragraphs (b) and (c) of this subdivision, and to the extent not previously provided, each beneficial owner of the respondent by: (i) full legal name; (ii) date of birth; (iii) current home or business street address; and (iv) a unique identifying number from: (1) an unexpired passport; (2) an unexpired state driver's license; or (3) an unexpired identification card or document issued by a state or local government agency or tribal authority for the purpose of identification of that individual. As used in this section, the term "beneficial owner" shall have the same meaning as defined in 31 U.S.C. § 5336(a)(3), as amended, and any regulations promulgated thereunder.

6. Prior to a hearing, the office may, at its discretion, request a stay of any proceeding and the board or those designated by them shall grant such request. The initiation of any action, by or on behalf of the office, in state or federal court on matters directly or indirectly related to the subject of any pending administrative proceeding shall, upon a request by the office, provide sufficient basis for an immediate stay of such administrative proceeding.

§ 8. Subdivision 8 of section 17 of the cannabis law, as amended by section 13 of part UU of chapter 56 of the laws of 2023, and as renumbered by section seven of this act, is amended to read as follows:

8. Following a hearing, the board may make appropriate determinations and issue a final order in accordance therewith. Any such order may include financial penalties as well as injunctive relief, including an order to seal a premises in accordance with section one hundred thirty-eight-b of this chapter. The respondent and the office shall have thirty days to submit a written appeal to the board. If [~~the respondent does not~~] any party fails to submit a written appeal within thirty days of the determination of the board the order shall be final.

§ 9. Subdivision 1 of section 125 of the cannabis law is amended and a new subdivision 1-b is added to read as follows:

1. No person shall cultivate, process, distribute for sale or sell at wholesale or retail or deliver to consumers any cannabis, cannabis product, medical cannabis or cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, within the state without obtaining the appropriate registration, license, or permit therefor required by this chapter unless otherwise authorized by law.

1-b. Any activity conducted in violation of subdivision one or one-a of this section presents a danger to public health, safety, and welfare.

§ 10. Section 131 of the cannabis law is amended by adding a new subdivision 3 to read as follows:

3. (a) As used in this subdivision and for purposes of any local law adopted pursuant to it, the following terms shall have the following meanings: "person" shall have the meaning provided for in subdivision forty-a of section three of this chapter; "unlicensed activity" shall refer only to unlawfully selling cannabis, cannabis product, or any product marketed or labeled as such without obtaining the appropriate registration, license, or permit therefor, or engaging in an indirect retail sale; "indirect retail sale" shall have the meaning provided for in subdivision forty-six-a of section three of this chapter, except that it shall not include cannabinoid hemp or hemp extract product; "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 vehicle associated with the business, unless probable cause exists to believe that such residence, real property, or vehicle, is being used in such business or commercial manner for the unlicensed activity.

(b) Any county or city may adopt a local law authorizing an officer or agency to conduct regulatory inspections of any place of business located within the county or city, including a vehicle used for such business, not listed on the directory maintained by the office pursuant to subdivision thirteen of section eleven of this chapter. Any such regulatory inspection shall only occur during the operating hours of a place of business and be conducted for purposes of civil administrative enforcement with respect to premises lacking applicable registrations, licenses or permits issued pursuant to this chapter, and in furtherance of its purposes, provided that nothing herein shall limit any enforcement action under law when illegal activity is observed or occurs during such inspection.

(c) A local law adopted by a county authorizing regulatory inspections shall not apply in any city included within the boundaries of such county that adopts a local law authorizing regulatory inspections within such city.

(d) The local law adopted by a county or a city pursuant to this subdivision shall also:

(i) require procedures sufficient to ensure that any regulatory inspections are conducted in a reasonable manner, are administrative in nature, designed to detect administrative violations, in furtherance of the regulatory scheme established pursuant to this section, and designed to guarantee certainty and regularity of application;

(ii) designate a local official who shall serve as the liaison to the office and who shall: (1) be required to ensure that updates to the directory are immediately incorporated into the local inspection process, coordinate with the office on efforts to inspect such unlicensed businesses and related local enforcement efforts; (2) send bi-weekly reports to the office in a manner and format prescribed by the office detailing recent enforcement efforts, including information regarding the number and location of inspections conducted, notices of violation issued, and orders to seal issued and executed, and the amount and nature of the cannabis, cannabis products, or products marketed as such seized; and (3) serve as the primary contact for the office in connection with the office's training program and the sharing of materials made available to counties and cities with regard to the inspection and enforcement of unlicensed cannabis businesses;

(iii) be filed with the office, as well as any procedures or regulations promulgated pursuant to the local law. Notwithstanding the effective date of any such local law, the local law shall not become effective until ten days after it is filed with the office;

(iv) establish a system for receiving complaints of such unlicensed activity by any business within the county or city, as the case may be;

(v) provide that any person who engages in the unlawful sale of cannabis, cannabis product, or any product marketed or labeled as such, or in indirect retail sales, shall be subject to a civil penalty of not less than one hundred dollars and not more than ten thousand dollars for each day during which such violation continues, with a maximum penalty of no more than twenty-five thousand dollars. The penalty provided for in this subparagraph may be recovered by an action or proceeding in a court of

competent jurisdiction brought by the county or city to enforce the notice of violation referred to in clause one of subparagraph (vi) of this paragraph; and

(vi) provide that the officer or agency designated to conduct regulatory inspections of any place of business not listed on the directory maintained by the office shall have the authority to:

(1) issue a notice of violation and order to cease unlicensed activity setting forth the nature of the unlawful conduct along with any fines or penalties for such conduct in amounts not to exceed the fines set forth in subparagraph (v) of this paragraph and order any person who is unlawfully selling cannabis, cannabis product, or any product marketed or labeled as such without obtaining the appropriate registration, license, or permit therefor, or engaging in indirect retail sale, to cease such prohibited conduct, provided that any such notice of violation and order to cease unlicensed activity may only be issued against the business that is conducting the unlicensed activity or an individual owner of the business. Any notice of violation and order to cease unlicensed activity shall be served by delivery of the order to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed to any address for the owner of the business at any address provided by the person to whom such order was delivered pursuant to this paragraph;

(2) seize any cannabis, cannabis product, or any product marketed or labeled as such, found in the possession of a person engaged in the conduct described in clause one of this subparagraph and in their place of business, including a vehicle used for such business, providing that the business that is conducting the unlicensed activity or an individual owner of the business, maintain documentation of the chain of custody of such seized products, and ensure that such products are properly stored, catalogued, and safeguarded until such time as they may properly be destroyed by the county or the city;

(3) issue an order to seal the building or premises of any business engaged in unlicensed activity, when such activity is conducted, maintained, or permitted in such building or premises, occupied as a place of business subject to the procedures and requirements set forth in this subparagraph:

A. The officer or agency may issue an order to seal with an immediate effective date if such order is based upon a finding by the officer or agency of an imminent threat to the public health, safety, and welfare.

B. Any order to seal shall be served by delivery of the order to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed to any address for the owner of the business provided by the person to whom such order was delivered pursuant to this paragraph. The order shall remain in effect pending a hearing and final determination of a court, or until such order is vacated by the officer or agency pursuant to the local law adopted pursuant to this subdivision. An order to seal shall explicitly state that a request for a hearing may be submitted in writing to the corporation counsel or to the county attorney as applicable within seven days. Upon receiving such a request for a hearing, the corporation counsel or county attorney shall file a copy of the request

with the clerk of the city court or county court in the city or county where the building or premises is located.

C. The court that receives notice of a request for a hearing from a corporation counsel or a county attorney shall fix the date of such hearing no later than three business days from the date such notice is received by the court and provide notice to the parties of the date, time, and location of the hearing. Upon such date, or upon such other date to which the proceeding may be adjourned by agreement of the parties, the court shall hear testimony and receive evidence presented by the parties. The city or county, as applicable, and the person that requested the hearing shall be parties to the proceeding. Within four business days of the conclusion of the hearing, the court shall make a determination as to: (i) whether the person upon which the order to seal was issued was engaged in unlicensed activity, (ii) if the person is found to have engaged in unlicensed activity, then whether such unlicensed activity presents an imminent threat to public health, safety and welfare according to subdivision four of section one hundred thirty-eight-b of this article, and (iii) whether the unlicensed activity as described in this section is more than a de minimis part of the business activity on the premises or in the building to be sealed pursuant to the order. However, when an order to seal has been issued upon a second or subsequent inspection in which unlicensed activity is confirmed to be continuing more than ten calendar days after a notice of violation and order to cease unlicensed activity was previously issued, the court need only determine: (i) whether the person upon which the order to seal was issued was engaged in unlicensed activity; (ii) whether a notice of violation and order to cease unlicensed activity had been issued eleven or more days prior to the issuance of the order to seal; and (iii) whether the order to seal was issued in compliance with paragraph (a) of subdivision six of section one hundred thirty-eight-b of this article. If the court determines that an order to seal was not properly issued, the court shall vacate such order. If the court is satisfied that an order to seal was properly issued, the court may render a judgment affirming the issuance of an order to seal, and 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. Failure of a party that requested a hearing to appear at the hearing will result in a default and order of sealing to remain in effect for such period as the court may direct but in no event shall the order be in effect for a period of more than one year from the posting of the judgment unless otherwise vacated pursuant to the local law adopted pursuant to this subdivision.

D. The local law adopted pursuant to this subdivision shall include, without alteration the provisions of subdivisions four through twelve of section one hundred thirty-eight-b of this article. Any provisions adopted by a local law to the contrary shall be considered specifically preempted by this paragraph, provided however that a county or city shall be permitted to substitute the officer or agency authorized by the county or city to conduct regulatory inspections pursuant to this subsection for any reference to the office or board;

(4) seek injunctive relief against any person engaging in conduct in violation of this section, including through an action pursuant to section sixteen-a of this chapter.

(e) Upon a demand by the county or city, a respondent or defendant shall provide to the county or city prior to a hearing pursuant to subparagraph (v) of paragraph (d) of this subdivision or an order to seal pursuant to clause three of subparagraph (vi) of paragraph (d) of this subdivision, within five days after a demand or sooner if a hearing is scheduled less than five days from the date of demand, a verified statement setting forth:

(i) If the responding party is a natural person, such party's: (1) full legal name; (2) date of birth; (3) current home or business street address; and (4) a unique identifying number from: (A) an unexpired passport; (B) an unexpired state driver's license; or (C) an unexpired identification card or document issued by a state or local government agency or tribal authority for the purpose of identification of that individual;

(ii) If the responding party is a partnership, limited liability partnership, limited liability company, or other unincorporated association, including a for profit or not-for-profit membership organization or club, the information required pursuant to subparagraph (i) of this paragraph for all of its partners or members, as well as the state or other jurisdiction of its formation;

(iii) If the responding party is a corporation, its state or other jurisdiction of incorporation, principal place of business, and any state or other jurisdiction of which that party is a citizen;

(iv) If the responding party is not an individual, in addition to any information provided pursuant to subparagraphs (ii) and (iii) of this paragraph, and to the extent not previously provided, each beneficial owner of the responding party by: (A) full legal name; (B) date of birth; (C) current home or business street address; and (D) a unique identifying number from: (1) an unexpired passport; (2) an unexpired state driver's license; or (3) an unexpired identification card or document issued by a state or local government agency or tribal authority for the purpose of identification of that individual. As used in this section, the term "beneficial owner" shall have the same meaning as defined in 31 U.S.C. § 5336(a)(3), as amended, and any regulations promulgated thereunder.

(f) Notwithstanding any provision to the contrary in this section, a city with a population of more than one million may enforce any violations, orders to cease, and orders to seal related to unlicensed activity through an administrative hearing process.

§ 11. Title 7 of the administrative code of the city of New York is amended by adding a new chapter 5-A to read as follows:

CHAPTER 5-A
CANNABIS ENFORCEMENT

Section 7-551 Cannabis law violation.
7-552 Local authority respecting unlicensed cannabis businesses.
7-553 Local authority.

§ 7-551 Cannabis law violation. a. Any person who engages in any conduct prohibited by subdivision one or one-a of section one hundred twenty-five of the cannabis law, except to the extent that such subdivisions apply to cultivation, processing, cannabinoid hemp or hemp extract products, or subdivision one or eight of section one hundred thirty-two of the cannabis law, except as to the extent that such subdivisions shall apply to cultivation, shall be subject to a civil penalty of not

less than one hundred dollars and not more than ten thousand dollars for each day during which such violation continues, with a maximum penalty of no more than twenty-five thousand dollars with respect to each civil summons, provided that any notice of violation and penalty may only be issued against the business that is conducting the unlicensed activity or an individual owner of the business. Upon default by reason of failure to appear on a designated hearing date or a subsequent date following an adjournment, the penalty shall be ten thousand dollars with respect to each civil summons.

b. This section may be enforced by the office of the city sheriff.

c. Violations of this section may be adjudicated in a proceeding before the office of administrative trials and hearings pursuant to chapter forty-five-A of the charter, and may be adjudicated by any division or tribunal designated by such office. Any decision of such office imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment which may be entered by such office in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state and may be enforced without court proceedings in the same manner as the enforcement of money judgments entered in civil actions; provided, however, that no such judgment shall be entered which exceeds the sum of twenty-five thousand dollars, and that the terms and limitations applicable to entry of final orders imposing penalties pursuant to section one thousand forty-nine-a of the charter shall apply to entry of final orders imposing penalties pursuant to this subdivision; provided further, that clause (i) of subparagraph (a) of paragraph two of subdivision d of such section may be utilized in connection with service of civil summonses notwithstanding any inconsistent provision of such clause; and provided still further, that such terms and limitations shall not be deemed conditions upon the service or enforcement of orders of the office of the city sheriff, or of civil summonses other than as a condition of entry as judgments pursuant to this subdivision.

d. The office of the city sheriff may move to amend any judgment to designate a judgment debtor by the correct legal name in accordance with rules promulgated by the office of administrative trials and hearings.

e. Prior to a hearing, a respondent shall furnish to the office of the city sheriff, within five days after a demand, or sooner if practicable where the hearing is scheduled less than five days from the date of demand, a verified statement setting forth the information specified in subdivision five of section seventeen of the cannabis law.

f. As used in this section and section 7-552, the following terms shall have the following meanings: "unlicensed activity" shall refer only to unlawfully selling cannabis, cannabis product, or any product marketed or labeled as such without obtaining the appropriate registration, license, or permit therefor, or engaging in an indirect retail sale; "indirect retail sale" shall have the meaning provided for in subdivision forty-six-a of section three of the cannabis law, except that it shall not include cannabinoid hemp or hemp extract product.

§ 7-552 Local authority respecting unlicensed cannabis businesses. a. The office of the city sheriff shall have the authority to conduct regulatory inspections of any place of business, including a vehicle used for such business, where cannabis, cannabis product, or any products marketed or labeled as such, are sold, or offered to be sold, where no registration, license, or permit has been issued pursuant to the cannabis law. 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. Any such regulatory inspection shall:

1. only occur during the operating hours of a place of business;

2. be conducted for purposes of civil administrative enforcement with respect to premises lacking applicable registrations, licenses or permits issued pursuant to the cannabis law, and in furtherance of the purposes of such law, provided that nothing herein shall limit any enforcement action under law when illegal activity is observed or occurs during such inspection; and

3. be in accordance with procedures sufficient to ensure that any regulatory inspections are conducted in a reasonable manner, and that such procedures are administrative in nature, designed to detect administrative violations, in furtherance of the regulatory scheme established pursuant to this section, and designed to guarantee certainty and regularity of application.

b. The office of the city sheriff shall have the authority to:

1. Order any person who is engaged in conduct prohibited by section 7-551 to cease such prohibited conduct, provided that any such order to cease may only be issued against the business that is conducting the unlicensed activity or an individual owner of the business;

2. Issue and execute an order to seal a building or premises where any person is engaged in conduct prohibited by section 7-551 and which either poses an imminent threat as described in subdivision four of section one hundred thirty-eight-b of the cannabis law or satisfies the conditions set forth in subdivision five of such section with respect to continuation of unlicensed activity upon a subsequent inspection. Such order to seal shall be served in the same manner as section one hundred thirty-eight-b of the cannabis law. Such order to seal shall be referenced in the civil summons issued pursuant to section 7-551. When such an order and civil summons have been issued, the office of the city sheriff shall have the same powers, authorities, and responsibilities as provided to the office of cannabis management pursuant to applicable provisions of section one hundred thirty-eight-b of the cannabis law not inconsistent with this chapter, provided that the return date of such civil summons, specifying the hearing date applicable to the civil summons and the sealing order, shall be within five business days of the issuance of such summons and order, or a later date requested by the respondent in accordance with the applicable rules of the office of administrative trials and hearings. The hearing officer of the office of administrative trials and hearings shall make a determination on such civil summons, which shall be deemed a final decision of such office, and shall also make a recommendation to the office of the city sheriff with respect to whether such order to seal was properly issued in accordance with the provisions of this section. The office of the city sheriff shall thereafter make a determination with respect to continuation of such order to seal upon review of such recommendation. Such recommendation of the office of administrative trials and hearings and the determination of the office of the city sheriff shall be rendered within four business days of the conclusion of such hearing; and

3. Seize and destroy, consistent with applicable law, any cannabis, cannabis product, or any product marketed or labeled as such, found in the possession of a person engaged in the conduct described in paragraph one of this subdivision in their place of business, including a vehicle

used for such business, where an order as set forth in such paragraph one has been issued, providing the person is the business that is conducting the unlicensed activity or an individual owner of the business, and maintain documentation of the chain of custody of such seized products, and ensure that such products are properly stored, catalogued, and safeguarded until such time as they may properly be destroyed by the city.

c. Mutilation or removal of a posted order, posted notice, or secure padlock that is enforced or in place pursuant to this section shall be punishable in the manner specified by subdivision eight of section one hundred thirty-eight-b of the cannabis law.

d. The provisions of this section shall not apply to any premises or entity that is listed in the directory maintained by the office of cannabis management pursuant to subdivision thirteen of section eleven of the cannabis law. Further, the city sheriff, or the sheriff's designee within the office of the city sheriff or another city agency, shall serve as the liaison to the office of cannabis management to ensure that updates to such directory are immediately incorporated into the local inspection process, and shall coordinate with such office on efforts to inspect unlicensed businesses and related enforcement efforts. The city sheriff or other designee shall:

1. send bi-weekly reports to the office of cannabis management, in the manner and format prescribed by such office, detailing recent enforcement efforts undertaken pursuant to this section, including the number and location of inspections conducted, notices of violation issued, and orders to seal issued and executed, and the amount and nature of any cannabis, cannabis products, or products marketed or labeled as such that were seized pursuant to this section;

2. serve as the primary contact for the office of cannabis management in connection with the training program of such office and the sharing of materials made available to the city with respect to inspection and enforcement pursuant to this section and other applicable law; and

3. file with the office of cannabis management any regulations and procedures developed or adopted relating to the implementation of this section and section 7-551, as well as any subsequent local laws implementing section one hundred thirty-one of the cannabis law.

4. The office of the city sheriff may seek to enforce such order by seeking injunctive relief, including through an action pursuant to section sixteen-a of the cannabis law.

e. Notwithstanding any inconsistent provision of law, the office of the city sheriff may designate personnel of other agencies of the city of New York to implement powers granted to such office pursuant to this chapter if such office determines that additional resources are necessary for the effective implementation of such powers, provided that no such designation pursuant to this subdivision shall confer peace officer status on any such designated personnel who do not otherwise have such status.

f. The office of the city sheriff shall establish a system for receiving complaints of unlicensed activity by any business within the city of New York.

g. Any orders issued pursuant to this section shall be served by delivery of the order to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed to any address for the owner of the business at any

address provided by the person to whom such order was delivered pursuant to this subdivision.

§ 7-553 Local authority. Nothing in this chapter shall preclude the enactment of local laws or rules in accordance with subdivision three of section one hundred thirty-one of the cannabis law, or any other law.

§ 12. Subdivision 4 of section 918 of the county law, as amended by chapter 205 of the laws of 2020, is amended to read as follows:

4. Any other laws to the contrary notwithstanding, the county clerk in each of the counties within the city of New York is authorized and empowered to maintain separate judgment docket volumes containing the printed transcript or transcripts, in strict alphabetical order of judgment made, entered and docketed in the civil court of the city of New York against individuals, corporations, and other entities on behalf of the parking violations bureau, the environmental control board, the taxi and limousine commission, the department of consumer [~~affairs~~] and worker protection, the office of administrative trials and hearings when acting in accordance with subdivision c of section 7-551 of the administrative code of the city of New York and the commissioner of jurors of the city of New York, provided that the judgments made, entered and docketed in the civil court of the city of New York against individuals, corporations, and other entities on behalf of the department of consumer [~~affairs~~] and worker protection shall be limited to final decisions and orders that either (a) award restitution, or monetary damages, to a consumer or worker; or (b) award such restitution, or monetary damages, to a consumer or worker, together with civil penalties or equitable relief. These volumes may be maintained in the form of computer print outs which shall contain the date of judgment, the name and address of the judgment debtor or debtors, the amount of the judgment and other information which the county clerk may deem necessary to sufficiently describe the parties to the action or proceeding or nature or the manner of the entry of the judgment. The county clerk may, in [~~his or her~~] in such clerk's discretion, in lieu of such volumes, maintain the aforementioned data in a micrographic or computer retrievable format. With respect to judgments on behalf of the parking violations bureau such volumes or other format shall be maintained pursuant to this subdivision for only those individuals, corporations, and other entities having vehicles registered in the counties within the city of New York.

§ 13. Subdivisions 1 and 1-a of section 132 of the cannabis law, subdivision 1 as amended and subdivision 1-a as added by section 17 of part UU of chapter 56 of the laws of 2023, are amended to read as follows:

1.(a) Any person who cultivates for sale, offers to sell, or sells cannabis, cannabis products, medical cannabis, or any product marketed or labeled as such, without having an appropriate registration, license or permit therefor, including a person whose registration, license, or permit has been revoked, surrendered or cancelled, 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~~] **article**, 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~~] **eight** thousand dollars for a first refusal and up to [~~eight~~] **fifteen** 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 **or subdivision one-a of this section**, the board or office shall take into consideration the nature of such violation and shall assess a penalty that is proportionate to the violation**; provided, however, that an affidavit from a representative of the office, the office of the attorney general, or a local government, or a local police officer confirming the presence of conduct described in this subdivision or subdivision one-a of this section following an inspection by the office after the office has ordered such conduct to cease shall be sufficient to establish a prima facie case that such conduct had been continuing for each business day between the initial inspection and the last observed or otherwise documented conduct**.

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~~] **article**, 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 arti-

cle, 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.

§ 14. Subdivisions 2, 4 and 5 of section 138-a of the cannabis law, subdivision 2 as added and subdivisions 4 and 5 as amended by section 20 of part UU of chapter 56 of the laws of 2023, are amended and nine new subdivisions 6, 7, 8, 9, 10, 11, 12, 13 and 14 are added to read as follows:

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 **and their place of business, including a vehicle used for such business**;

4. seek injunctive relief against any person 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[~~.~~]**;**

6. in connection with any regulatory inspection or investigation or action thereafter, review, seize and copy records;

7. in connection with any action or proceeding authorized by this chapter, request that the attorney general or any police officer or peace officer seize or remove and hold as evidence all material, equipment, and instrumentalities used in the creation and maintenance of the conduct described in subdivision one of this section;

8. upon receipt of one or more complaints that a person is engaged in conduct described in subdivision one of this section or in connection with any inspection or subsequent investigation of a person engaged in the conduct described in subdivision one of this section, issue subpoenas to any owners, managers, or employees of such person for information regarding the person and the conduct;

9. with the assistance of law enforcement, seize or impound other property used in furtherance of the conduct described in subdivision one of this section;

10. upon an ex parte order to a court, request the court to issue a restraining order freezing liquid assets to enforce the provisions of this section and section sixteen-a of this chapter and section one hundred thirty-two of this article;

11. in accordance with the procedures outlined in section one hundred thirty-eight-b of this chapter, issue and execute an order to seal a building or premises of any unlicensed businesses in which any person is engaged in conduct in violation of this section or section one hundred twenty-five or one hundred thirty-two of this article;

12. upon receipt of one or more complaints that a person is engaged in conduct described in subdivision one of this section, apply or request that the attorney general apply for an ex parte order 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 it if determines, based on the evidence presented, that there is reasonable cause to believe that such place of business is the same place of business for which the office has received such complaints;

13. upon finding a violation of this section by a holder of a license issued by the state liquor authority, a registration issued by the

commissioner of taxation and finance to sell cigarettes or tobacco products at retail, a registration issued by the commissioner of taxation and finance to sell vapor products at retail, or a lottery sales agent license issued by the division of lottery, (a) issue a notice of violation to the holder or an agent thereof that clearly states (i) that the holder's state licenses, permits, or registrations may be at risk of revocation or suspension and (ii) that the holder's business premises may be subject to an order to seal if upon a subsequent inspection the office finds that the violation has not been abated, and (b) notify the agency that issued the authorization that the holder is in violation of this section; and

14. if any penalty is not paid within six months, enter the amount thereof as a judgment in the office of the clerk of the county of Albany and in any other county in which the person resides, has a place of business, or through which it operates. If such judgment has not been satisfied within thirty days thereafter, no license, registration, or permit shall be issued by the board to such person for three years thereafter.

§ 15. The cannabis law is amended by adding a new section 138-b to read as follows:

§ 138-b. Orders to seal. 1. In addition to any other authority conferred in this chapter, pursuant to the provisions of this section, the board or the office shall have the authority to issue an order to seal the building or premises of any business engaged in unlicensed activity, when such activity is 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 or subdivision one or eight of section one hundred thirty-two of this article.

2. Any order to seal shall be served by delivery of the order to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed to any address for the owner of the business at any address provided by the person to whom such order was delivered pursuant to this subdivision. The order shall remain in effect pending a hearing and final determination of the board, or until such order is vacated by the office pursuant to subdivision six of this section. An order to seal shall explicitly state the procedure to request a hearing within seven days.

3. The office may issue an order to seal with an immediate effective date if such order is based upon a finding by the office of an imminent threat to the public health, safety, and welfare. In such cases a hearing shall be held within three business days of a request for such hearing, unless otherwise adjourned by agreement of the parties, and a determination shall be rendered within four business days of the conclusion of such hearing, provided that the respondent has submitted a verified statement that may be required pursuant to subdivision five of section seventeen of this chapter. Failure of a respondent to appear at the hearing will result in a default and order of sealing to remain in effect for up to one year unless otherwise vacated pursuant to the provisions of this section.

4. Factors that determine an imminent threat to public health, safety, and welfare shall be limited to:

(a) documented sales to minors;

(b) unlicensed processing of cannabis products at the building or premises;

(c) orders issued following an inspection wherein the person engaged in the unlicensed activity engaged in violent, tumultuous, or other behaviors indicating expressed intent to not comply with the office's order to cease the unlicensed activity;

(d) documented presence of unlawful firearms at the building or premises;

(e) proximity of the building or premises to schools, houses of worship, or public youth facilities;

(f) presence of products deemed unsafe based on reports of illness or hospitalization; or

(g) sales of, or offers to sell, cannabis products not tested or labeled lawfully in accordance with this chapter.

5. Notwithstanding the factors listed in subdivision four of this section and the restriction set forth in paragraph (b) of subdivision six of this section, the office may issue an order to seal with an immediate effective date upon a second or subsequent inspection in which unlicensed activity is confirmed to be continuing more than ten calendar days after a notice of violation and order to cease unlicensed activity was previously issued by the office, provided that the office has also provided notice pursuant to subparagraph (ii) of paragraph (a) of subdivision thirteen of section one hundred thirty-eight-a of this article.

6. An order to seal may be issued by the office or the board pursuant to subdivision three of this section only if: (a) no part of the premises to be sealed is used in part as a residence and pursuant to local law or ordinance is zoned and lawfully occupied as a residence; and (b) the unlicensed activity as described in this section is more than a de minimis part of the business activity on the premises or in the building to be sealed pursuant to the order. In the event that an order to seal may not be issued pursuant to this subdivision, the office shall issue a notice of violation and order to cease the unlicensed conduct, which shall constitute notice that such unlicensed activity must cease immediately.

7. In assessing whether unlicensed activity within a building or premises is more than de minimis, the office or board, as relevant, shall consider factors such as any one or more of the following:

(a) the presence of signs or symbols, indoors or out, advertising the sale of cannabis or otherwise indicating that cannabis is sold on the premises;

(b) information shared in any advertisements or other marketing content in connection with the unlicensed business activity and any direct or indirect sales of cannabis or other conduct in violation of this chapter;

(c) the volume of illicit cannabis products on site; and

(d) the variety of illicit cannabis products on site.

8. Upon a request by the office, any police officer or peace officer with jurisdiction may assist in the enforcement of an order to seal issued by the office or the board, in accordance with the following procedures:

(a) The police officer or peace officer serving and executing the order to seal shall forthwith make and return to the office 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.

(b) The police officer or peace officer serving and executing the order to seal shall enter the building or premises and, 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 fee owner, lessor, or lessee.

(c) Upon service and execution of the order to seal, 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, 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 order of the cannabis control board, and the name of the officer or agency posting the notice.

(d) 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 a class B misdemeanor, or both, provided such order or notice contains therein a notice of such penalty, and shall be referred to the local district attorney for enforcement. The office shall also adhere to the procedures in this subdivision when executing an order to seal issued in accordance with this section.

9. Any order to seal issued by the office or the board issued pursuant to this section shall be effective for one year from the later of the posting of the order or the date of the judgment provided for in this section. An order to seal shall be vacated by the office or the board, upon notice to the office, if the respondent submits sufficient evidence to the office or the board by an affidavit and such other proof as may be submitted by the respondent that the unlicensed activity has been abated. An order vacating an order to seal shall include a provision authorizing the office, or any police officer or peace officer who assisted with the execution of the order to seal, to inspect the building or premises without notice for the purpose of ascertaining whether or not the unlicensed activity has been abated. 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 an order to seal.

10. The office shall mail a copy, by certified mail, of any order to seal issued by the office or board within five days following issuance of such order to the person in whose name the real estate affected by the order 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.

11. If at any time a respondent vacates the building or premises subject to an order to seal issued by the office or board, or if the

building owner provides sufficient proof thereof, any action or proceeding filed in accordance with these procedures relating to such building or premises shall be withdrawn by the office or the board without prejudice, and any order to seal shall be vacated.

12. The remedies provided for in this section are not exclusive and the office or board may also request and recover penalties in accordance with other provisions in this chapter.

§ 16. Section 195.05 of the penal law, as amended by chapter 269 of the laws of 1998, is amended to read as follows:

§ 195.05 Obstructing governmental administration in the second degree.

A person is guilty of obstructing governmental administration when [~~he~~]**:**

1. Such person intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration**; or**

2. With the intent to violate a closing order, order to seal, temporary closing order, or temporary order to seal issued by a governmental entity to address a public health or safety concern, such person damages or removes any padlock or other device installed for the purpose of effectuating such order.

Obstructing governmental administration is a class A misdemeanor.

§ 17. Subdivision 1, paragraph (b) of subdivision 2 and subdivision 4 of section 715-a of the real property actions and proceedings law, as added by section 21 of part UU of chapter 56 of the laws of 2023, are amended to read as follows:

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~~] **or products marketed or labeled as such**. 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 there-

tofore 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.

(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~~] five times the amount of rent charged, owed, or paid, as the case may be, for the duration of the violation, which may be calculated from the date the owner or landlord respondent received notice of the violation to the date the unlicensed activity is abated, for which a respondent shall be required to provide sufficient proof thereof, including but not limited to a sworn statement by a local law enforcement or other governmental entity that the unlicensed activity has been abated; provided, however, that in a city with a population of over one million the civil penalty shall be fifty thousand dollars. The landlord or property owner shall also provide a copy of any executed lease with such tenant;

4. The use or occupancy of premises [~~solely or primarily~~] customarily or habitually for the unlicensed retail sale of cannabis or products marketed or labeled as such shall constitute an illegal trade, manufacture, or other business for the purposes of section two hundred thirty-one of the real property law.

§ 18. This act shall take effect immediately and shall apply to offenses committed on or after the date this act shall have become a law; provided, however, evidence of past violations of sections 138-a and 125 of the cannabis law may be considered when imposing penalties under the cannabis law or issuing orders to seal pursuant to section 138-b of the cannabis law established pursuant to section fifteen of this act; and provided, however that the amendments to section 16-a of the cannabis law made by section five of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART H

Section 1. The opening paragraph of subdivision 1 of section 110-b of the alcoholic beverage control law, as amended by chapter 222 of the laws of 2019, is amended to read as follows:

Not [~~less than thirty nor~~] more than two hundred [~~and~~] seventy days before filing any of the following applications, an applicant shall notify the municipality in which the premises is located of such applicant's intent to file such an application:

§ 1-a. Section 110-b of the alcoholic beverage control law is amended by adding two new subdivisions 1-a and 1-b to read as follows:

1-a. The proof of notification, provided for in subdivisions six and six-a of this section, must be provided at the time of application; failure to so provide shall constitute good cause for denial.

1-b. The authority may not act to approve any application subject to this section prior to the passage of thirty days from the date notification was provided to the municipality.

§ 2. Subdivision 1 of section 98 of the alcoholic beverage control law, as amended by chapter 703 of the laws of 2022, is amended to read as follows:

1. The liquor authority is hereby authorized to issue to a retail licensee for on-premises consumption or a licensed off-premises caterer furnishing provisions and service for use at a particular function, occasion or event in a hotel, restaurant, club, ballroom or other premises a temporary [~~indoor~~] permit effective for a period not to exceed twenty-four consecutive hours, which shall authorize the service of alcoholic beverages at such function, occasion or event within the hours, fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such function, occasion or event is held. The fee therefor shall be thirty-eight dollars. Such a permit and the exercise of the privilege granted thereby may be subjected to such rules by the liquor authority as it deems necessary and such rules as are in conformity with the provisions of subdivision two of this section. Such a permit may also be issued for functions, occasions or events at premises for which a summer license has been previously issued pursuant to this chapter.

§ 3. Subdivision 1 of section 97 of the alcoholic beverage control law, as amended by section 19 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

1. The liquor authority is hereby authorized to issue temporary permits effective for a period not to exceed twenty-four consecutive hours to authorize the sale of beer [~~and~~]__,__ wine [~~manufactured in New York state~~]__, cider, mead and/or braggot, and liquor__ at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such gathering, function, occasion or event is held. The fee for such permit shall be twenty-six dollars. Such permit and the exercise of the privilege granted thereby shall be subject to such rules of the liquor authority as it deems necessary.

§ 4. Subdivision 2 of section 105 of the alcoholic beverage control law is REPEALED.

§ 5. This act shall take effect immediately, and shall apply to all applications received by the state liquor authority on and after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation by the state liquor authority 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 I

Section 1. The alcoholic beverage control law is amended by adding a new section 97-d to read as follows:

__§ 97-d. Temporary wholesale permit. 1. Any person may apply to the liquor authority for a temporary permit to operate any alcoholic beverage wholesale facility as may be licensed under this chapter. Such application shall be in writing and verified and shall contain information as the liquor authority shall require. Such application shall be accompanied by a check or draft in the amount of one hundred twenty-five dollars for such permit.__

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

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

(b) the applicant has obtained and provided evidence of all permits, licenses and other documents necessary for the operation of such a business; and

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

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

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

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

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

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

5. A temporary permit shall authorize the permittee to operate a wholesale facility for the purchase, warehousing, and sale of alcoholic beverages according to the laws applicable to the type of wholesale license being applied for.

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

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

8. The liquor authority in reviewing such application shall review the entire record and grant the temporary permit unless good cause is otherwise shown. A decision on an application shall be based on substantial evidence in the record and supported by a preponderance of the evidence in favor of the applicant.

§ 2. This act shall take effect immediately and shall apply to all applications filed after the date upon which it shall have become a law.

PART J

Section 1. Section 4 of chapter 118 of the laws of 2012 amending the alcoholic beverage control law relating to the powers of the chairman and members of the authority, as amended by chapter 124 of the laws of 2021, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

PART K

Section 1. Section 5 of chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, as amended by section 1 of part O of chapter 55 of the laws of 2023, is amended to read as follows:

§ 5. This act shall take effect on the sixtieth day after it shall have become a law, provided that paragraph (b) of subdivision 1 of section 97-a of the alcoholic beverage control law as added by section two of this act shall expire and be deemed repealed October 12, [~~2024~~] **2025**.

§ 2. This act shall take effect immediately.

PART L

Intentionally Omitted

PART M

Section 1. Subdivisions 2, 7 and 10, and paragraph a of subdivision 5 of section 196-b of the labor law, as added by section 1 of part J of chapter 56 of the laws of 2020, are amended and a new subdivision 4-a is added to read as follows:

2. Nothing in this section shall be construed to prohibit or prevent an employer from providing an amount of sick leave, paid or unpaid, **or paid prenatal personal leave** which is in excess of the requirements set forth in subdivision one **and subdivision four-a** of this section, or from adopting a paid leave policy that provides additional benefits to employees. An employer may elect to provide its employees with the total amount of sick leave required to fulfill its obligations pursuant to subdivision one of this section at the beginning of the calendar year, provided, however that no employer shall be permitted to reduce or revoke any such sick leave based on the number of hours actually worked by an employee during the calendar year if such employer elects pursuant to this subdivision.

4-a. In addition to the sick leave provided for in this section, on and after January first, two thousand twenty-five, every employer shall be required to provide to its employees twenty hours of paid prenatal personal leave during any fifty-two week calendar period. Paid prenatal personal leave shall mean leave taken for the health care services received by an employee during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy. Paid prenatal personal leave may be taken in hourly increments. Benefits for paid prenatal personal leave shall be paid in hourly installments. Employees shall receive compensation at the employee's regular rate of pay, or the applicable minimum wage established pursuant to section six hundred fifty-two of this chapter, whichever is greater, for the use of paid prenatal personal leave. Nothing in this section shall be construed to require an employer to pay an employee for unused paid prenatal leave upon such employee's termination, resignation, retirement, or other separation from employment.

a. An employer may not require the disclosure of confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee's family member, or information relating to absence from work due to domestic violence, a sexual

offense, stalking, or human trafficking, as a condition of providing sick leave **or paid prenatal personal leave** pursuant to this section.

7. No employer or [~~his or her~~] **their** agent, or the officer or agent of any corporation, partnership, or limited liability company, or any other person, shall discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee because such employee has exercised [~~his or her~~] **their** rights afforded under this section, including, but not limited to, requesting sick leave **or paid prenatal leave** and using sick leave **or paid prenatal leave**, consistent with the provisions of section two hundred fifteen of this chapter.

10. Upon return to work following any sick leave **or paid prenatal leave** taken pursuant to this section, an employee shall be restored by [~~his or her~~] **their** employer to the position of employment held by such employee prior to any sick leave **or paid prenatal leave** taken pursuant to this section with the same pay and other terms and conditions of employment.

§ 2. This act shall take effect January 1, 2025.

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

Section 1. Subdivision 2 of section 200 of the state finance law, as added by chapter 78 of the laws of 1982, is amended to read as follows:

2. Notwithstanding the provisions of subdivision one of this section, where the state and an employee organization representing state officers and employees who are in positions which are in collective negotiating units established pursuant to article fourteen of the civil service law enter into an agreement providing for an alternative procedure for the payment of salaries to such employees or where the director of employee relations shall authorize an alternative procedure for the payment of salaries to state officers or employees in the executive branch who are in positions which are not in collective negotiating units, such alternative procedure shall be implemented in lieu of the procedure specified in subdivision one of this section. **Notwithstanding any other provision of law to the contrary, where the state and an employee organization representing officers and employees in the executive branch who are in positions which are in collective negotiating units established pursuant to article fourteen of the civil service law enter into an agreement, or where the director of employee relations shall authorize for officers and employees in the executive branch who are in positions which are not in collective negotiating units, the alternate procedure specified herein shall be terminated for officers and employees hired on or after**

July first, two thousand twenty-five. The alternate procedure specified herein shall also be terminated for: (i) nonjudicial officers and employees of the unified court system hired on or after July first, two thousand twenty-five, if the chief administrator of the courts so elects; (ii) employees of the senate hired on or after July first, two thousand twenty-five, if the temporary president of the senate so elects; (iii) employees of the assembly hired on or after July first, two thousand twenty-five, if the speaker of the assembly so elects; and (iv) employees of joint legislative employers hired on or after July first, two thousand twenty-five, if the temporary president of the senate and the speaker of the assembly mutually so elect for all such joint legislative employers. Any election made pursuant to paragraph (i), (ii), (iii), or (iv) of this subdivision shall be in writing and filed with the state comptroller not later than thirty days after the enactment of this legislation.

§ 2. Paragraph (c) of subdivision 2-a of section 200 of the state finance law, as added by chapter 947 of the laws of 1990, is amended to read as follows:

(c) For officers and employees hired after the effective date of this act, the withholding of five days of salary shall be accomplished in the same manner provided in paragraph (a) of this section provided, however, such withholding shall be taken on the first five payment dates in which such new employees would otherwise have received their salary. Notwithstanding any other provision of law to the contrary, where the state and an employee organization representing officers and employees in the executive branch who are in positions which are in collective negotiating units established pursuant to article fourteen of the civil service law enter into an agreement, or where the director of employee relations shall authorize for officers or employees in the executive branch who are in positions which are not in collective negotiating units, officers and employees hired on or after July first, two thousand twenty-four, shall not be subject to the withholding of five days of salary on their first five payment dates as specified herein. Such withholding shall not be taken for: (i) nonjudicial officers and employees of the unified court system hired on or after July first, two thousand twenty-four, if the chief administrator of the courts so elects; (ii) employees of the senate hired on or after July first, two thousand twenty-four, if the temporary president of the senate so elects; (iii) employees of the assembly hired on or after July first, two thousand twenty-four, if the speaker of the assembly so elects; and (iv) employees of joint legislative employers hired on or after July first, two thousand twenty-four, if the temporary president of the senate and the speaker of the assembly mutually so elect for all such joint legislative employers. Any election made pursuant to subparagraph (i), (ii), (iii), or (iv) of this paragraph shall be in writing and filed with the state comptroller not later than thirty days after the enactment of this legislation.

§ 3. Paragraph (a) of subdivision 2-b of section 200 of the state finance law, as amended by chapter 171 of the laws of 1991, is amended to read as follows:

(a) For nonjudicial officers and employees of the unified court system: commencing with the earliest administratively feasible payroll period (and corresponding payment date) subsequent to the date this subdivision becomes a law, payment on the payment date of the five payroll periods commencing thereon shall be for nine-tenths of that amount paid each payroll period until a total of five-tenths of salary for one payroll period that would be paid but for this provision has

been withheld. For nonjudicial officers and employees hired after the date this subdivision becomes a law, the withholding of five days of salary shall be accomplished in the same manner described above, provided, however, such withholding shall be made on the first five payment dates in which such new officers or employees would otherwise have received their salary. **Notwithstanding any other provision of law to the contrary, such withholding shall not be taken for nonjudicial officers and employees of the unified court system hired on or after July first, two thousand twenty-four, if the chief administrator of the courts so elects. Any election made pursuant to this subdivision shall be in writing and filed with the state comptroller not later than thirty days after the enactment of this legislation.**

§ 4. This act shall take effect July 1, 2024; provided, however, that section one of this act shall take effect July 1, 2025.

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

Section 1. Section 239-bb of the general municipal law, as added by section 1 of part EE of chapter 55 of the laws of 2018, subdivision 8 as amended by chapter 717 of the laws of 2022, subdivisions 9 and 11 as amended by chapter 294 of the laws of 2021, and subdivision 12 as added by chapter 773 of the laws of 2023, is amended to read as follows:

§ 239-bb. County-wide shared services panels. 1. Definitions. The following terms shall have the following meanings for the purposes of this article:

a. "County" shall mean any county not wholly contained within a city.

b. "County CEO" shall mean the county executive, county manager or other chief executive of the county, or, where none, the chair of the county legislative body.

c. "Panel" shall mean a county-wide shared services panel established pursuant to subdivision two of this section.

d. "Plan" shall mean a county-wide shared services property tax savings plan.

2. County-wide shared services panels. a. There [~~shall~~] **may** be a county-wide shared services panel in each county consisting of the county CEO, and one representative from each city, town and village in the county. The chief executive officer of each town, city and village shall be the representative to a panel and shall be the mayor, if a city or a village, or shall be the supervisor, if a town. The county CEO shall serve as chair. [~~**All panels established in each county pursuant to part BBB of chapter fifty-nine of the laws of two thousand seventeen, and**~~

~~prior to the enactment of this article, shall continue in satisfaction of this section in such form as they were established, provided that the county CEO may alter the membership of the panel consistent with paragraph b of this subdivision.~~]

b. The county CEO may invite any school district, board of cooperative educational services, fire district, fire protection district, or special improvement district in the county to join a panel. Upon such invitation, the governing body of such school district, board of cooperative educational services, fire district, fire protection district, or other special district may accept such invitation by selecting a representative of such governing body, by majority vote, to serve as a member of the panel. [~~Such school district, board of cooperative educational services, fire district, fire protection district or other special district shall maintain such representation until the panel either approves a plan or transmits a statement to the secretary of state on the reason the panel did not approve a plan, pursuant to paragraph d of subdivision seven of this section. Upon approval of a plan or a transmission of a statement to the secretary of state that a panel did not approve a plan in any calendar year, the county CEO may, but need not, invite any school district, board of cooperative educational services, fire district, fire protection district or special improvement district in the county to join a panel thereafter convened.~~]

3. [~~a.~~] Each county CEO [~~shall, after satisfying the requirements of part BBB of chapter fifty-nine of the laws of two thousand seventeen, annually~~] **may** convene the panel and [~~shall undertake to revise and update a previously approved plan or alternatively~~] develop a [~~new~~] plan [~~through December thirty-first, two thousand twenty-one~~]. Such plans shall contain new, recurring property tax savings resulting from actions such as, but not limited to, the elimination of duplicative services; shared services arrangements including, joint purchasing, shared highway equipment, shared storage facilities, shared plowing services and energy and insurance purchasing cooperatives; reducing back office and administrative overhead; and better coordinating services. The secretary of state may provide advice and/or recommendations on the form and structure of such plans.

[~~b. After having convened at least two meetings in a calendar year, a panel may, by majority vote, determine that it is not in the best interest of the taxpayers to revise and update a previously approved plan or to develop a new plan in such year. The county CEO of such panel shall then comply with the provisions of paragraph (d) of subdivision seven of this section.~~]

4. While [~~revising or updating a previously approved plan, or while~~] developing a [~~new~~] plan, the county CEO shall regularly consult with, and take recommendations from, the representatives: on the panel; of each collective bargaining unit of the county and the cities, towns, and villages; and of each collective bargaining unit of any participating school district, board of cooperative educational services, fire district, fire protection district, or special improvement district.

5. The county CEO, the county legislative body and a panel shall accept input from the public, civic, business, labor and community leaders on any proposed plan. The county CEO [~~shall~~] **may** cause to be conducted [~~a minimum of three~~] public hearings prior to submission of a plan to a vote of a panel. All such public hearings shall be conducted within the county, and public notice of all such hearings shall be provided at least one week prior in the manner prescribed in subdivision one of section one hundred four of the public officers law. Civic, busi-

ness, labor, and community leaders, as well as members of the public, shall be permitted to provide public testimony at any such hearings.

6. a. The county CEO shall submit each plan, accompanied by a certification as to the accuracy of the savings contained therein, to the county legislative body at least forty-five days prior to a vote by the panel.

b. The county legislative body shall review and consider each plan submitted in accordance with paragraph a of this subdivision. A majority of the members of such body may issue an advisory report on each plan, making recommendations as deemed necessary. The county CEO may modify a plan based on such recommendations, which shall include an updated certification as to the accuracy of the savings contained therein.

7. a. A panel shall duly consider any plan properly submitted to the panel by the county CEO and may approve such plan by a majority vote of the panel. Each member of a panel may, prior to the panel-wide vote, cause to be removed from a plan any proposed action affecting the unit of government represented by the respective member. Written notice of such removal shall be provided to the county CEO prior to a panel-wide vote on a plan.

b. Plans approved by a panel shall be [~~transmitted to the secretary of state no later than thirty days from the date of approval by a panel accompanied by a certification as to the accuracy of the savings accompanied therein, and shall be~~] publicly disseminated to residents of the county in a concise, clear, and coherent manner using words with common and everyday meaning.

c. The county CEO shall conduct a public presentation of any approved plan no later than thirty days from the date of approval by a panel. Public notice of such presentation shall be provided at least one week prior in the manner prescribed in subdivision one of section one hundred four of the public officers law.

[~~d. Beginning in two thousand twenty, by January fifteenth following any calendar year during which a panel did not approve a plan and transmit such plan to the secretary of state pursuant to paragraph b of this subdivision, the county CEO of such panel shall release to the public and transmit to the secretary of state a statement explaining why the panel did not approve a plan that year, including, for each vote on a plan, the vote taken by each panel member and an explanation by each panel member of their vote.~~

~~8. For each county, new shared services actions in an approved and submitted plan pursuant to this section or part BBB of chapter fifty-nine of the laws of two thousand seventeen, may be eligible for funding to match savings from such action, subject to available appropriation. Savings that are actually and demonstrably realized by the participating local governments are eligible for matching funding. For actions that are part of an approved plan transmitted to the secretary of state in accordance with paragraph b of subdivision seven of this section, savings achieved during either: (i) January first through December thirty-first from new actions implemented on or after January first through December thirty-first of the year immediately following an approved and transmitted plan, or (ii) July first of the year immediately following an approved and transmitted plan through June thirtieth of the subsequent year from new actions implemented July first of the year immediately following an approved plan through June thirtieth of the subsequent year may be eligible for matching funding. Only net savings between local governments for each action would be eligible for matching funding. Savings from internal efficiencies or any other action taken by~~

~~a local government without the participation of another local government are not eligible for matching funding. Each county and all of the local governments within the county that are part of any action to be implemented as part of an approved plan must collectively apply for the matching funding and agree on the distribution and use of any matching funding in order to qualify for matching funding.~~

~~9. The department of state shall prepare a report to the governor, the temporary president of the senate and the speaker of the assembly on the county-wide shared services plans approved by the county-wide shared services panels created pursuant to part BBB of chapter fifty-nine of the laws of two thousand seventeen and this article and shall post the report on the department's website. Such report shall be provided on or before June thirtieth, two thousand twenty-five and shall include, but not be limited to, the following:~~

~~a. a detailed summary of projects included in county-wide shared services plans by category, such as:~~

~~(1) public health and insurance;~~

~~(2) emergency services;~~

~~(3) sewer, water, and waste management systems;~~

~~(4) energy procurement and efficiency;~~

~~(5) parks and recreation;~~

~~(6) education and workforce training;~~

~~(7) law and courts;~~

~~(8) shared equipment, personnel, and services;~~

~~(9) joint purchasing;~~

~~(10) governmental reorganization;~~

~~(11) transportation and highway departments; and~~

~~(12) records management and administrative functions.~~

~~b. for each of the counties the following information:~~

~~(1) a detailed summary of each of the savings plans, including revisions and updates submitted each year or the statement explaining why the county did not approve a plan in any year;~~

~~(2) the anticipated savings for each plan;~~

~~(3) the number of cities, towns and villages in the county;~~

~~(4) the number of cities, towns and villages that participated in a panel, as reported in a plan;~~

~~(5) the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, or other special districts in the county; and~~

~~(6) the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, or other special districts that participated in a panel, as reported in a plan.~~

~~10.~~] 8. The secretary of state may solicit, and the panels may provide at [~~her or his~~] the request of the secretary of state, advice and recommendations concerning matters related to the operations of local governments and shared services initiatives, including, but not limited to, making recommendations regarding grant proposals incorporating elements of shared services, government dissolutions, government and service consolidations, or property taxes and such other grants where the secretary deems the input of the panels to be in the best interest of the public. The panel shall advance such advice or recommendations by a vote of the majority of the members present at such meeting.

[~~11. The authority granted by this article to a county CEO to convene a panel for the purpose of revising or updating a previously approved plan, or developing a new plan, or to provide the secretary of state~~

~~information pursuant to subdivision ten of this section, shall cease on December thirty-first, two thousand twenty-four.~~

~~12. Notwithstanding any other provision of law to the contrary, monies constituting the funds of the village incorporation commission established pursuant to section 2-259 of the village law shall be deposited with the state comptroller and held for the purposes of the village incorporation commission established in article two of the village law; provided, however, that such monies shall be derived from the appropriation dedicated to the matching funds program pursuant to subdivision eight of this section and provided further, that such funding for such entity shall not be subject to the requirements of subdivision eight of this section related to savings.~~]

§ 2. The executive law is amended by adding a new section 110 to read as follows:

§ 110. Administration of certain monies. The secretary or their designee shall administer monies collected pursuant to section 2-202 of the village law and appropriations available for the operations of the village incorporation commission established pursuant to section 2-260 of the village law to ensure that the commission can perform its statutory functions; and provided further, that the secretary or their designee shall distribute funds as required pursuant to section 2-236 of the village law and any relevant appropriations bill.

§ 3. Section 2-236 of the village law, as amended by chapter 7 of the laws of 2024, is amended to read as follows:

§ 2-236 Payment of expenses incurred in proceedings for incorporation if village not incorporated. If the incorporation of the proposed village be not effected by the proceedings authorized in this article, the expenses incurred by the towns in which any part of such territory is located for payment of cost of posting, publishing and serving required notices, stenographic services and services of inspectors of election shall be paid from the fund deposited with the department of state, on behalf of the commission. If such fund so deposited is not sufficient to pay all of such expenses, the costs in excess of such fund shall be a general town charge. [~~Any unexpended balance of such fund shall become a part of the general fund of the town.~~]

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024; provided, however that this act shall not affect the eligibility for funding to match savings for any shared services actions that are part of a plan approved and submitted to the secretary of state pursuant to section 239-bb of the general municipal law as of January 31, 2024. Each county and all of the local governments within the county that are part of any such actions to be implemented as part of such approved plans may collectively apply for the matching funding for savings achieved from such implemented actions and the secretary of state shall distribute such matching funding according to the provisions of section 239-bb of the general municipal law in effect as of January 31, 2024.

PART V

Intentionally Omitted

PART W

Section 1. Paragraphs t and u of subdivision 10 of section 54 of the state finance law, paragraph u as relettered by section 3 of part K of chapter 55 of the laws of 2013, are relettered paragraphs u and v and a new paragraph t is added to read as follows:

t. Local government efficiency grant program beginning in the state fiscal year commencing April first, two thousand twenty-four. (i) (1) For the purposes of this paragraph, "municipality" shall mean a county, city, town, village, special improvement district, fire district, public library, association library, or public library system as defined by section two hundred seventy-two of the education law; provided, however, that for the purposes of this definition, a public library system shall be considered a municipality only in instances where such public library system advances a joint application on behalf of its member libraries, water authority, sewer authority, regional planning and development board, school district, or board of cooperative educational services; provided, however, that for the purposes of this definition, a board of cooperative educational services shall be considered a municipality only in instances where such board of cooperative educational services advances a joint application on behalf of school districts and other municipalities within the board of cooperative educational services region; provided, however, that any agreements with a board of cooperative educational services: shall not generate additional state aid; shall be deemed not to be a part of the program, capital and administrative budgets of the board of cooperative educational services for the purposes of computing charges upon component school districts pursuant to subdivision one and subparagraph seven of paragraph b of subdivision four of section nineteen hundred fifty, and subdivision one of section nineteen hundred fifty-one of the education law; and shall be deemed to be a cooperative municipal service for purposes of subparagraph two of paragraph d of subdivision four of section nineteen hundred fifty of the education law.

(2) For the purposes of this paragraph, "functional consolidation" shall mean one municipality completely providing a service or function for another municipality, which no longer provides such service or function.

(ii) Within the annual amounts appropriated therefor, the secretary of state may award competitive grants to municipalities to cover costs associated with local government efficiency projects, including, but not limited to, planning for or implementation of a municipal consolidation or dissolution, a functional consolidation, a city or county charter revision that includes functional consolidation, shared or cooperative services, and regionalized delivery of services; provided, however, that such local government efficiency projects must demonstrate new opportunities for financial savings and operational efficiencies; provided, further, that eligible local government efficiency projects shall not include studies and plans for a local government re-organization eligible to receive a local government citizens re-organization empowerment grant pursuant to paragraph q of this subdivision. The secretary of state may focus the grant program in specific functional areas, within distressed communities and areas of historically high local government costs and property taxes, or in areas of unique opportunity, in which case such areas of focus shall be detailed in a request for applications.

(iii) Any approved project shall include an examination of financial savings, return on public investment and management improvements resulting from project implementation.

(iv) Local government efficiency grants may be used to cover costs including, but not limited to, legal and consultant services, capital improvements, transitional personnel costs and other necessary expenses related to implementing the approved local government efficiency grant work plan. Grants may be used for capital improvements, transitional personnel costs or joint equipment purchases only where such expenses are integral to implementation of the local government efficiency project. No part of the grant shall be used by the applicant for recurring expenses such as salaries, except that the salaries of certain transitional personnel essential for the implementation of the approved local government efficiency grant work plan shall be eligible for a period not to exceed three years. The amounts awarded to a school district pursuant to this subparagraph shall not be included in the approved operating expense of the school district as defined in paragraph t of subdivision one of section thirty-six hundred two of the education law.

(v) The maximum cumulative grant award for a local government efficiency project shall not exceed two hundred fifty thousand dollars per municipality; provided, however, that in no case shall such a project receive a cumulative grant award in excess of one million two hundred fifty thousand dollars. The maximum grant award for a local government efficiency planning project, or the planning component of a project that includes both planning and implementation of a local government efficiency project, shall not exceed twenty thousand dollars per municipality; provided, however, that in no event shall such a planning project receive a grant award in excess of one hundred thousand dollars.

(vi) Local matching funds equal to at least fifty percent of the total cost of activities under the grant work plan approved by the department of state shall be required for planning grants, and local matching funds equal to at least ten percent of the total cost of activities under the grant work plan approved by the department of state shall be required for implementation grants. In the event an applicant is implementing a project that the applicant developed through a successfully completed planning grant funded under the local government efficiency grant program or the shared municipal services incentive grant program, the local matching funds required shall be reduced by the local matching funds required by such successfully completed planning grant up to the amount of local matching funds required for the implementation grant.

(vii) In the selection of grant awards, the secretary of state shall give the highest priority to applications: (1) that would result in the dissolution or consolidation of municipalities; (2) that would implement the complete functional consolidation of a municipal service; or (3) by local governments with historically high costs of local government or sustained increases in property taxes. Priority will also be given to municipalities that have previously completed a planning grant pursuant to this program or the shared municipal services incentive grant program, and to local governments currently involved in regional development projects that have received funds through state community and infrastructure development programs.

(viii) Within one week of the receipt of an application, the department of state shall review the application to ensure the applicant has filed the correct application, and to determine if any required sections of the application contain no information. Within one business day of determining an applicant has filed an incorrect application, or determining an application contains no information in a section required to contain information, the department shall so notify the applicant.

Applicants shall be permitted to amend an application found to be missing information, and such application shall be reconsidered for approval if it is amended by the application deadline. If an applicant has submitted an incorrect application, the applicant may submit the correct application to the appropriate program by the deadline for such program for consideration. Under no circumstances shall this subparagraph be deemed to require the extension of any application deadline established by the department, nor shall it obligate the department to conduct a substantive review of the contents of any application outside of the procedures established by the department for the purposes of maintaining the competitive integrity of the grant program.

(ix) Written notice shall be provided to an applicant of a decision regarding the grant or denial of an award under this paragraph, within thirty days after such decision.

(x) The department of state shall prepare an annual report to the governor and the legislature on the effectiveness of the local government efficiency grant program and the local government citizens re-organization empowerment grant program. Such report shall be provided on or before October first of each year and shall include, but not be limited to, the following: a summary of applications and awards for each grant category, an assessment of progress in implementing initiatives that received grant awards, and estimated financial savings and significant improvements in service realized by municipalities that have received grants.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024.

PART X

Intentionally Omitted

PART Y

Section 1. Section 2 of part P of chapter 55 of the laws of 2022, amending the alcoholic beverage control law relating to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

PART Z

Section 1. Section 240.30 of the penal law is amended by adding a new subdivision 3-a to read as follows:

3-a. With the intent to harass, annoy, threaten or alarm another person, such person strikes, shoves, kicks, or otherwise subjects another person to physical contact, which includes spitting on such other person, and such other person is a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers, or other revenue payment media for use on a train, bus, or ferry or the collection or handling of revenues therefrom; a person

whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, a transit signal system, elevated or underground subway tracks, transit station structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, a ferry station, or a train or bus station or terminal; or a supervisor of such personnel, employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions while such individual is performing an assigned duty; or

§ 2. Subdivision 11 of section 120.05 of the penal law, as amended by chapter 233 of the laws of 2022, is amended to read as follows:

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers, or other revenue payment media for use on a train [or], bus, or ferry the collection or handling of revenues therefrom; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, a transit signal system, elevated or underground subway tracks, transit station structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, a ferry station, or a train or bus station or terminal; or a supervisor of such personnel, employed by any transit or commuter rail agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, public health sanitarian, New York city public health sanitarian, registered nurse, licensed practical nurse, emergency medical service paramedic, or emergency medical service technician, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers or other revenue payment media for use on a train [or], bus, or ferry or the collection or handling of revenues therefrom; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, a transit signal system, elevated or underground subway tracks, transit station structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, a ferry station, or a train or bus station or terminal; or a supervisor of such personnel, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician, while such employee is performing

an assigned duty on, or directly related to, the operation of a train or bus, cleaning of a train or bus station or terminal, assisting customers, **checking traffic,** the sale or collection of tickets, passes, vouchers, or other revenue media for use on a train [~~or~~]**,** bus, **or ferry** or maintenance or cleaning of a train, a bus, **a ferry,** or bus station or terminal, signal system, elevated or underground subway tracks, transit station structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard or revenue train in passenger service, **a ferry station,** or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician is performing an assigned duty; or

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

PART AA

Section 1. Subparagraph (iii) of paragraph (c) of subdivision 2 of section 722.23 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

(iii) the defendant unlawfully engaged in [~~sexual intercourse, oral sexual conduct, anal sexual conduct~~] **vaginal sexual contact, oral sexual contact, anal sexual contact,** or sexual contact as defined in section 130.00 of the penal law.

§ 2. This act shall take effect on the same date and in the same manner as chapter 777 of the laws of 2023, as amended, takes effect.

PART BB

Section 1. Subdivision 4 of section 467 of the real property tax law, as separately amended by section 1 of part B of chapter 686 and chapter 738 of the laws of 2022, is amended to read as follows:

4. Every municipal corporation in which such real property is located shall notify, or cause to be notified, each person owning residential real property in such municipal corporation of the provisions of this section. The provisions of this subdivision may be met by a notice or legend sent on or with each tax or PILOT bill to such persons reading [~~"You may be eligible for senior citizen tax exemptions. Senior citizens have until month....., day....., year....., to apply for such exemptions. For information please call or write....," followed by the name, telephone number and/or address of a person or department selected by the municipal corporation to explain the provisions of this section~~] **substantially as set forth in subdivision one-c of section nine hundred twenty-two of this chapter**. Each cooperative apartment corporation shall notify each tenant-stockholder thereof in residence of such provisions as set forth herein. Failure to notify, or cause to be notified any person who is in fact, eligible to receive the exemption provided by this section or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes or PILOT on property owned by such person. A second

copy of the notice required by this subdivision shall be sent thirty days prior to the filing deadline.

§ 2. Subdivision 12 of section 905 of the real property tax law, as added by chapter 167 of the laws of 2018, is amended to read as follows:

12. Surplus. Any surplus funds remaining after the sale of a property at a tax foreclosure for unpaid code violations shall be returned to the former owner of the property in a manner as provided under local law. [~~This provision shall not apply to a sale of a property at a tax foreclosure due to unpaid taxes. If a property has both unpaid taxes and unpaid code violations on the same tax levy and is auctioned at a tax foreclosure the amount of the surplus funds returned to the former owner shall be proportionate to the amount of unpaid code violations owed in the total amount of debt owed to the city of Buffalo.~~] For the purpose of this section, "surplus funds" shall mean the balance of money received after auction of a property at a tax foreclosure sale minus the amount owed for code violations and the costs and attorneys' fees incurred in the collection of the fees by the city.

§ 3. Section 922 of the real property tax law is amended by adding a new subdivision 1-c to read as follows:

1-c. Each statement of taxes pertaining to residential property shall contain or be accompanied by a notice or legend reading substantially as follows: "IF YOU ARE A SENIOR CITIZEN, A PERSON WITH A PHYSICAL DISABILITY AND/OR A VETERAN, YOU MAY BE ENTITLED TO A PARTIAL EXEMPTION FROM PROPERTY TAXES. Eligible homeowners have until (insert date) to apply for such exemptions. For further information please call or write the assessor's office" followed by the telephone number and address of that office.

§ 4. Subdivision 1 of section 1102 of the real property tax law, as amended by chapter 532 of the laws of 1994, is amended to read as follows:

1. "Charges" or "legal charges" means:

(a) the cost of the mailing or service of notices required or authorized by this article;

(b) the cost of publication of notices required or authorized by this title;

(c) the amount of any interest and penalties imposed by law;

(d) the cost of recording or filing legal documents required or authorized by this article; [~~and~~]

(e) **the cost of appraising a parcel for the purpose of determining the existence and amount of any surplus pursuant to section eleven hundred ninety-six of this article;**

(f) the reasonable and necessary cost of any search of the public record required or authorized to satisfy the notice requirements of this article, and [~~the~~] **other** reasonable and necessary expenses [~~for legal services of~~] **incurred by** a tax district in connection with a proceeding to foreclose a tax lien**, including but not limited to administrative, auction and reasonable attorney fees and/or costs associated with the foreclosure process**; provided, that: (i) a charge of up to [~~one~~] **either two** hundred fifty dollars per parcel**, or two percent of the sum of the taxes, interest and penalties due on the parcel, whichever is greater,** shall be deemed reasonable and necessary to cover the combined costs of such searches and [~~legal expenses~~] **the other reasonable and necessary costs and expenses delineated in this paragraph**, and such an amount may be charged without substantiation, even if salaried employees of the tax district performed [~~the search or legal~~] **some or all of such** services; and (ii) a tax district may charge a greater amount with respect to one

or more parcels upon demonstration to the satisfaction of the court having jurisdiction that such greater amount was reasonable and necessary; and

[~~(f)~~] (g) the amount owed to the tax district by virtue of a judgment lien, a mortgage lien, or any other lien held by the tax district that is not a delinquent tax lien.

(h) Charges shall be deemed a part of the delinquent tax for purposes of redemption and determination of surplus.

§ 5. Subdivision 1 of section 1123 of the real property tax law, as amended by chapter 579 of the laws of 1995, is amended to read as follows:

1. [~~Twenty-one~~] Eighteen months after lien date, or as soon thereafter as is practicable, the enforcing officer shall execute a petition of foreclosure pertaining to those properties which remain subject to delinquent tax liens; provided, however, that in the case of property which is subject to a three or four year redemption period, such petition shall be executed [~~thirty-three or forty-five~~] thirty or forty-two months after lien date, respectively, or as soon thereafter as is practicable.

§ 6. The sixth undesignated paragraph of subdivision 3 of section 1124 of the real property tax law, as amended by chapter 532 of the laws of 1994, is amended to read as follows:

Last day for redemption: The last day for redemption is hereby fixed as the ..... day of ..... (here insert a date at least [~~three~~] six months after the date of the first publication of this notice).

§ 7. Section 1125 of the real property tax law is amended by adding a new subdivision 2-a to read as follows:

2-a. In the case of residential property as defined by section eleven hundred eleven of this article, such notice shall also either include or be accompanied by the homeowner warning notice described by section eleven hundred forty-four of this article.

§ 8. The real property tax law is amended by adding a new section 1135 to read as follows:

§ 1135. Application for surplus. In lieu of filing an answer to the foreclosure proceeding, any person claiming surplus arising from a tax district's enforcement of delinquent property taxes shall have the right to file with the clerk in whose office the report of sale is filed at any time before the confirmation of the report of sale, a written notice of such claim, stating the nature and extent of their claim and the address of the claimant or the claimant's attorney.

§ 9. Paragraph (d) of subdivision 2 of section 1136 of the real property tax law, as amended by chapter 532 of the laws of 1994, is amended to read as follows:

(d) In directing any conveyance pursuant to this subdivision, the judgment shall direct the enforcing officer of the tax district to prepare and execute a deed conveying title to the parcel or parcels of real property concerned. Such title shall be full and complete in the absence of an agreement between tax districts as herein provided that it shall be subject to the tax liens of one or more tax districts. Upon the execution of such deed, the grantee shall be seized of an estate in fee simple absolute in such parcel unless the conveyance is expressly made subject to tax liens of a tax district as herein provided, and all persons, including the state, infants, incompetents, absentees and non-residents, who may have had any right, title, interest, claim, lien or equity of redemption in or upon such parcel, shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of

redemption. **Nothing contained herein shall be construed to preclude any such person from filing a claim pursuant to section eleven hundred thirty-five or title six of this article for a share of any surplus that may be attributable to the sale of such parcel.**

§ 10. Subdivision 3 of section 1136 of the real property tax law, as amended by chapter 532 of the laws of 1994, is amended to read as follows:

3. When no answer has been interposed. **(a)** The court shall make a final judgment awarding to such tax district the possession of any parcel of real property described in the petition of foreclosure not redeemed as provided in this title and as to which no answer is interposed as provided herein. In addition thereto such judgment shall contain a direction to the enforcing officer of the tax district to prepare, execute and cause to be recorded a deed conveying to such tax district full and complete title to such parcel.

(b) Alternatively, at the request of the enforcing officer, the court may make a final judgment authorizing the enforcing officer to prepare, execute and cause to be recorded a deed conveying full and complete title to such parcel directly to a party other than the tax district, without the tax district taking title thereto.

(c) Upon the execution of such deed, the tax district**, or the grantee as the case may be,** shall be seized of an estate in fee simple absolute in such parcel and all persons, including the state, infants, incompetents, absentees and non-residents who may have had any right, title, interest, claim, lien or equity of redemption in or upon such parcel shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption. **Nothing contained herein shall be construed to preclude any such person from filing a claim pursuant to section eleven hundred thirty-five or title six of this article for a share of any surplus that may be attributable to the sale of such parcel.**

§ 11. Section 1136 of the real property tax law is amended by adding a new subdivision 4 to read as follows:

4. (a) Notwithstanding any other provision of law to the contrary, when a parcel is subject to a judgment of foreclosure issued pursuant to this section but has not yet been conveyed to a third party, the tax district may, at its discretion, convey title to the parcel back to the former owner or owners, or to the successor or successors in interest if any, upon payment of the taxes, penalties, interest and other lawful charges owed to the tax district, subject to the provisions of paragraph (b) of this subdivision.

(b) If immediately prior to the issuance of the judgment of foreclosure, any other person had any right, title, interest, claim, lien or equity of redemption in or upon such parcel, the deed conveying the parcel back to the former owner or owners, or to their successor or successors in interest, shall state that the conveyance shall become subject to the right, title, interest, claim, lien or equity of redemption of any other person that had been extinguished by the judgment of foreclosure, once such right, title, interest, claim, lien or equity of redemption has been reinstated nunc pro tunc pursuant to the provisions of this paragraph. Upon the execution of such deed, the tax district shall cause a copy thereof to be filed with the court, which shall direct the reinstatement of any such right, title, interest, claim, lien or equity of redemption in such parcel nunc pro tunc.

§ 12. Article 11 of the real property tax law is amended by adding a new title 3-A to read as follows:

TITLE 3-A

HOMEOWNER BILL OF RIGHTS AND RELATED PROVISIONS

Section 1142. Homeowner bill of rights.
1144. Homeowner warning notices.
1146. Repayment plans.
1148. Assistance to vulnerable populations.

§ 1142. Homeowner bill of rights. Any owner of a residential property, as defined in section eleven hundred eleven of this article, who occupies such property as their primary residence, shall have the following rights:

1. Notwithstanding any other general, special, or local law, local tax act, code, rule, regulation, or charter provision to the contrary, to not have exemptions removed or waived for nonpayment of property taxes, except to the extent otherwise provided in section one hundred seventy-one-w of the tax law and any other general law that explicitly authorizes the removal of an exemption due to the nonpayment of taxes;

2. To be informed of the amount of tax due, the number of tax years for which the parcel has been in arrears, the date on which the redemption period ends, the accepted forms of payment, the location where payments shall be made, and the contact information for the responsible taxing authority, provided that a claim by an owner that they were not so informed shall not constitute a valid defense to a foreclosure proceeding;

3. To receive homeowner warning notices pursuant to section eleven hundred forty-four of this title;

4. In the event that their primary residence is foreclosed upon, to receive a share of any surplus resulting from the sale of the property in the manner provided by law;

5. To be charged interest at a rate no higher than the maximum allowable statutory interest rate for unpaid property taxes;

6. To enter into installment plans or repayment plans for purposes of paying delinquent taxes where locally authorized;

7. For owners who are senior citizens who are receiving a senior citizens exemption, an enhanced STAR exemption or an enhanced STAR credit, to receive a grace period of five business days to pay their taxes without interest in a local government that has opted to grant such an extension to such persons;

8. In the event that their primary residence is foreclosed upon, to have all debts related to delinquent taxes owed on such primary residence extinguished upon the foreclosure, except when they have reacquired title pursuant to subdivision four of section eleven hundred thirty-six of this article; provided, however, that nothing contained herein shall be construed to preclude a tax district from bringing an action against a former owner to recover reasonable costs incurred in acting pursuant to law to remove, abate or mitigate unsafe conditions and/or nuisances that were present on the property at the time of foreclosure, including but not limited to the demolition of unsafe structures and the elimination of fire and health hazards where warranted.

§ 1144. Homeowner warning notices. 1. (a) In the case of residential property as defined by section eleven hundred eleven of this article, when personal notice of the commencement of a foreclosure proceeding is mailed pursuant to section eleven hundred twenty-five of this article, such notice shall include or be accompanied by the homeowner warning notice described by paragraph (b) of this subdivision. Provided, however, that in a tax district that does not enforce delinquent taxes pursu-

ant to this article, such homeowner warning notice shall be sent when the foreclosure proceeding is commenced.

(b) Such notice shall be in substantially the following form:

"YOU MAY BE AT RISK OF FORECLOSURE ON A PROPERTY TAX LIEN. PLEASE READ THE FOLLOWING NOTICE CAREFULLY.

As of (enter date), your property taxes have not been paid for the following years and amounts each year: (enter years and amounts)

The total needed to pay off all tax arrears as of the date of this notice is: (enter amount due)

Under New York State law, we are required to send you this notice to inform you that you are at risk of losing your home.

Attached to this notice is a list of government approved housing counseling agencies in your area which provide free counseling. You can also call the NYS Office of the Attorney General's Homeowner Protection Program (HOPP) toll-free consumer hotline to be connected to free housing counseling or legal services in your area at 1-855-HOME-456 (1-855-466-3456), or visit their website. A statewide listing by county is also available at the website of the New York State Department of Financial Services. Qualified free help is available; watch out for companies or people who charge a fee for these services.

Housing counselors from New York-based agencies listed on the website above are trained to help homeowners who are having problems making their tax payments and can help you find the best option for your situation.

If you wish, you may also contact our office directly to discuss possible payment plans and other options.

While we cannot assure that a mutually agreeable resolution is possible, we encourage you to take immediate steps to try to achieve a resolution.

The longer you wait, the fewer options you may have.

If you have not taken any actions to resolve this matter within ninety days from the date this notice was mailed, we may commence legal action or other remedies against you to foreclose the tax lien, which may eventually result in eviction from your home.

Under New York State law, you may be barred from entering into a payment plan or from being permitted to make any payment to save your home after the "Redemption Date". In your case, the "Redemption Date" is tentatively set as (enter date).

IMPORTANT: You have the right to remain in your home until you receive a court order telling you to leave the property; however, you may lose the right to continue ownership of your home after the Redemption Date. If a foreclosure action is filed against you in court, you still have the right to remain in the home until a court orders you to leave.

This notice is not an eviction notice, and a foreclosure action has not yet been commenced against you.

You should also be aware that if you are a senior citizen, a person with a physical disability and/or a veteran, you may be entitled to a partial exemption from property taxes. If you are not already receiving one or more of these exemptions and would like information about the eligibility and application requirements, please contact your local assessor's office."

(c) In a tax district that does not pursue foreclosure when property is owned by a person receiving one of more of the exemptions listed in such notice, a sentence reading substantially as follows shall be added: "If you are currently receiving one or more of these exemptions, please contact us immediately so that we may suspend the foreclosure."

2. A failure of the owner to receive such notice shall not prevent the collection and enforcement of the payment of the taxes on property owned by such person.

3. Such notice may be accompanied by a list of housing counseling agencies that serve the county in which the property is located, including the last known addresses and telephone numbers of such agencies. The department of financial services shall make available on its website a listing, by county, of such agencies. The enforcing officer shall use such lists to meet the requirements of this section.

4. Such notice shall also include or be accompanied by a statement, set forth in each of the twelve most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by United States Census Bureau, advising them that a translated version of this notice, or a detailed summary thereof, may be found on the website of the New York state office of general services. This requirement may be satisfied by posting a statement in each such language that is substantially equivalent to the following: "YOU MAY BE AT RISK OF FORECLOSURE ON A PROPERTY TAX LIEN. To see this notice in (insert the name of the applicable language), go to (insert the applicable URL address)."

§ 1146. Repayment plans. 1. The governing body of a tax district is hereby authorized and empowered to enact and amend a local law providing that in the case of primary residences with a tax delinquency greater than five hundred dollars but less than thirty thousand dollars or such other limit as may be provided by such local law, the property owner shall be permitted to enter into a repayment plan to cure a tax delinquency at any time until the date of redemption.

2. The term of the repayment plan shall be twelve, eighteen, twenty-four, or thirty-six months, at the option of the owner. The amount due under the agreement shall be paid, as nearly as possible, in equal amounts on each payment due date. The amount of each such payment shall be determined by dividing the amount due by the number of required installment payments.

3. The owner shall be deemed to be in default of a payment plan agreement pursuant to this section upon the occurrence of any of the following events:

(a) Any payment due under the repayment plan is not made within forty-five days from the payment due date;

(b) Any tax levied after the owner entered into the repayment plan is not paid by the payment due date;

(c) The subject property is sold; or

(d) The total principal amount in arrears exceeds thirty thousand dollars or such higher amount as may have been set by local law, ordinance or resolution.

4. In the event of a default in payments, and after service of a twenty-day notice of default, the tax district shall have the right to require the entire unpaid balance, with interest, to be paid in full.

§ 1148. Assistance to vulnerable populations. 1. Every notice of unpaid taxes, notice of arrears included in tax statements, personal notice of commencement of foreclosure proceeding or tax lien sale must include information about a housing counseling agency or agencies funded by the New York state office of the attorney general's homeowner protection program in the region in which the property is located.

2. Upon receiving a return of unpaid taxes pursuant to section nine hundred thirty-six of this chapter or a comparable provision of law, the enforcing officer shall send a list of the names, addresses and tele-

phone numbers, if available, of the residential property owners included on such return to a housing counseling agency or agencies funded by the New York state office of the attorney general's homeowner protection program in the region where the property is located, so that such agency may make the homeowner aware of free foreclosure prevention services and options available to the parties.

§ 13. Section 1166 of the real property tax law, as amended by chapter 532 of the laws of 1994, subdivision 1 as amended by chapter 500 of the laws of 2015, is amended to read as follows:

§ 1166. Real property acquired by tax district; right of sale. 1. Whenever any tax district shall become vested with the title to real property, and whenever an enforcing officer shall have been authorized to sell and convey real property directly to another party, by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district or enforcing officer is hereby authorized to sell and convey [~~the~~] such real property [~~so acquired~~], which shall include any and all gas, oil or mineral rights associated with such real property, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.

2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder.

3. The provisions of title six of this article shall govern the distribution of any surplus attributable to such sales.

§ 14. The real property tax law is amended by adding a new section 1194-a to read as follows:

§ 1194-a. Administration of surplus in connection with tax lien sales. Real property tax liens owned by third parties, including those tax liens sold pursuant to former title three of article fourteen of this chapter or pursuant to a special or local law or charter shall only be enforced in the manner described in this section:

1. Upon written application and the surrender of the tax lien certificate of sale, a treasurer's deed may be issued vesting in the tax lien certificate holder an absolute estate in fee, subject to all claims the taxing jurisdiction or state may have thereon for taxes, liens or encumbrances, if (a) a New York state licensed real estate appraiser conducts an appraisal of the property prior to the issuance of the deed to establish the property's fair market value and (b) the property's appraised value does not exceed the outstanding amount due to the tax lien holder. The tax district shall levy the cost of conducting the appraisal as a lien upon the property to be collected along with any other pending taxes, liens, or encumbrances; or

2. Notwithstanding any other law to the contrary, after the applicable redemption period has elapsed, an action to foreclose a tax sale certificate issued pursuant to former title three of article fourteen of this chapter or pursuant to a local law or charter may be commenced and maintained pursuant to this title.

3. Notwithstanding any other law to the contrary, when a tax lien has been sold to a third party, the lienholder shall send a homeowner warning notice in the manner provided by section eleven hundred forty-four of this article at least one hundred eighty days prior to making application for a treasurer's deed or commencing a foreclosure proceeding, as the case may be.

4. Notwithstanding the foregoing provisions of this section, in a city with a population of one million or more, real property tax liens owned

by third parties shall be enforced in the manner provided by the administrative code of such city.

§ 15. Article 11 of the real property tax law is amended by adding a new title 6 to read as follows:

TITLE 6

DISTRIBUTION OF SURPLUS

Section 1195. Definitions.

1196. Determination of existence and amount of surplus.

1197. Claims for surplus.

§ 1195. Definitions. In addition to the definitions set forth in section eleven hundred two of this article, for purposes of this title:

1. "Former homeowner" means a person or persons who lost title to and/or ownership of residential property due to a tax foreclosure.

2. "Public sale" means a sale resulting from a public auction conducted in accordance with the provisions of section two hundred thirty-one of the real property actions and proceedings law.

3. "Surplus" means the net gain, if any, realized by the tax district upon the sale of tax-foreclosed property, as determined in the manner set forth in section eleven hundred ninety-six of this title. Where no such gain was realized, no surplus shall be attributable to that sale.

4. "Tax-foreclosed property" means a parcel as to which a judgment of foreclosure has been issued pursuant to section eleven hundred thirty-six of this article.

§ 1196. Determination of existence and amount of surplus. 1. (a) Within forty-five days after the sale of tax-foreclosed property, the enforcing officer shall determine whether a surplus is attributable to such sale and if so, the amount thereof. Subject to the provisions of subdivision two of this section, such determination shall be made by ascertaining the sum of the total amount of taxes due plus interest, penalties and other charges as defined by section eleven hundred two of this article, and subtracting such sum from whichever of the following is applicable:

(i) where the sale was a public sale, the amount to be so subtracted shall be the amount paid for the property;

(ii) where the sale was not a public sale, the amount to be so subtracted shall be either (A) the full value of the property as shown on the most recent tax roll, (B) if available, an appraisal prepared by a licensed New York state appraiser that establishes the full value of the property as of the date of the transfer of title, or (C) the full value of the property as of the date of the transfer of title as determined by such other valuation method as the enforcing officer reasonably determines will result in just compensation to the former owner and other parties whose interests were extinguished by the foreclosure.

(b) For purposes of this subdivision, where the enforcing officer has been notified that the tax district intends to retain tax-foreclosed property for a public use, the property shall be deemed to have been sold on the date that the enforcing officer was so notified, and the enforcing officer shall determine the existence and amount of a surplus relative to such property in the manner provided by subparagraph (ii) of paragraph (a) of this subdivision.

2. Notwithstanding the provisions of subdivision one of this section, when a tax district has sold or conveyed tax-foreclosed property to a land bank, a housing development agency or another public entity, and such sale or conveyance was not the result of a public sale, or when a tax district has determined to retain tax-foreclosed property for a

public use, no surplus shall be payable if all of the following conditions are satisfied:

(a) prior to such sale, conveyance or determination, the property had been offered for sale at two separate public auctions conducted at least three months apart from one another,

(b) both auctions had been conducted in full compliance with the provisions of section two hundred thirty-one of the real property actions and proceedings law,

(c) the minimum acceptable bid at each auction had been set at an amount no greater than the sum of the taxes due plus interest, penalties and other charges, and

(d) no qualifying bids were received for the property at either auction.

3. (a) If the enforcing officer determines that no surplus is attributable to the sale, such enforcing officer shall submit a report to the court describing the circumstances of the sale, stating that no surplus was attributable to the sale and demonstrating how the enforcing officer reached that conclusion.

(b) If the enforcing officer determines that a surplus is attributable to the sale, such enforcing officer shall submit a report to the court describing the circumstances of the sale, stating that a surplus was attributable to the sale, and demonstrating how the amount of the surplus was determined. Such surplus shall be paid to the court therewith. Within ten days of submitting such report, the enforcing officer shall notify the former property owner that a surplus was attributable to the sale of such property, that such surplus has been paid into court, and that the court will notify the interested parties of the procedure to be followed in order to make a claim for a share of the surplus.

(c) Where the enforcing officer's determination of surplus is based upon such enforcing officer's estimate of the property's value, the enforcing officer's report to the court shall set forth an explanation of how this estimate was made, including the evidence upon which it was based.

4. Upon approval by the court of the enforcing officer's report, the tax district shall have no further responsibilities in relation to the parcel or any surplus attributable thereto, except to the extent the court directs otherwise pursuant to section eleven hundred ninety-seven of this title.

§ 1197. Claims for surplus. 1. Any person who had any right, title, interest, claim, lien or equity of redemption in or upon a parcel immediately prior to the issuance of the judgment of foreclosure may file a claim with the court having jurisdiction for a share of any surplus resulting from the sale of such property. Such claims shall be administered and adjudicated, and such surplus shall be distributed, in the same manner as in an action to foreclose a mortgage pursuant to article thirteen of the real property actions and proceedings law, subject to the provisions of this section.

2. (a) Where the property was sold by a public sale, the amount paid for the property shall be accepted as the full value of the property. No party may maintain a claim for surplus or any other claim or action against the tax district on the basis that the amount paid for the property did not fairly represent the property's value.

(b) Where the property was sold by other than a public sale, a claimant may make a motion, upon notice to the enforcing officer, for the surplus to be recalculated on the basis that the property's full value

on the date of the sale was substantially higher than the value used to measure the surplus pursuant to subparagraph (ii) of paragraph (a) of subdivision one of section eleven hundred ninety-six of this title. If the court or its referee finds that a preponderance of the evidence supports the claimant's position, the court may direct the enforcing officer to recalculate the surplus based upon the property's value as determined by the court or referee. The court may further direct the enforcing officer to pay the difference into court to be distributed as required by this section.

3. Where the court has appointed a referee to preside over the proceedings pursuant to subdivision two of section thirteen hundred sixty-one of the real property actions and proceedings law, it shall not be necessary for such referee to make a report of such proceedings; nor shall it be necessary for the court to confirm by order or otherwise such proceedings.

4. In the case of residential property, if at the time of the confirmation of the report of sale, no former homeowner has filed a claim for surplus, and there are surplus proceeds that remain to be distributed, the proceeding shall remain open for at least three years from the confirmation of the report of sale, or for such longer period as the court may direct. If a former homeowner should file a claim for surplus during such period, the court shall proceed as if it had been timely filed.

5. At the conclusion of such proceedings, any surplus funds that have not been claimed shall be deemed abandoned but shall be paid to the tax district, not to the state comptroller, and shall be used by the tax district to reduce its tax levy.

6. To the extent the provisions of article thirteen of the real property actions and proceedings law are inconsistent with the provisions of this article, the provisions of this article shall govern.

§ 16. Subparagraph (B) of paragraph 7 of subsection (eee) of section 606 of the tax law, as amended by section 1 of subpart D of part Z of chapter 59 of the laws of 2022, is amended to read as follows:

(B) Notwithstanding any provision of law to the contrary, the names and addresses of individuals who have applied for or are receiving the credit authorized by this subsection may be disclosed to assessors, county directors of real property tax services, [~~and~~] municipal tax collecting officers and enforcing officers within New York state. In addition, such information may be exchanged with assessors and tax officials from jurisdictions outside New York state if the laws of the other jurisdiction allow it to provide similar information to this state. Such information shall be considered confidential and shall not be subject to further disclosure pursuant to the freedom of information law or otherwise.

§ 17. Subdivision (c) of section 6 of chapter 602 of the laws of 1993 amending the real property tax law relating to the enforcement of the collection of delinquent real property taxes and to the collection of taxes by banks, as amended by chapter 562 of the laws of 2021, is amended to read as follows:

(c) A village which conducted a tax sale in 1993 pursuant to section 1454 of the real property tax law is hereby authorized to adopt a local law without referendum, no later than September 1, 1994, providing that the collection of taxes that shall become liens on or after January 1, 1995 and on or before December 31, [~~2024~~] 2027 shall be enforced pursuant to title 3 of article 14 of the real property tax law, as the same shall have been in effect on the last day preceding the effective date

of this act. A copy of such local law shall be filed with the state board of equalization and assessment no later than October 1, 1994. **Provided, however, that on and after the effective date of the chapter of the laws of 2024 that amended this subdivision, the enforcement of delinquent taxes in a village that has adopted such a local law shall also be subject to the provisions of section 1194-a of the real property tax law.**

§ 18. Severability clause. If any clause, sentence, paragraph, subdivision, section or subpart contained in any 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 subpart contained in any 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.

§ 19. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after May 25, 2023, provided that:

1. (a) In a taxing jurisdiction that enforces delinquent taxes pursuant to article 11 of the real property tax law, where a tax-foreclosed property has been sold on or after May 25, 2023 and prior to the effective date of this act, the enforcing officer of the tax district shall have six months from the effective date of this act to submit to the court the report required by section 1194-a of the real property tax law as added by section fourteen of this act regarding the existence and amount of surplus and to pay such surplus to the court.

(b) In a taxing jurisdiction that enforces delinquent taxes pursuant to a county charter, city charter, administrative code or special law, as authorized by a local law adopted pursuant to section 1104 of the real property tax law, the provisions of such county charter, city charter, administrative code or special law shall continue to apply therein without regard to the provisions of this act, provided that such county charter, city charter, administrative code or special law provides a mechanism for former owners and other parties whose interests were extinguished by the foreclosure of a delinquent tax lien to claim surplus. If the county charter, city charter, administrative code or special law applicable to the taxing jurisdiction does not provide a mechanism for claiming surplus, the taxing jurisdiction is hereby authorized to adopt a local law providing that surplus shall be administered therein in the manner provided by title 6 of article 11 of the real property tax law, as added by section fifteen of this act. Such a local law shall remain in effect until repealed or until the applicable county charter, city charter, administrative code or special law is amended to provide a mechanism for claiming surplus, whichever is sooner. As used in this paragraph, the term "surplus" shall have substantially the same meaning as set forth in section 1195 of the real property tax law, as added by section fifteen of this act, provided, however, that in a city with a population of one million or more, such term shall mean the difference, if any, after subtracting: (A) the sum of the amount of the delinquent tax lien on a property and any foreclosure costs from (B) the proceeds of the sale of such property pursuant to a foreclosure by the taxing jurisdiction; and provided further, that in such a city, the term "foreclosure costs" means the sum of the "charges" as defined by section 1102 of the real property tax law, as amended by

section four of this act, and any other amounts specifically identified in such charter, code or special law as due and payable upon foreclosure.

(c) In any taxing jurisdiction, where a tax-foreclosed property was sold prior to May 25, 2023, a claim for surplus attributable to such sale may be maintained if and only if a proceeding to compel such tax district to distribute such surplus to the petitioner or petitioners had been initiated pursuant to subdivision 1 of section 7803 of the civil practice law and rules, such proceeding was commenced in a timely manner as provided by section 217 of such chapter, and such proceeding was still active on the effective date of this act.

(d) For purposes of this paragraph, the term "taxing jurisdiction" means a municipal corporation with the power to enforce delinquent real property tax liens.

2. Section seventeen of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 26, 1994.

PART CC

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

16. A person holding a retail on-premises license for a movie theatre, other than a license for a movie theatre that meets the definitions of restaurant and meals, and where all seating is at tables where meals are served, shall:

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

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

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

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

6. No special on-premises license shall be granted except for premises in which the principal business shall be (a) the sale of food or beverages at retail for consumption on the premises or (b) the operation of a legitimate theatre**, including a motion picture theatre that is a building or facility which is regularly used and kept open primarily for the exhibition of motion pictures for at least five out of seven days a week, or on a regular seasonal basis of no less than six contiguous weeks, to the general public where all auditorium seating is permanently affixed to the floor and at least sixty-five percent of the motion picture theatre's annual gross revenues is the combined result of admission revenue for the showing of motion pictures and the sale of food and non-alcoholic beverages,** or such other lawful adult entertainment or recreational facility as the liquor authority, giving due regard to the convenience of the public and the strict avoidance of sales prohibited by this chapter, shall by regulation classify for eligibility. [~~Nothing contained in this subdivision shall be deemed to authorize the issuance of a license to a motion picture theatre, except those meeting the definition of restaurant and meals, and where all seating is at tables where meals are served.~~]

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

8. Every special on-premises licensee shall regularly keep food available for sale to its customers for consumption on the premises. The availability of sandwiches, soups or other foods, whether fresh, processed, pre-cooked or frozen, shall be deemed compliance with this requirement. **For motion picture theatres licensed under paragraph (b) of subdivision six of this section, food that is typically found in a motion picture theatre, including but not limited to: popcorn, candy, and light snacks, shall be deemed to be in compliance with this requirement.** The licensed premises shall comply at all times with all the regulations of the local department of health. Nothing contained in this subdivision, however, shall be construed to require that any food be sold or purchased with any liquor, nor shall any rule, regulation or standard be promulgated or enforced requiring that the sale of food be substantial or that the receipts of the business other than from the sale of liquor equal any set percentage of total receipts from sales made therein.

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

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

10. The liquor authority may make such rules as it deems necessary to carry out the provisions of this section.

§ 5. This act shall take effect immediately and shall expire and be deemed repealed 3 years after such date.

PART DD

Section 1. This Part enacts into law components of legislation relating to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo and authorizing the expenditure of the proceeds from such bonds for such objects or purposes. Each component is wholly contained within a Subpart identified as Subparts A through D. 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 a 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 Part.

SUBPART A

Section 1. Legislative findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 19, 2019 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of $1,100,000 to finance the cost of

construction of a new police shooting range. The legislature further finds and determines that said resolution failed to include language to identify the accurate address within the city in which such construction of a new police shooting range is intended to be made.

§ 2. Notwithstanding the defects described in section one of this act, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of a new police shooting range to be located at 379 Paderewski Drive in the city of Buffalo as mentioned in the aforesaid resolution and the expenditure of the $1,100,000 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any 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 clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

SUBPART B

Section 1. Legislative findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 18, 2020 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of $400,000 to finance the cost of construction of a new police shooting range. The legislature further finds and determines that said resolution failed to include language to identify the accurate address within the city in which such construction of a new police shooting range is intended to be made.

§ 2. Notwithstanding the defects described in section one of this act, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of a new police shooting range to be located at 379 Paderewski Drive in the city of Buffalo as mentioned in the aforesaid resolution and the expenditure of the $400,000 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any 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 clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

SUBPART C

Section 1. Legislative findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 22, 2022 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of $1,879,700 to finance the cost of construction of a new police training facility. The legislature further finds and determines that said resolution failed to include language to identify the accurate address within the city in which such construction of a new police training facility is intended to be made.

§ 2. Notwithstanding the defects described in section one of this act, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of a new police training facility to be located at 379 Paderewski Drive in the city of Buffalo as mentioned in the aforesaid resolution and the expenditure of the $1,879,700 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any 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 clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

SUBPART D

Section 1. Legislative findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 7, 2023 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of $1,514,700 to finance the cost of construction of a new police training facility, including planning and design work, related site improvements, and furnishings. The legislature further finds and determines that said resolution failed to include language to identify the accurate address within the city in which such construction of a new police training facility is intended to be made.

§ 2. Notwithstanding the defects described in section one of this act, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of a new police training facility, including planning and design work, related site improvements, and furnishings to be located at 379 Paderewski Drive in the city of Buffalo as mentioned in the aforesaid resolution and the expenditure of the $1,514,700 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any 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 clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

§ 2. Severability. If any clause, sentence, paragraph, section or subpart of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or subpart of this act directly involved in the controversy in which the judgment shall have been rendered.

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

PART EE

Section 1. The retirement and social security law is amended by adding a new section 604-j to read as follows:

§ 604-j. Twenty-five year retirement program for fire protection inspector members. a. Definitions. The following words and phrases as used in this section shall have the following meanings unless a different meaning is plainly required by the context.

1. "Fire protection inspector member" shall mean a member who is employed by the city of New York or by the New York city fire department in a title whose duties are those of a fire protection inspector or associate fire protection inspector; or in a title whose duties require the supervision of employees whose duties are those of a fire protection inspector or associate fire protection inspector.

2. "Twenty-five year retirement program" shall mean all the terms and conditions of this section.

3. "Starting date of the twenty-five year retirement program" shall mean the effective date of this section.

4. "Participant in the twenty-five year retirement program" shall mean any fire protection inspector member who, under the applicable provisions of subdivision b of this section, is entitled to the rights,

benefits, and privileges and is subject to the obligations of the twenty-five year retirement program, as applicable to them.

5. "Discontinued member" shall mean a participant in the twenty-five year retirement program who, while they were a fire protection inspector member, discontinued service as such a member and has a right to a deferred vested benefit under subdivision d of this section.

6. "Administrative code" shall mean the administrative code of the city of New York.

7. "Allowable service as a fire protection inspector member" shall mean all service as a fire protection inspector member.

b. Participation in the twenty-five year retirement program. 1. Subject to the provisions of paragraphs six and seven of this subdivision, any person who is a fire protection inspector member on the starting date of the twenty-five year retirement program and who, as such a fire protection inspector member or otherwise, last became subject to the provisions of this article prior to such starting date, may elect to become a participant in the twenty-five year retirement program by filing, within one hundred eighty days after the starting date of the twenty-five year retirement program, a duly executed application for such participation with the retirement system of which such person is a member, provided they are such a fire protection inspector member on the date such application is filed.

2. Subject to the provisions of paragraphs six and seven of this subdivision, any person who becomes a fire protection inspector member after the starting date of the twenty-five year retirement program and who, as such a fire protection inspector member or otherwise, last became subject to the provisions of this article prior to such starting date, may elect to become a participant in the twenty-five year retirement program by filing, within one hundred eighty days after becoming such a fire protection inspector member, a duly executed application for such participation with the retirement system for which such person is a member, provided they are such a fire protection inspector member on the date such application is filed.

3. Each fire protection inspector member, other than a fire protection inspector member subject to paragraph one or two of this subdivision, who becomes subject to the provisions of this article on or after the starting date of the twenty-five year retirement program shall become a participant in the twenty-five year retirement program on the date they become such a fire protection inspector member. Provided, however, a person subject to this paragraph, and who has exceeded age twenty-five upon employment as a fire protection inspector member, shall be exempt from participation in the improved twenty-five year retirement program if such person elects not to participate by filing a duly executed form with the retirement system within one hundred eighty days of becoming a fire protection inspector member.

4. Any election to be a participant in the twenty-five year retirement program shall be irrevocable.

5. Where any participant in the twenty-five year retirement program shall cease to be employed as a fire protection inspector member, they shall cease to be such a participant and, during any period in which such person is not so employed, they shall not be a participant in the twenty-five year retirement program and shall not be eligible for the benefits of subdivision c of this section.

6. Where any participant in the twenty-five year retirement program terminates service as a fire protection inspector member and returns to

such service as a fire protection inspector member at a later date, they shall again become such a participant on that date.

7. Notwithstanding any other provision of the law to the contrary, any person who is eligible to elect to become a participant in the twenty-five year retirement program pursuant to paragraph one or two of this subdivision for the full one hundred eighty day period provided for in such applicable paragraph and who fails to timely file a duly executed application for such participation with the retirement system, shall not thereafter be eligible to become a participant in such program.

c. Service retirement benefits. 1. A participant in the twenty-five year retirement program:

(i) who has completed twenty-five or more years of allowable service as a fire protection inspector member; and

(ii) who has paid, before the effective date of retirement, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iii) who files with the retirement system of which they are a member an application for service retirement setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, their desire to be retired; and

(iv) who shall be a participant in the twenty-five year retirement program at the time so specified for their retirement; shall be retired pursuant to the provisions of this section affording early service retirement.

2. Notwithstanding the provisions of subdivision a-1 of section six hundred three of this article, or any other provision of law to the contrary, and subject to the provisions of paragraph six of subdivision e of this section, the early service retirement benefit for participants in the twenty-five year retirement program who retire pursuant to paragraph one of this subdivision shall be a retirement allowance consisting of:

(i) an amount, on account of the required minimum period of service, equal to fifty percent of their final average salary; plus

(ii) an amount on account of allowable service as a fire protection inspector member, or fraction thereof, beyond such required minimum period of service equal to two percent of their final salary for such allowable service as a fire protection inspector member during the period from completion of twenty-five years of allowable service as a fire protection inspector member to the date of retirement but not to exceed more than five years of additional service as a fire protection inspector member.

d. Vesting. 1. A participant in the twenty-five year retirement program:

(i) who discontinues service as such a participant, other than by death or retirement; and

(ii) who prior to such discontinuance, completed five but less than twenty-five years of allowable service as a fire protection inspector member; and

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iv) who does not withdraw in whole or in part their accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to

such section six hundred thirteen; shall be entitled to receive a deferred vested benefit as provided in this subdivision.

2. (i) Upon such discontinuance under the conditions and in compliance with the provisions of paragraph one of this subdivision, such deferred vested benefit shall vest automatically.

(ii) In the case of a participant who is not a New York city revised plan member, such vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred or, in the case of a participant who is a New York city revised plan member, such vested benefit shall become payable at age sixty-three. Subject to the provisions of paragraph seven of subdivision e of this section, such deferred vested benefit shall be a retirement allowance consisting of an amount equal to two percent of such discontinued member's final average salary, multiplied by the number of years of credited service.

e. Additional member contributions. 1. In addition to the member contributions required by section six hundred thirteen of this article, each participant in the twenty-five year retirement program shall contribute to the retirement system of which they are a member (subject to the applicable provisions of subdivision d of section six hundred thirteen of this article and subject to the limitation provided for in paragraph two of this subdivision) an additional six and twenty-five one-hundredths percent of their compensation earned from (i) all allowable service, as a participant in the twenty-five year retirement program, rendered on or after the starting date of the twenty-five year retirement program, and (ii) all allowable service after such person ceases to be a participant, but before they again become a participant pursuant to paragraph six of subdivision b of this section. The additional contributions required by this section shall be in lieu of additional member contributions required by subdivision d of section six hundred four-c of this article, as added by chapter ninety-six of the laws of nineteen hundred ninety-five, and no member making additional contributions pursuant to this section shall be required to make contributions pursuant to such subdivision d of section six hundred four-c of this article. Notwithstanding the foregoing provisions of this paragraph, the additional member contribution required to be paid by each participant pursuant to this paragraph shall not exceed the percentage of their compensation that, when added to the contribution made pursuant to subdivision d of section six hundred thirteen of this article, equals nine and twenty-five one-hundredths percent of that compensation.

2. A participant in the twenty-five year retirement program shall contribute additional member contributions until the later of (i) the first anniversary of the starting date of the twenty-five year retirement program, or (ii) the date on which they complete thirty years of allowable service as a fire protection inspector member.

3. Commencing with the first full payroll period after each person becomes a participant in the twenty-five year retirement program, additional member contributions at the rate specified in paragraph one of this subdivision shall be deducted (subject to the applicable provisions of subdivision d of section six hundred thirteen of this article) from the compensation of such participant on each and every payroll of such participant for each and every payroll period for which they are such a participant.

4. (i) Each participant in the twenty-five year retirement program shall be charged with a contribution deficiency consisting of the total

amounts of additional member contributions such person is required to make pursuant to paragraphs one and two of this subdivision which are not deducted from their compensation pursuant to paragraph three of this subdivision, if any, together with interest thereon, compounded annually, and computed in accordance with the provisions of subparagraphs (ii) and (iii) of this paragraph.

(ii) (A) The interest required to be paid on each such amount specified in subparagraph (i) of this paragraph shall accrue from the end of the payroll period for which such amount would have been deducted from compensation if they had been a participant at the beginning of that payroll period and such deduction had been required for such payroll period, until such amount is paid to the retirement system.

(B) The rate of interest to be applied to each such amount during the period for which interest accrues on that amount shall be equal to the rate or rates of interest required by law to be used during that same period to credit interest on the accumulated deductions of retirement system members.

(iii) Except as otherwise provided in paragraph five of this subdivision, no interest shall be due on any unpaid additional member contributions which are not attributable to a period prior to the first full payroll period referred to in paragraph three of this subdivision.

5. (i) Should any person who, pursuant to subparagraph (ii) of paragraph ten of this subdivision, has received a refund of their additional member contribution including any interest paid on such contributions, again become a participant in the twenty-five year retirement program pursuant to paragraph six of subdivision b of this section, an appropriate amount shall be included in such participant's contribution deficiency (including interest thereon as calculated pursuant to subparagraph (ii) of this paragraph) for any credited service for which such person received a refund of such additional member contributions (including any amount of an unpaid loan balance deemed to have been returned to such person pursuant to paragraph twelve of this subdivision), as if such additional member contributions never had been paid.

(ii)(A) Interest on a participant's additional member contributions included in such participant's contribution deficiency pursuant to subparagraph (i) of this paragraph shall be calculated as if such additional member contributions had never been paid by such participant, and such interest shall accrue from the end of the payroll period to which an amount of such additional member contributions is attributable, until such amount is paid to the retirement system.

(B) The rate of interest to be applied to each such amount during the period for which interest accrues on that amount shall be five percent per annum, compounded annually.

6. Where a participant who is otherwise eligible for service retirement pursuant to subdivision c of this section did not, prior to the effective date of retirement, pay the entire amount of a contribution deficiency chargeable to them pursuant to paragraphs four and five of this subdivision, or repay the entire amount of a loan of their additional member contributions pursuant to paragraph eleven of this subdivision (including accrued interest on such loan), that participant, nevertheless, shall be eligible to retire pursuant to subdivision c of this section, provided, however, that such participant's service retirement benefit calculated pursuant to paragraph two of such subdivision c of this section shall be reduced by a life annuity (calculated in accordance with the method set forth in subdivision i of section six hundred thirteen-b of this article) which is actuarially equivalent to:

(i) the amount of any unpaid contribution deficiency chargeable to such member pursuant to paragraphs four and five of this subdivision; plus

(ii) the amount of any unpaid balance of a loan of their additional member contributions pursuant to paragraph eleven of this subdivision (including accrued interest on such loan).

7. Where a participant who is otherwise eligible for a vested right to a deferred benefit pursuant to subdivision d of this section did not, prior to the date of discontinuance of service, pay the entire amount of a contribution deficiency chargeable to them pursuant to paragraphs four and five of this subdivision, or repay the entire amount of a loan of their additional member contributions pursuant to paragraph eleven of this subdivision (including accrued interest on such loan), that participant, nevertheless, shall have a vested right to a deferred benefit pursuant to subdivision d of this section provided, however, that the deferred vested benefit calculated pursuant to paragraph two of subdivision d of this section shall be reduced by a life annuity (calculated in accordance with the method set forth in subdivision i of section six hundred thirteen-b of this article) which is actuarially equivalent to:

(i) the amount of any unpaid contribution chargeable to such member pursuant to paragraphs four and five of this subdivision; plus

(ii) the amount of any unpaid balance of a loan of their additional member contributions pursuant to paragraph eleven of this subdivision (including accrued interest on such a loan).

8. The head of a retirement system which includes participants in the twenty-five year retirement program in its membership may, consistent with the provisions of this subdivision, promulgate regulations for the payment of such additional member contributions, and any interest thereon, by such participants (including the deduction of such contributions, and any interest thereon, from the participant's compensation).

9. Subject to the provisions of paragraphs six and seven of this subdivision, where a participant has not paid in full any contribution deficiency chargeable to them pursuant to paragraphs four and five of this subdivision, and a benefit, other than a refund of member contributions pursuant to section six hundred thirteen of this article or a refund of additional member contributions pursuant to subparagraph (ii) of paragraph ten of this subdivision, becomes payable under this article to the participant or to their designated beneficiary or estate, the actuarial equivalent of any such unpaid amount shall be deducted from the benefit otherwise payable.

10. (i) Such additional member contributions (and any interest thereon) shall be paid into the contingent reserve fund of the retirement system of which the participant is a member and shall not for any purpose be deemed to be member contributions or accumulated contributions of a member under section six hundred thirteen of this article or otherwise while they are a participant in the twenty-five year retirement program or otherwise.

(ii) Should a participant in the twenty-five year retirement program who has rendered less than fifteen years of credited service cease to hold a position as a fire protection inspector member for any reason whatsoever, their accumulated additional member contributions made pursuant to this subdivision (together with any interest thereon paid to the retirement system) may be withdrawn by them pursuant to procedures promulgated in regulations of the board of trustees of the retirement system, together with interest thereon at the rate of five percent per annum, compounded annually.

(iii) Notwithstanding any other provision of law to the contrary, (A) no person shall be permitted to withdraw from the retirement system any additional member contributions paid pursuant to this subdivision or any interest paid thereon, except pursuant to and in accordance with the preceding subparagraphs of this paragraph; and (B) no person, while they are a participant in the twenty-five year retirement program, shall be permitted to withdraw any such additional member contributions or any interest paid thereon pursuant to any of the preceding subparagraphs of this paragraph or otherwise.

11. A participant in the twenty-five year retirement program shall be permitted to borrow from their additional member contributions (including any interest paid thereon) which are credited to the additional contributions account established for such participant in the contingent reserve fund of the retirement system. The borrowing from such additional member contributions pursuant to this paragraph shall be governed by the rights, privileges, obligations, and procedures set forth in section six hundred thirteen-b of this article which govern the borrowing of member contributions made pursuant to section six hundred thirteen of this article. The board of trustees of the retirement system may, consistent with the provisions of this subdivision and the provisions of section six hundred thirteen-b of this article as made applicable to this subdivision, promulgate regulations governing the borrowing of such additional member contributions.

12. Whenever a person has an unpaid balance of a loan or their additional member contributions pursuant to paragraph eleven of this subdivision at the time they become entitled to a refund of their additional member contributions pursuant to subparagraph (ii) of paragraph ten of this subdivision, the amount of such unpaid loan balance (including accrued interest) shall be deemed to have been returned to such member, and the refund of such additional contributions shall be the net amount of such contribution, together with interest thereon in accordance with the provisions of such subparagraph (ii).

§ 2. Subdivision d of section 613 of the retirement and social security law is amended by adding a new paragraph 12 to read as follows:

12. (i) The city of New York shall, in the case of a fire protection inspector member (as defined in paragraph one of subdivision a of section six hundred four-j of this article) who is a participant in the twenty-five year retirement program (as defined in paragraph four of subdivision a of such section six hundred four-j), pick up and pay to the retirement system of which such participant is a member all additional member contributions which otherwise would be required to be deducted from such member's compensation pursuant to paragraphs one and two of subdivision e of such section six hundred four-j of this article (not including any additional member contributions due for any period prior to the first full payroll period referred to in such paragraph three of such subdivision e), and shall effect such pick up in each and every payroll of such participant for each and every payroll period with respect to which such paragraph three would otherwise require such deductions.

(ii) An amount equal to the amount of additional contributions picked up pursuant to this paragraph shall be deducted by such employer from the compensation of such member (as such compensation would be in the absence of a pick up program applicable to them hereunder) and shall not be paid to such member.

(iii) The additional member contributions picked up pursuant to this paragraph for any such member shall be paid by such employer in lieu of

an equal amount of additional member contributions otherwise required to be paid by such member under the applicable provisions of subdivision e of section six hundred four-j of this article, and shall be deemed to be and treated as employer contributions pursuant to section 414(h) of the Internal Revenue Code.

(iv) For the purpose of determining the retirement system rights, benefits, and privileges of any member whose additional member contributions are picked up pursuant to this paragraph, such picked up additional member contributions shall be deemed to be and treated as part of such member's additional member contributions under the applicable provisions of subdivision e of section six hundred four-j of this article.

(v) With the exception of federal income tax treatment, the additional member contributions picked up pursuant to subparagraph (i) of this paragraph shall for all other purposes, including computation of retirement benefits and contributions by employers and employees, be deemed employee salary. Nothing contained in this subdivision shall be construed as superseding the provisions of section four hundred thirty-one of this chapter, or any similar provision of law which limits the salary base for computing retirement benefits payable by a public retirement system.

§ 3. Subdivision a of section 603 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article [~~or~~] subdivision c of section six hundred four-i of this article, or subdivision c of section six hundred four-j of this article, provided, however, a member of a teachers' retirement system or the New York state and local employees' retirement system who first joins such system before January first, two thousand ten or a member who is a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system before April first, two thousand twelve may retire without reduction of [~~his or her~~] their retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, provided, however, that a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system on or after January first, two thousand ten and retires without reduction of [~~his or her~~] their retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service pursuant to this section shall be required to make the member contributions required by subdivision f of section six hundred thirteen of this article for all years of credited and creditable service, provided further that the [~~the~~] preceding provisions of this subdivision shall not apply to a New York city revised plan member.

§ 4. Nothing contained in sections two and three of this act shall be construed to create any contractual right with respect to members to whom such sections apply. The provisions of such sections are intended to afford members the advantages of certain benefits contained in the internal revenue code, and the effectiveness and existence of such sections and benefits they confer are completely contingent thereon.

§ 5. This act shall take effect immediately, provided, however that:

(a) The provisions of sections two and three of this act shall remain in full force and effect only so long as, pursuant to federal law, contributions picked up under such sections are not includable as gross income of a member for federal income tax purposes until distributed or made available to the member; provided that the New York city employees' retirement system shall notify the legislative bill drafting commission upon the occurrence of such a change in federal law ruling affecting the provisions of this act 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 effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law;

(b) The amendments to subdivision a of section 603 of the retirement and social security law made by section three of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

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

SUMMARY: This proposed legislation would establish 25-Year Retirement Programs for Fire Protection Inspectors (FPI 25-Year Plans) for Tier 4 and Tier 6 members of NYCERS.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Thousands)

Year	NYCERS
2025	321.8
2026	309.8
2027	299.1
2028	290.0
2029	281.4
2030	273.4
2031	264.3
2032	256.8
2033	250.5
2034	241.9
2035	232.1
2036	223.9
2037	24.9
2038	17.1
2039	9.4
2040	3.3
2041	(0.9)
2042	(4.7)
2043	(7.8)
2044	(9.9)
2045	(11.1)
2046	(11.6)
2047	(11.5)
2048	(11.5)
2049	(11.8)

Employer Contribution impact beyond Fiscal Year 2049 is not shown. Projected contributions include future new hires that may be impacted.

The entire increase (decrease) in employer contributions will be allocated to New York City.

INITIAL INCREASE (DECREASE) IN ACTUARIAL LIABILITIES
as of June 30, 2023 ($ in Millions)

Present Value (PV)	NYCERS
PV of Benefits:	3.3
PV of Employee Contributions:	1.9
PV of Employer Contributions:	1.4
Unfunded Accrued Liabilities:	1.5

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS
Number of Payments:	12
Fiscal Year of Last Payment:	2036
Amortization Payment:	192 K

Unfunded Accrued Liability increases were amortized over the expected remaining working lifetime of those impacted by the benefit changes using level dollar payments.

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for the fire protection inspectors assumed to elect an FPI 25-Year Plan is summarized below.

	NYCERS
Active Members	
- Number Count:	82
- Average Age:	41.6
- Average Service:	13.6
- Average Salary:	88,200

IMPACT ON MEMBER BENEFITS AND CONTRIBUTIONS: The proposed legislation would provide fire protection inspectors a service retirement benefit under the FPI 25-Year Plans equal to 50% of Final Average Salary (FAS) for the first 25 years of Allowable Service, plus 2% of FAS for each additional year of Allowable Service exceeding 25 years up to a maximum of 30 years. The FAS is based on a three-year average for Tier 4 members and a five-year average for Tier 6 members. The vested benefit under the FPI 25-Year Plans would be 2% of FAS for each year of Allowable Service.

Members of the FPI 25-Year Plans would be required to pay Basic Member Contributions (BMC), which vary by tier, plus Additional Member Contributions (AMC) equal to 6.25% of compensation for all service as a Plan participant on and after the starting date of the Plan until the later of the one-year anniversary of the effective date of the Plans or 30 years of Allowable Service. In no event shall BMC plus AMC exceed 9.25% of compensation.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems. In addition:

* The rates of retirement for the FPI 25-Year Plans were assigned based on members' eligibility to elect or opt out of the plan. The FPI 25-year plan will be optional for current fire protection inspectors. Future members will be mandated into the FPI 25-year plan unless they are over age 25 when hired as a fire protection inspector.

* New entrants were assumed to replace exiting members so that total payroll for fire protection inspectors increases by 3% each year. New entrant demographics were developed based on data for recent new hires and actuarial judgement. Future members, who are not over age 25 when hired as a fire protection inspector, would be mandated into the FPI 25-year plan.

To determine the impact of the elective nature of the proposed legislation, a subgroup of NYCERS Fire Protection Inspectors was developed based on who is assumed to benefit actuarially by comparing the net present value of future employer costs of each member's benefit under their current plan and under the applicable FPI 25-Year Plan.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits).

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS but do not believe it impairs our objectivity and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2024-37 dated March 25, 2024 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2024 Legislative Session.

PART FF

Section 1. Subdivisions 9, 10 and 11 of section 155.30 of the penal law, subdivision 9 as amended by chapter 479 of the laws of 2010, subdivision 10 as added by chapter 491 of the laws of 1992 and subdivision 11 as added by chapter 394 of the laws of 2005, are amended and a new subdivision 12 is added to read as follows:

9. The property consists of a scroll, religious vestment, a vessel, an item comprising a display of religious symbols which forms a representative expression of faith, or other miscellaneous item of property which:

(a) has a value of at least one hundred dollars; and

(b) is kept for or used in connection with religious worship in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as

incorporated under the religious corporations law or the education law[~~.~~]**; or**

10. The property consists of an access device which the person intends to use unlawfully to obtain telephone service[~~.~~]**; or**

11. The property consists of anhydrous ammonia or liquified ammonia gas and the actor intends to use, or knows another person intends to use, such anhydrous ammonia or liquified ammonia gas to manufacture methamphetamine[~~.~~]**; or**

12. The property consists of retail goods or merchandise stolen pursuant to a common scheme or plan or a single, ongoing intent to deprive another or others of the property or to appropriate the property to the actor or another person and the value of the property exceeds one thousand dollars, which value may be determined by the aggregate value of all such property regardless of whether the goods or merchandise were stolen from the same owner. Nothing in this subdivision shall be read to limit the ability to aggregate the value of any property or the ability to charge the larceny of retail goods or merchandise under another applicable provision of law.

§ 2. Subdivision 2 of section 155.35 of the penal law, as amended by chapter 464 of the laws of 2010, is amended and a new subdivision 3 is added to read as follows:

2. the property is an automated teller machine or the contents of an automated teller machine[~~.~~]**, or**

3. the property consists of retail goods or merchandise stolen pursuant to a common scheme or plan or a single, ongoing intent to deprive another or others of the property or to appropriate the property to the actor or another person and the value of the property exceeds three thousand dollars, which value may be determined by the aggregate value of all such property regardless of whether the goods or merchandise were stolen from the same owner. Nothing in this subdivision shall be read to limit the ability to aggregate the value of any property or the ability to charge the larceny of retail goods or merchandise under another applicable provision of law.

§ 3. Subdivision 2 of section 155.40 of the penal law, as amended by chapter 515 of the laws of 1986, is amended and a new subdivision 3 is added to read as follows:

2. The property, regardless of its nature and value, is obtained by extortion committed by instilling in the victim a fear that the actor or another person will (a) cause physical injury to some person in the future, or (b) cause damage to property, or (c) use or abuse his position as a public servant by engaging in conduct within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely[~~.~~]**; or**

3. The property consists of retail goods or merchandise stolen pursuant to a common scheme or plan or a single, ongoing intent to deprive another or others of the property or to appropriate the property to the actor or another person and the value of the property exceeds fifty thousand dollars, which value may be determined by the aggregate value of all such property regardless of whether the goods or merchandise were stolen from the same owner. Nothing in this subdivision shall be read to limit the ability to aggregate the value of any property or the ability to charge the larceny of retail goods or merchandise under another applicable provision of law.

§ 4. Section 155.42 of the penal law, as added by chapter 515 of the laws of 1986, is amended to read as follows:

§ 155.42 Grand larceny in the first degree.

A person is guilty of grand larceny in the first degree when [~~he~~] **such person** steals property and when [~~the~~]**:**

1. The value of the property exceeds one million dollars[~~.~~]**; or**

2. The property consists of retail goods or merchandise stolen pursuant to a common scheme or plan or a single, ongoing intent to deprive another or others of the property or to appropriate the property to the actor or another person and the value of the property exceeds one million dollars, which value may be determined by the aggregate value of all such property regardless of whether the goods or merchandise were stolen from the same owner. Nothing in this subdivision shall be read to limit the ability to aggregate the value of any property or the ability to charge the larceny of retail goods or merchandise under another applicable provision of law.

Grand larceny in the first degree is a class B felony.

§ 5. Subparagraph (iv) of paragraph (b) of subdivision 1 of section 70.10 of the penal law, as added by chapter 264 of the laws of 2003, is amended to read as follows:

(iv) that such conviction was for a felony offense other than persistent sexual abuse, as defined in section 130.53 of this chapter[~~.~~]**; grand larceny in the fourth degree as defined in subdivision twelve of section 155.30 of this chapter; grand larceny in the third degree as defined in subdivision three of section 155.35 of this chapter; grand larceny in the second degree as defined in subdivision three of section 155.40 of this chapter; or grand larceny in the first degree as defined in subdivision two of section 155.42 of this chapter.**

§ 6. This act shall take effect on the ninetieth day after 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 effective date.

PART GG

Section 1. Section 3 of part HH of chapter 56 of the laws of 2022 amending the retirement and social security law relating to waiving approval and income limitations on retirees employed in school districts and board of cooperative educational services, as amended by section 1 of part V of chapter 55 of the laws of 2023, is amended to read as follows:

§ 3. This act shall take effect immediately and shall expire and be deemed repealed June 30, [~~2024~~] **2025**.

§ 2. This act shall take effect immediately.

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

This bill would allow retirees employed by a New York State school district or by the board of cooperative educational services (BOCES) to collect a salary without suspension or diminution of their pension benefit through June 30, 2025.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), if this bill were enacted during the 2024 Legislative Session, the direct cost incurred would be the retiree's pension benefit paid while post-retirement earnings are above $35,000 each calendar year. The pension benefit expected to be paid by the NYSLERS during that 6-month period is estimated to be $22,000 per person.

In addition to the direct cost quoted above, there would be additional costs in the form of lost employer contributions due to non-billable post-retirement earnings, which is estimated to be $5,500 per person.

The number of members and retirees who could be affected by this legislation cannot be readily determined. For each retiree hired pursuant to this proposal, an annual cost of $27,500 is expected.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated March 27, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-140 Revised, prepared by the Actuary for the New York State and Local Retirement System.

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

This bill would amend Part HH of Chapter 56 of the Laws of 2022 to extend the waiver of the earnings-after-retirement limit for one more year to June 30, 2025 for retired members who return to work with a school district or a board of cooperative educational services (BOCES). The current expiration date is June 30, 2024 for the waiver of this limit. This act shall take effect immediately and shall be deemed repealed on June 30, 2025.

It is estimated that there will be no additional annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted. There could be additional annual costs in the future if this waiver is continually extended such that it becomes an expectation, as this could lead to some members retiring earlier than they otherwise would have. Earlier retirement generally increases plan costs since members will be receiving their benefits for a longer period.

Member data is from the System's most recent actuarial valuation files as of June 30, 2023, consisting of data provided by the employers to the Retirement System. The most recent data distributions and statistics can be found in the System's Annual Report for fiscal year ended June 30, 2023. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report as of June 30, 2023.

The source of this estimate is Fiscal Note 2024-29 dated March 21, 2024 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2024 Legislative Session. I, Richard A. Young, am the Chief Actuary for the

New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

PART HH

Section 1. Subdivision 3 of section 363-a of the retirement and social security law, as amended by chapter 437 of the laws of 2016, is amended to read as follows:

3. As used in this section, the terms "firefighter" and "police officer" mean any member who is performing police or fire service, as the phrase police or fire service is defined in paragraphs a, b, c, d, f (as added by chapter six hundred seventy-four of the laws of nineteen eighty-six), f (as added by chapter six hundred seventy-seven of the laws of nineteen eighty-six), g, h, i and j of subdivision eleven of section three hundred two of this article, and who, prior to entry into service as a firefighter or police officer, successfully passed a physical examination which failed to disclose evidence of any disease or other impairment of the heart.

§ 2. The amendments to section 363-a of the retirement and social security law made by section one of this act shall not affect, impair, or invalidate any temporary right, privilege, or benefit conferred pursuant to the provisions of a general, special or local law (other than pursuant to articles 14 and 15 of the retirement and social security law) for any member of a public retirement system or pension plan funded by the state or one of its political subdivisions, nor shall any amendments thereto affect the application of such provisions as extended by the provisions of section 480 of the retirement and social security law.

§ 3. This act shall take effect immediately.

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

This bill is a technical correction to Chapter 561 of the Laws of 2015. It would add a "heart bill" performance of duty disability provision for police officers of the State University of New York who are members of the New York State and Local Police and Fire Retirement System (NYSLPFRS).

If this legislation is enacted during the 2024 Legislative Session, it would lead to more disabilities being classified as "in performance of duty".

However, we anticipate that few additional performance of duty disability retirements will be granted, and thus, the resulting costs are expected to be negligible.

These estimated costs are based on 557 affected members employed by the State of New York, with annual salary of approximately $53.8 million as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated March 5, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-91, prepared by the Actuary for the New York State and Local Retirement System.

PART II

Section 1. Legislative findings and declaration. The legislature hereby finds and declares that an adjustment to pensionable earnings of first grade police officers is necessary to enhance public safety and prevent the loss of vital public services in this state. The legislature hereby finds and declares that such adjustment is necessary to address, inter alia, the historic police officer recruitment and retention crisis, the increase in police overtime, and the rise in crime impacting New Yorkers. Therefore, the legislature declares the necessity for the enactment of this act to enhance public safety and protect against disruption of vital public services in this state.

§ 2. Section 14-111 of the administrative code of the city of New York is amended by adding two new subdivisions c and d to read as follows:

c. When a first grade police officer of the New York city police department shall have served in the rank of police officer for a period of twenty-five years, such officer shall have the same rights in respect to the New York state and local police and fire retirement system or the New York city police pension fund as a police officer designated to act as detective of the third grade who shall have served as such for a period of time aggregating two years at the highest salary rate for a detective of the third grade.

d. When a first grade police officer of the New York city police department shall have served in the rank of police officer for a period of thirty years, such officer shall have the same rights in respect to the New York state and local police and fire retirement system or the New York city police pension fund as a sergeant who shall have served as such for a period of time aggregating two years at the highest salary rate for a sergeant.

§ 3. This act shall take effect immediately.

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

SUMMARY: This proposed legislation, as it relates to the New York City Police Pension Fund (POLICE), would increase the salary used for determining pension benefits for first grade NYPD officers who have served in such rank for 25 or 30 years, to salaries equivalent to detective 3rd grade or sergeant, respectively.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Millions)

Year	POLICE
2025	0.0
2026	1.0

2027	2.0
2028	3.0
2029	4.0
2030	5.1
2031	6.2
2032	7.4
2033	8.6
2034	9.7
2035	10.9
2036	12.0
2037	13.1
2038	14.1
2039	15.1
2040	14.9
2041	14.7
2042	14.4
2043	14.0
2044	13.5
2045	13.1
2046	12.6
2047	12.1
2048	11.6
2049	11.1

Projected contributions are based on historical experience for Tier 2 members. Future retirement patterns may differ due to a larger Tier 3 population (e.g., Tier 2 is expected to retire at 20 years of service, and Tier 3 is expected to retire at 25 years of service).

The entire increase in employer contributions will be allocated to New York City.

EXPECTED INCREASE (DECREASE) IN ACTUARIAL LIABILITIES

The enactment of this proposed legislation is expected to increase the Present Value of Future Benefits (PVFB) by approximately $8.2 million in the first year and every year thereafter. Each year's PVFB increase will depend on the actual experience of benefiting retirees and will be recognized in the year benefits are first payable.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Ongoing Gain/Loss	POLICE
Number of Payments:	14
Fiscal Year of Last Payment:	N/A
First-year Amortization Payment:	$ 1.0 M

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for POLICE active members is summarized below.

	POLICE
Active Members	
- Number Count:	33,800
- Average Age:	37.6
- Average Service:	11.3
- Average Salary:	128,600

The salaries used in this analysis were provided by the Police Benevolent Association of the City of New York and reflect the latest contract negotiations. Below is a summary of the salary data provided:

* Police Officer 1st Grade - $105,146
* Detective 3rd Grade - $111,999
* Sergeant - $125,852

Data from prior actuarial valuations was used to estimate the number of retirees who could potentially benefit from this proposed legislation and is summarized below.

* Police Officer 1st Grade who retired with 25-29 years in rank - 930 retired over the past 10 years.
* Police Officer 1st Grade who retired with 30+ years in rank - 218 retired over the past 10 years.

IMPACT ON MEMBER BENEFITS: The proposed legislation would permit first grade police officers, who have met certain service requirements, to have their pension calculations based on a higher assumed salary.

For example, under this proposed legislation a Tier 2 Police Officer 1st Grade who holds such position for at least 25, or 30, years would receive an increase in their annual pension benefit of approximately $4,300 or $12,200 per year, respectively, due to the higher assumed pensionable salary.

Based on an estimate of the number of POLICE members who are expected to be impacted by the increased pensionable salary, it is estimated that if this proposed legislation is enacted, the annual increase in POLICE pension benefits paid will be approximately $0.7 million in the first year and increase in every year thereafter.

With respect to an individual member, the impact on benefits due to this proposed legislation could vary greatly depending on the member's age, years of service, retirement cause, and Tier.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the actuarial assumptions and methods to be used for the Preliminary Fiscal Year 2025 employer contributions of the impacted retirement systems. In addition:

* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.
* Future contribution impacts have been developed assuming a homogeneous population and consistent retirement pattern.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits).

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS but do not believe it impairs our objectivity and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and

procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2024-02 dated January 16, 2024 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2024 Legislative Session.

PART JJ

Section 1. Section 343 of the retirement and social security law is amended by adding a new subdivision i to read as follows:

i. 1. Notwithstanding any other law, rule or regulation to the contrary, for any police officer employed by the division of law enforcement in the department of environmental protection in the city of New York transferring from the New York city employees' retirement system to the New York state and local police and fire retirement system after the effective date of this subdivision and any police officer formerly employed by the division of law enforcement in the department of environmental protection in the city of New York having made such transfer, such police officer's division of law enforcement in the department of environmental protection in the city of New York service credit shall be deemed creditable service, in such police officer's twenty year or twenty-five year retirement plan, if such police officer has served for at least two years in such employment and if, within one year of the date on which he or she first became a member of the New York state and local police and fire retirement system or within one year of the effective date of this subdivision, such member elects to do so.

2. The amount of such service credited to the member in the New York state and local police and fire retirement system plan shall not exceed the amount of service credited to the member in the New York city employees' retirement system plan.

3. If the member subsequently retires on an age-based retirement plan in the New York state and local police and fire retirement system instead of a twenty year or twenty-five year plan, the full amount of service credit earned, as a police officer employed by the division of law enforcement in the department of environmental protection in the city of New York shall be granted.

4. In no event shall the division of law enforcement in the department of environmental protection in the city of New York service credited to a member of the New York state and local police and fire retirement system pursuant to this subdivision exceed a total of ten years.

5. Notwithstanding any other provision of law in this section to the contrary, the reserve on such member's benefits shall be transferred from the New York city employees' retirement system to the New York state and local police and fire retirement system in accordance with subdivisions c and d of this section.

6. No member who receives service credit pursuant to this subdivision shall be eligible to receive additional service credit pursuant to subdivision b of section three hundred eighty-four-e of this article if his or her employer has elected to provide such service credit.

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

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

This bill would expand the definition of service creditable under 20-year and 25-year plans in the New York State and Local Police and Fire Retirement System (NYSLPFRS) to include service transferred by any

police officer employed or formerly employed by the Division of Law Enforcement in the Department of Environmental Protection in the City of New York, provided that such police officer has at least two years of such employment. The member must elect to obtain the service credit within one year of the date on which they first became a member of the NYSLPFRS or within one year of the effective date of this bill, whichever occurs later. The amount of service credit received in the NYSLPFRS shall not exceed the minimum of the amount of service credited to the member in the New York City Employees' Retirement System (NYCERS) plan or 10 years.

If this bill is enacted during the 2024 Legislative Session, it is estimated that the past service cost will average approximately 25% of an affected member's salary for each year of additional service that is credited on a 20-year or 25-year plan. This cost will be offset by any reserves transferred from the NYCERS. The remaining cost will be shared by the State of New York and the participating employers in the NYSLPFRS.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated February 2, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-108, prepared by the Actuary for the New York State and Local Retirement System.

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

SUMMARY: This proposed legislation would allow current or former NYCERS members employed as New York City Department of Environmental Protection (DEP) police officers who transfer or transferred to the New York State and Local Police and Fire Retirement System (PFRS) to receive up to 10 years of service credit in the 20 or 25-year State Plans.

ILLUSTRATION - INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Thousands)

Year	One Transfer	One Transfer Per Year
2025	5.3	5.3
2026	5.3	10.6
2027	5.3	16.0
2028	5.3	21.5

2029	5.3	27.0
2030	5.3	32.6
2031	5.3	38.2
2032	5.3	43.9
2033	5.3	49.7
2034	5.3	55.5
2035	5.3	61.4
2036	5.3	67.3
2037	5.3	73.2
2038	5.3	79.2
2039	0	80.0
2040	0	80.7
2041	0	81.4
2042	0	82.1
2043	0	82.8
2044	0	83.4
2045	0	84.0
2046	0	84.5
2047	0	85.0
2048	0	85.5
2049	0	85.9

Employer Contribution impact beyond Fiscal Year 2049 is not shown.

The potential increases in employer contributions will be allocated to New York City.

EXPECTED INCREASE (DECREASE) IN ACTUARIAL LIABILITIES
as of June 30, 2023 ($ in Thousands)

Present Value (PV)	Per Transfer
PV of Benefits:	44.6
PV of Employee Contributions:	0.0
PV of Employer Contributions:	44.6
Unfunded Accrued Liabilities:	44.6

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Ongoing Gain/Loss	Per Transfer
Number of Payments:	14
Amortization Payment:	5.3 K

CENSUS DATA: The number of members who have transferred or will transfer to PFRS is unknown. The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for the potentially impacted population used to develop the average costs in this Fiscal Note is based on DEP police officers currently in NYCERS who have between two and 15 years of service and is summarized below.

	NYCERS
Active Members	
- Number Count:	82
- Average Age:	35.9
- Average Service:	8.6
- Average Salary:	79,400
Term. Vested Members	

- Number Count:	23
- Average Age:	39.8
Term. Non-Vested Members	
- Number Count:	41
- Average Age:	35.6

BACKGROUND: Currently, NYCERS members employed as DEP police officers who subsequently become employed by the State are eligible to transfer their NYCERS membership and receive service credit in the State plans, but generally do not receive service credit in the 20-year and 25-year PFRS Plans.

Under the proposed legislation, DEP police officers who served in such title for a minimum of two years and then transfer their NYCERS membership to PFRS within one year of becoming a PFRS member (or one year of the effective date, if later) would receive up to 10 years of credit in the 20-year and 25-year PFRS Plans for such equal DEP service.

Currently, member accumulated contributions (with accrued interest), and employer paid reserves if the member has at least 10 years of service, are transferred. Under the proposed legislation, NYCERS would be required to calculate and pay such member's pension reserve, net of any accumulated salary deductions otherwise transferred, to PFRS, even if the member has less than 10 years of service.

It should be noted that the proposed legislation does not provide for a reciprocal transfer of reserves should a member transfer from PFRS to NYCERS with less than 10 years of service.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems.

For purposes of this Fiscal Note, it has been assumed that the impacted NYCERS members would generally not have transferred their membership to PFRS absent this proposed legislation. It has been further assumed that members with more than 15 years of service would not transfer their membership even under the proposed legislation.

The number of members who will benefit in the future from this fiscal note is unknown. The cost of this proposed legislation could vary greatly depending on the number of future members who benefit and, on their plan, length of service, age, and salary history.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits).

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS but do not believe it impairs our objectivity and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2024-29 dated March 15, 2024 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2024 Legislative Session.

PART KK

Section 1. The second undesignated paragraph of subdivision a of section 517 of the retirement and social security law, as amended by section 1 of part SS of chapter 56 of the laws of 2022, is amended to read as follows:

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in the New York state and local employees' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. Notwithstanding the foregoing, when determining the rate at which each such member who became a member of the New York state and local employees' retirement system on or after April first, two thousand twelve shall contribute for any plan year (April first to March thirty-first) between April first, two thousand twenty-two and April first, two thousand [~~twenty-four~~] twenty-six, such rate shall be determined by reference to employees annual base wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year. Base wages shall include regular pay, shift differential pay, location pay, and any increased hiring rate pay, but shall not include any overtime payments.

§ 2. The second undesignated paragraph of paragraph 1 and the second undesignated paragraph of paragraph 2 of subdivision a, the second undesignated paragraph of subdivision f and the second undesignated paragraph of subdivision g of section 613 of the retirement and social security law, as amended by section 2 of part SS of chapter 56 of the laws of 2022, are amended to read as follows:

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first, except for members of New York city employees' retirement system, New York city teachers' retirement system and New York city board of education retirement system, plan year shall mean January first through December thirty-first commencing with the January first next succeeding the effective date of chapter five hundred ten of the laws of two thousand fifteen) in which such member has established membership in a public retirement system of the state, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. Notwithstanding the foregoing, when determining the rate at which each such member who became a member of the New York state and local employees' retirement system, New York city employees' retirement system, New York city teachers' retirement system and New York city board of education retirement system, on or after April first, two thousand twelve shall contribute for any plan year (April first to March thirty-first, except for members of the New York city employees' retirement system, New York city teachers' retirement system and New York city board of education retirement system, plan year shall mean January first through December thirty-first commencing with January first next succeeding the effective date of chapter five hundred ten of the laws of two thousand fifteen) between April first, two thousand twenty-two and April first, two thousand [~~twenty-four~~] twenty-six, such

rate shall be determined by reference to employees annual base wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year. Base wages shall include regular pay, shift differential pay, location pay, and any increased hiring rate pay, but shall not include any overtime payments or compensation earned for extracurricular programs or any other pensionable earnings paid in addition to the annual base wages.

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first, provided, however, that plan year shall mean January first through December thirty-first commencing with the January first next succeeding the effective date of chapter five hundred ten of the laws of two thousand fifteen) in which such member has established membership in the New York city employees' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. Notwithstanding the foregoing, when determining the rate at which each such member who became a member of, New York city employees' retirement system, on or after April first, two thousand twelve shall contribute for any plan year (April first to March thirty-first, provided, however, that plan year shall mean January first through December thirty-first commencing with the January first next succeeding the effective date of chapter five hundred ten of the laws of two thousand fifteen) between April first, two thousand twenty-two and April first, two thousand [~~twenty-four~~] twenty-six, such rate shall be determined by reference to employees annual base wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year. Base wages shall include regular pay, shift differential pay, location pay, and any increased hiring rate pay, but shall not include any overtime payments.

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in the New York state and local employees' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. Notwithstanding the foregoing, when determining the rate at which each such member who became a member of the New York state and local employees' retirement system on or after April first, two thousand twelve shall contribute for any plan year (April first to March thirty-first) between April first, two thousand twenty-two and April first, two thousand [~~twenty-four~~] twenty-six, such rate shall be determined by reference to employees annual base wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year. Base wages shall include regular pay, shift differential pay, location pay, and any increased hiring rate pay, but shall not include any overtime payments.

Notwithstanding the foregoing, during each of the first three plan years (July first to June thirtieth) in which such member has established membership in the New York state teachers' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. Notwithstanding the foregoing, when determining the contribution rate at which a member of the New York state teachers' retirement system with a date of membership on or after April first, two thousand twelve shall contribute for plan years (July first to June thirtieth) between July first, two thousand twenty-two and July first, two thousand [~~twenty-four~~] twenty-six, such rate shall be deter-

mined by reference to the member's annual base wages in the second plan year (July first to June thirtieth) preceding such current plan year. Annual base wages shall not include compensation earned for extracurricular programs or any other pensionable earnings paid in addition to the annual base wages.

§ 3. The second undesignated paragraph of section 1204 of the retirement and social security law, as amended by section 3 of part SS of chapter 56 of the laws of 2022, is amended to read as follows:

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in the New York state and local police and fire retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. Notwithstanding the foregoing, when determining the rate at which each such member who became a member of the New York state and local police and fire retirement system on or after April first, two thousand twelve shall contribute for any plan year (April first to March thirty-first) between April first, two thousand twenty-two and April first, two thousand [~~twenty-four~~] twenty-six, such rate shall be determined by reference to employees annual base wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year. Base wages shall include regular pay, shift differential pay, location pay, and any increased hiring rate pay, but shall not include any overtime payments. Effective April first, two thousand twelve, all members subject to the provisions of this article shall not be required to make member contributions on annual wages excluded from the calculation of final average salary pursuant to section twelve hundred three of this article. Nothing in this section, however, shall be construed or deemed to allow members to receive a refund of any member contributions on such wages paid prior to April first, two thousand twelve.

§ 4. This act shall take effect immediately.

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

This bill would exclude overtime pay from the annual wages used to determine the variable member contribution rate for Tier 6 members of the New York State and Local Retirement System during the period of April 1, 2024 to April 1, 2026.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), if this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase in the present value of benefits of approximately $36 million which would be shared by the State of New York and all participating employers in the NYSLERS. The annual contribution required would be approximately $1.3 million to the State of New York and approximately $1.9 million to the local participating employers. This **permanent annual cost** will vary in subsequent billing cycles with changes in the billing rate and salary of the affected members.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), if this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase in the present value of benefits of approximately $7 million which would be shared by the State of New York and all participating employers in the NYSLPFRS. The annual contribution required would be approximately $0.1 million to the State of New York and approximately $0.4 million to the local participating employers. This **permanent annual cost** will vary

in subsequent billing cycles with changes in the billing rate and salary of the affected members.

In addition to the costs discussed above, implementing the provisions of this legislation would generate administrative costs.

The exact number of current members who could be affected by this legislation cannot be readily determined.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated March 1, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-111, prepared by the Actuary for the New York State and Local Retirement System.

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

As it relates to the New York State Teachers' Retirement System, this bill would amend Section 613 of the Retirement and Social Security Law to extend the period during which the calculation of the employee contribution rate for Tier 6 members is to be determined using only a member's annual base wages and would not include compensation earned for extracurricular programs or any other pensionable earnings paid in addition to the annual base wages. This provision would be extended for two additional fiscal years, those ending June 30, 2025 and June 30, 2026. The current expiration date of this provision is the fiscal year ending June 20, 2024.

The estimated cost for using only annual base wages to determine the employee contribution rate for Tier 6 members during 2025 and 2026 is projected to be $9.2 million, over the two-year period, if this bill is enacted. This is not a recurring annual cost, but rather a temporary cost due to the projected decrease in employee contributions to be made during the two fiscal years ending June 30, 2025 and June 30, 2026.

Member data is from the System's most recent actuarial valuation files as of June 30, 2023, consisting of data provided by the employers to the Retirement System. The most recent data distributions and statistics can be found in the System's Annual Report for fiscal year ended June 30, 2023. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report as of June 30, 2023.

The source of this estimate is Fiscal Note 2024-16 dated February 27, 2024 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2024 Legislative Session. I, Richard A. Young, am the Chief Actuary for the

New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

SUMMARY: This proposed legislation, as it relates to the New York City Retirement Systems and Pension Funds (NYCRS), would extend Part SS of Chapter 56 of the Laws of 2022 by excluding overtime and compensation earned for supplemental work from annual wages used to calculate Tier 6 Basic Member Contribution Rates for two additional years.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Thousands)

Year	NYCERS	TRS	BERS	TOTAL
2025	1,395	716	17	2,128
2026	1,408	728	16	2,152
2027	1,418	741	16	2,175
2028	1,424	755	16	2,195
2029	1,425	768	16	2,209
2030	1,421	781	16	2,218
2031	1,416	793	16	2,225
2032	1,411	805	16	2,232
2033	1,406	817	16	2,239
2034	1,401	829	15	2,245
2035	1,395	841	15	2,251
2036	1,390	855	15	2,260
2037	1,384	870	15	2,269
2038	1,377	886	10	2,273
2039	1,369	901	10	2,280
2040	876	918	10	1,804
2041	863	934	10	1,807
2042	846	952	9	1,807
2043	824	969	9	1,802
2044	798	751	9	1,558
2045	767	759	9	1,535
2046	730	764	8	1,502
2047	690	765	8	1,463
2048	648	764	8	1,420
2049	601	760	8	1,369

Employer Contribution impact beyond Fiscal Year 2049 is not shown.

The initial increase in employer contributions of $2.1 million is estimated to be $1.3 million for New York City and $0.8 million for the other obligors of NYCRS.

INITIAL INCREASE (DECREASE) IN ACTUARIAL LIABILITIES
as of June 30, 2023 ($ in Thousands)

Present Value (PV)	NYCERS	TRS	BERS
PV of Benefits:	(2,032)	(1,716)	(35)
PV of Employee Contributions:	(16,873)	(11,726)	(203)
PV of Employer Contributions:	14,841	10,010	167
Unfunded Accrued Liabilities:	4,253	2,305	38

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS	TRS	BERS
Number of Payments:	15	19	13
Fiscal Year of Last Payment:	2039	2043	2037
Amortization Payment:	483 K	231 K	5 K

Unfunded Accrued Liability increases were amortized over the expected remaining working lifetime of those impacted by the benefit changes using level dollar payments.

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for the impacted population is summarized below.

	NYCERS	TRS	BERS
Active Members			
- Number Count:	85,203	60,663	12,932
- Average Age:	42.4	38.1	46.9
- Average Service:	4.4	5.0	4.0
- Average Salary:	78,900	80,000	56,200

BACKGROUND: Tier 6 members of NYCERS, TRS, and BERS are required to make Basic Member Contributions (BMC) ranging from 3% to 6% depending on the members' respective annual wages two calendar years prior. Annual wages include overtime up to a certain limit that increases annually based on inflation ($19,729 for calendar year 2023).

Part SS of Chapter 56 of the Laws of 2022 excluded overtime and compensation earned for supplemental work for determining future Tier 6 BMC rates for the period of April 1, 2022 through April 1, 2024 (NYCERS, TRS, and BERS are subject to a calendar plan year).

The proposed legislation would extend the exclusion of overtime and compensation earned for supplemental work for determining Tier 6 BMC rates through April 1, 2026.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits).

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS but do not believe it impairs our objectivity and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2024-26 dated March 14, 2024 was prepared by the Chief Actuary for the New York City Retirement

Systems and Pension Funds. This estimate is intended for use only during the 2024 Legislative Session.

§ 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 KK of this act shall be as specifically set forth in the last section of such Parts.