STATE OF NEW YORK

S. 4005--C A. 3005--C

SENATE - ASSEMBLY

February 1, 2023

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

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

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropri-

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

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ations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend part D of chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend part C of chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend part F of chapter 55 of the laws of 2018, amending the criminal procedure law relating to the pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the penal law, in relation to certain crimes relating to the

possession and storage of a firearm (Part F); to amend the state finance law and the executive law, in relation to establishing a hazard mitigation revolving loan fund (Part G); to amend the volunteer firefighters' benefit law and the general municipal law, in relation to permitting the paying of a training stipend to volunteer firefighters (Part H); intentionally omitted (Part I); to amend the military law, in relation to the expansion of eligibility for World Trade Center death and disability benefits for members of New York's organized militia (Part J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); 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 O); intentionally omitted (Part P); to amend chapter 303 of the laws of 1988, relating to the extension of the state commission on the restoration of the capitol, in relation to extending such provisions for an additional five years (Part Q); to amend the state finance law, in relation to methods of procurement; and to repeal certain provisions of such law relating thereto (Part R); to amend the civil service law, in relation to competitive workforce expansion and retention (Part S); to amend the civil service law, in relation to employment of certain persons with disabilities (Part T); intentionally omitted (Part U); 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 V); to amend the retirement and social security law, in relation to allowing participating employers of the New York state and local retirement system to withdraw from the contribution stabilization program (Part W); intentionally omitted (Part X); to amend the general municipal law, in relation to moving the special accidental death benefit appropriation from the department of audit and control to the general fund's miscellaneous all state department and agencies (Part Y); to amend the executive law, in relation to the first class of the commission on ethics and lobbying in government (Part Z); to amend the tax law and part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to extending certain provisions thereof; to amend the general city law and the administrative code of the city of New York, in relation to extending certain provisions relating to specially eligible premises and special rebates; to amend the administrative code of the city of New York, in relation to extending certain provisions relating to exemptions and deductions from base rent; to amend the real property tax law, in relation to extending certain provisions relating to eligibility periods and requirements; to amend the real property tax law, in relation to extending certain provisions relating to eligibility periods and requirements, benefit periods and applications for abatements; and to amend the administrative code of the city of New York, in relation to extending certain provisions relating to a special reduction in determining the taxable base rent (Part AA); to repeal subdivision 12 of section 239-bb of the general municipal law relating to county-wide shared services panels (Part BB); intentionally omitted (Part CC); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part DD); to amend the

civil service law, in relation to waiving state civil service examination fees between July 1, 2023 and December 31, 2025; and providing for the repeal of such provisions upon the expiration thereof (Part EE); to amend the general municipal law, in relation to providing Suffolk county certain fees for the services of the Suffolk county traffic and parking violations agency (Part FF); to amend the retirement and social security law, in relation to providing certain death benefits to correction officers, correction officer-sergeants, correction officer-captains, assistant wardens, associate wardens or wardens employed by Westchester county (Part GG); to amend the retirement and social security law, in relation to authorizing police/fire members of the New York city fire department pension fund to obtain credit for service as an EMT member (Part HH); to amend the retirement and social security law, in relation to providing certain death benefits to county fire marshals, supervising fire marshals, fire marshals, assistant fire marshals, assistant chief fire marshals, chief fire marshals and division supervising fire marshals employed by Nassau county (Part II); to amend the retirement and social security law, in relation to allowing certain members of the New York city police pension fund to borrow from contributions (Part JJ); to amend the retirement and social security law, in relation to the retirement of deputy sheriffs-civil in the county of Monroe (Part KK); to amend the retirement and social security law, in relation to certain medical presumptions applicable to members of the New York state and local employees' retirement system (Part LL); to amend the state finance law, in relation to the transfer and disposal of certain personal property of the state (Part MM); to amend the executive law, in relation to reports by the director of the office of counterterrorism (Part NN); and to amend the not-for-profit corporation law, the executive law, and the education law, in relation to the discovery and disposition of human remains and funerary objects (Part OO)

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 2023-2024 state fiscal year. Each component is wholly contained within a Part identified as Parts A through OO. 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. Section 2 of chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, as amended by section 1 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall remain in effect until September 1, [~~2023~~] 2025.

§ 2. Section 3 of chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, as amended by section 2 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law, and shall remain in effect until the first day of September, [~~2023~~] 2025, when it shall expire and be deemed repealed.

§ 3. Section 3 of chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, as amended by section 3 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 3. This act shall take effect 60 days after it shall have become a law and shall remain in effect until September 1, [~~2023~~] 2025.

§ 4. Section 20 of chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, as amended by section 4 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 20. This act shall take effect immediately except that section thirteen of this act shall expire and be of no further force or effect on and after September 1, [~~2023~~] 2025 and shall not apply to persons committed to the custody of the department after such date, and provided further that the commissioner of corrections and community supervision shall report each January first and July first during such time as the earned eligibility program is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the standards in effect for earned eligibility during the prior six-month period, the number of inmates subject to the provisions of earned eligibility, the number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are granted parole upon their first consideration for parole, the number with certificates who are denied parole upon their first consideration, and the number of individuals granted and denied parole who did not have earned eligibility certificates.

§ 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 5 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

(q) the provisions of section two hundred eighty-four of this act shall remain in effect until September 1, [~~2023~~] 2025 and be applicable to all persons entering the program on or before August 31, [~~2023~~] 2025.

§ 6. Section 10 of chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, as amended by section 6 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 10. This act shall take effect 30 days after it shall have become a law and shall remain in effect until September 1, [~~2023~~] 2025, and provided further that the commissioner of correctional services shall report each January first, and July first, to the chairman of the senate

crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of eligible inmates in each facility under the custody and control of the commissioner who have applied for participation in any program offered under the provisions of work release, furlough, or leave, and the number of such inmates who have been approved for participation.

§ 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994, relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, as amended by section 7 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

(c) sections forty-one and forty-two of this act shall expire September 1, [~~2023~~] **2025**; provided, that the provisions of section forty-two of this act shall apply to inmates entering the work release program on or after such effective date; and

§ 8. Subdivision (aa) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 10 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

(aa) the provisions of sections three hundred eighty-two, three hundred eighty-three and three hundred eighty-four of this act shall expire on September 1, [~~2023~~] **2025**;

§ 9. Section 12 of chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, as amended by section 11 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 12. This act shall take effect immediately, except that the provisions of sections one through ten of this act shall remain in full force and effect until September 1, [~~2023~~] **2025** on which date those provisions shall be deemed to be repealed.

§ 10. Subdivision (p) of section 406 of chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, as amended by section 12 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [~~2023~~] **2025**, at which time they shall be deemed repealed; provided, however, that the mandatory

surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [~~2023~~] **2025** and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

§ 11. Subdivision 8 of section 1809 of the vehicle and traffic law, as amended by section 13 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

8. The provisions of this section shall only apply to offenses committed on or before September first, two thousand [~~twenty-three~~] **twenty-five**.

§ 12. Section 6 of chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, as amended by section 14 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 6. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act on their effective date is authorized and

directed to be made and completed on or before such effective date and shall remain in full force and effect until the first day of September, [~~2023~~] 2025 when upon such date the provisions of this act shall be deemed repealed.

§ 13. Paragraph a of subdivision 6 of section 76 of chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, as amended by section 15 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

a. sections forty-three through forty-five of this act shall expire and be deemed repealed on September 1, [~~2023~~] 2025;

§ 14. Section 4 of part D of chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, as amended by section 16 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 4. This act shall take effect 120 days after it shall have become a law and shall remain in full force and effect until September 1, [~~2023~~] 2025, when upon such date it shall expire.

§ 15. Subdivision 2 of section 59 of chapter 222 of the laws of 1994, constituting the family protection and domestic violence intervention act of 1994, as amended by section 17 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

2. Subdivision 4 of section 140.10 of the criminal procedure law as added by section thirty-two of this act shall take effect January 1, 1996 and shall expire and be deemed repealed on September 1, [~~2023~~] 2025.

§ 16. Section 5 of chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, as amended by section 18 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 5. This act shall take effect immediately and shall apply to all criminal actions and proceedings commenced prior to the effective date of this act but still pending on such date as well as all criminal actions and proceedings commenced on or after such effective date and its provisions shall expire on September 1, [~~2023~~] 2025, when upon such date the provisions of this act shall be deemed repealed.

§ 17. Subdivision d of section 74 of chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, as amended by section 19 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

d. Sections one-a through twenty, twenty-four through twenty-eight, thirty through thirty-nine, forty-two and forty-four of this act shall be deemed repealed on September 1, [~~2023~~] 2025;

§ 18. Section 2 of chapter 689 of the laws of 1993, amending the criminal procedure law relating to electronic court appearance in certain counties, as amended by section 20 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 2. This act shall take effect immediately, except that the provisions of this act shall be deemed to have been in full force and effect since July 1, 1992 and the provisions of this act shall expire September 1, [~~2023~~] 2025 when upon such date the provisions of this act shall be deemed repealed.

§ 19. Section 3 of chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, as amended by section 21 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall remain in effect until the first of September, [~~2023~~] 2025, upon which date this act shall be deemed repealed and have no further force and effect; provided that section one of this act shall only take effect with respect to any compacting state which has enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act and provided further that with respect to any such compacting state, upon the effective date of section one of this act, section 259-m of the executive law is hereby deemed REPEALED and section 259-mm of the executive law, as added by section one of this act, shall take effect; and provided further that with respect to any state which has not enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act, section 259-m of the executive law shall take effect and the provisions of section one of this act, with respect to any such state, shall have no force or effect until such time as such state shall adopt an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act in which case, with respect to such state, effective immediately, section 259-m of the executive law is deemed repealed and section 259-mm of the executive law, as added by section one of this act, shall take effect.

§ 20. Section 8 of part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, as amended by section 22 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 8. This act shall take effect immediately; provided, however that sections five and six of this act shall expire and be deemed repealed September 1, [~~2023~~] 2025.

§ 21. Section 3 of part C of chapter 152 of the laws of 2001, amending the military law relating to military funds of the organized militia, as amended by section 23 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 3. This act shall take effect immediately; provided however that the amendments made to subdivision 1 of section 221 of the military law by section two of this act shall expire and be deemed repealed September 1, [~~2023~~] 2025.

§ 22. Section 5 of chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, as amended by section 24 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 5. This act shall take effect immediately and shall remain in full force and effect until September 1, [~~2023~~] 2025, and provided further that the commissioner of correctional services shall report each January first and July first during such time as this legislation is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of individuals who are released to community treatment facilities during the previous six-month

period, including the total number for each date at each facility who are not residing within the facility, but who are required to report to the facility on a daily or less frequent basis.

§ 23. Section 2 of part F of chapter 55 of the laws of 2018, amending the criminal procedure law relating to pre-criminal proceeding settlements in the city of New York, as amended by section 25 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

§ 2. This act shall take effect immediately and shall remain in full force and effect until March 31, [~~2023~~] **2025**, when it shall expire and be deemed repealed.

§ 24. This act shall take effect immediately.

PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

Intentionally Omitted

PART E

Intentionally Omitted

PART F

Section 1. Section 265.01-e of the penal law, as added by chapter 371 of the laws of 2022, is amended to read as follows:

§ 265.01-e Criminal possession of a firearm, rifle or shotgun in a sensitive location.

1. A person is guilty of criminal possession of a firearm, rifle or shotgun in a sensitive location when such person possesses a firearm, rifle or shotgun in or upon a sensitive location, and such person knows or reasonably should know such location is a sensitive location.

2. For the purposes of this section, a sensitive location shall mean:

(a) any place owned or under the control of federal, state or local government, for the purpose of government administration, including courts;

(b) any location providing health, behavioral health, or chemical dependance care or services;

(c) any place of worship [~~or religious observation~~]**, except for those persons responsible for security at such place of worship**;

(d) libraries, public playgrounds, public parks, and zoos**, provided that for the purposes of this section a "public park" shall not include (i) any privately held land within a public park not dedicated to public use or (ii) the forest preserve as defined in subdivision six of section 9-0101 of the environmental conservation law**;

(e) the location of any program licensed, regulated, certified, funded, or approved by the office of children and family services that provides services to children, youth, or young adults, any legally exempt childcare provider; a childcare program for which a permit to operate such program has been issued by the department of health and mental hygiene pursuant to the health code of the city of New York;

(f) nursery schools, preschools, and summer camps; **provided that for the purposes of this section, nothing shall prohibit the activity permitted under subdivisions seven-c, seven-d, and seven-e of section 265.20 of this article where such activity occurs at a summer camp in accordance with all applicable local, state, and federal laws, rules, and regulations;**

(g) the location of any program licensed, regulated, certified, operated, or funded by the office for people with developmental disabilities;

(h) the location of any program licensed, regulated, certified, operated, or funded by office of addiction services and supports;

(i) the location of any program licensed, regulated, certified, operated, or funded by the office of mental health;

(j) the location of any program licensed, regulated, certified, operated, or funded by the office of temporary and disability assistance;

(k) homeless shelters, runaway homeless youth shelters, family shelters, shelters for adults, domestic violence shelters, and emergency shelters, and residential programs for victims of domestic violence;

(l) residential settings licensed, certified, regulated, funded, or operated by the department of health;

(m) in or upon any building or grounds, owned or leased, of any educational institutions, colleges and universities, licensed private career schools, school districts, public schools, private schools licensed under article one hundred one of the education law, charter schools, non-public schools, board of cooperative educational services, special act schools, preschool special education programs, private residential or non-residential schools for the education of students with disabilities, and any state-operated or state-supported schools;

(n) any place, conveyance, or vehicle used for public transportation or public transit, subway cars, train cars, buses, ferries, railroad, omnibus, marine or aviation transportation; or any facility used for or in connection with service in the transportation of passengers, airports, train stations, subway and rail stations, and bus terminals;

(o) any establishment [~~**issued a**~~] **holding an active** license for on-premise consumption pursuant to article four, four-A, five, or six of the alcoholic beverage control law where alcohol is consumed and any establishment licensed under article four of the cannabis law for on-premise consumption;

(p) any place used for the performance, art entertainment, gaming, or sporting events such as theaters, stadiums, racetracks, museums, amusement parks, performance venues, concerts, exhibits, conference centers, banquet halls, and gaming facilities and video lottery terminal facilities as licensed by the gaming commission;

(q) any location being used as a polling place;

(r) any public sidewalk or other public area restricted from general public access for a limited time or special event that has been issued a permit for such time or event by a governmental entity, or subject to specific, heightened law enforcement protection, or has otherwise had such access restricted by a governmental entity, provided such location is identified as such by clear and conspicuous signage;

(s) any gathering of individuals to collectively express their constitutional rights to protest or assemble;

(t) the area commonly known as Times Square, as such area is determined and identified by the city of New York; provided such area shall be clearly and conspicuously identified with signage.

3. This section shall not apply to:

(a) [~~consistent with federal law, law enforcement who qualify to carry under the federal law enforcement officers safety act,~~] qualified law enforcement officers who are authorized to carry concealed firearms pursuant to 18 U.S.C 926B, or qualified retired law enforcement officers who are authorized to carry concealed firearms pursuant to 18 U.S.C. 926C;

(b) persons who are police officers as defined in subdivision thirty-four of section 1.20 of the criminal procedure law;

(c) persons who are designated peace officers by section 2.10 of the criminal procedure law;

(d) persons who were employed as police officers as defined in subdivision thirty-four of section 1.20 of the criminal procedure law but are retired;

(e) security guards as defined by and registered under article seven-A of the general business law, who have been granted a special armed registration card, while at the location of their employment and during their work hours as such a security guard;

(f) active-duty military personnel;

(g) persons licensed under paragraph (c), (d) or (e) of subdivision two of section 400.00 of this chapter while in the course of his or her official duties;

(h) a government employee under the express written consent of such employee's supervising government entity for the purposes of natural resource protection and management;

(i) persons while lawfully engaged in taking of wildlife or attempts to take wildlife pursuant to a hunting [~~activity, including hunter education training~~] permit or license issued by the department of environmental conservation, or as otherwise authorized pursuant to the environmental conservation law, and persons while lawfully engaged in hunter education training, marksmanship practice, marksmanship competition or training, or training in the safe handling and use of firearms, in accordance with all applicable local, state, and federal laws, rules, and regulations; [~~or~~]

(j) persons operating a program in a sensitive location out of their residence, [~~as defined by this section,~~] which is licensed, certified, authorized, or funded by the state or a municipality, so long as such possession is in compliance with any rules or regulations applicable to the operation of such program and use or storage of firearms[~~.~~];

(k) persons, while acting in the scope of their official duties, who are employed in the revenue control and security departments of the metropolitan transportation authority, or the New York city transit authority or an affiliate or subsidiary thereof, who are authorized to carry a firearm as part of their employment;

(l) persons while lawfully engaged in historical reenactments, educational programming involving historical weapons of warfare, or motion picture or theatrical productions, in accordance with all applicable local, state, and federal laws, rules and regulations;

(m) persons, while acting within the scope of their official duties, who are responsible for the storage or display of antique firearms, rifles or shotguns at museums and historic sites;

(n) persons while participating in military ceremonies, funerals, and honor guards; or

(o) persons while lawfully engaging in learning, practicing, training for, competing in, or travelling into or within the state to learn, practice, train for, or compete in, the sport of biathlon, in accordance with all applicable local, state, and federal laws, rules, and regulations.

Criminal possession of a firearm, rifle or shotgun in a sensitive location is a class E felony.

§ 2. Section 265.01-d of the penal law, as added by chapter 371 of the laws of 2022, is amended to read as follows:

§ 265.01-d Criminal possession of a weapon in a restricted location.

1. A person is guilty of criminal possession of a weapon in a restricted location when such person possesses a firearm, rifle, or shotgun and enters into or remains on or in private property where such person knows or reasonably should know that the owner or lessee of such property has not permitted such possession by clear and conspicuous signage indicating that the carrying of firearms, rifles, or shotguns on their property is permitted or [~~has~~] by otherwise [~~given~~] giving express consent.

2. This section shall not apply to:

(a) police officers as defined in section 1.20 of the criminal procedure law;

(b) persons who are designated peace officers as defined in section 2.10 of the criminal procedure law;

(c) [~~persons who were employed as police officers as defined in section 1.20 of the criminal procedure law, but are~~] qualified law enforcement officers who are authorized to carry concealed firearms pursuant to 18 U.S.C. 926B, or qualified retired law enforcement officers who are authorized to carry concealed firearms pursuant to 18 U.S.C. 926C;

(d) security guards as defined by and registered under article seven-A of the general business law who has been granted a special armed registration card, while at the location of their employment and during their work hours as such a security guard;

(e) active-duty military personnel;

(f) persons licensed under paragraph (c), (d) or (e) of subdivision two of section 400.00 of this chapter while in the course of his or her official duties; [~~or~~]

(g) persons while lawfully engaged in taking of wildlife or attempts to take wildlife pursuant to a hunting [~~activity~~] permit or license issued by the department of environmental conservation, or as otherwise authorized pursuant to section 11-0707 and 11-0709 of the environmental conservation law; or

(h) persons, while acting in the scope of their official duties, who are employed in the revenue control and security departments of the metropolitan transportation authority, or the New York city transit authority or an affiliate or subsidiary thereof, who are authorized to carry a firearm as part of their employment.

Criminal possession of a weapon in a restricted location is a class E felony.

§ 3. Subdivision 2 of section 265.45 of the penal law, as added by chapter 371 of the laws of 2022, is amended to read as follows:

2. No person shall store or otherwise leave a rifle, shotgun, or firearm out of [~~his or her~~] such person's immediate possession or control inside a vehicle without first removing the ammunition from and

securely locking such rifle, shotgun, or firearm in an appropriate safe storage depository out of sight from outside of the vehicle; provided, however, this subdivision shall not apply to a police officer as such term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law, a qualified law enforcement officer authorized to carry concealed firearms pursuant to 18 U.S.C. 926B, or a person in the military service of the United States or the state of New York when such police officer, qualified law enforcement officer, or person in such military service is acting in the course of such person's official duty or employment and otherwise complying with any applicable standards or requirements pertaining to the storage of such rifle, shotgun, or firearm.

§ 4. This act shall take effect immediately.

PART G

Section 1. The state finance law is amended by adding a new section 99-qq to read as follows:

§ 99-qq. Hazard mitigation state revolving loan fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the "hazard mitigation revolving loan fund".

2. The fund shall consist of all moneys appropriated therefore, all moneys received by the state pursuant to a capitalization grant from the federal emergency management agency in accordance with the Safeguarding Tomorrow through Ongoing Risk Mitigation Act of 2020 (STORM Act) (P.L. 116-284), payments of principal and interest on loans made from the fund, and interest earned on amounts in the fund.

3. Moneys of the account, when allocated, shall be available to the commissioner of the Division of Homeland Security and Emergency Services to make loans pursuant to section seven hundred nineteen of the executive law.

§ 2. The executive law is amended by adding a new section 719 to read as follows:

§ 719. Loans for eligible hazard mitigation activities. 1. The commissioner may make loans to local governments for eligible hazard mitigation activities, as defined in the STORM Act and corresponding federal regulations, to reduce disaster risks for homeowners, businesses, non-profit organizations, and communities subject to available funds for such purpose pursuant to section ninety-nine-qq of the state finance law.

2. The commissioner may make loans under this section subject to such other terms and conditions of the STORM Act, and related federal and state rules, regulations, policies and guidelines.

§ 3. This act shall take effect immediately.

PART H

Section 1. Subdivision 3 of section 3 of the volunteer firefighters' benefit law, as amended by chapter 458 of the laws of 1996, is amended to read as follows:

3. "Line of duty" means the performance by a volunteer firefighter as a volunteer firefighter of the duties and activities described in subdivision one of section five of this chapter and the same such duties and activities performed for a specialized team established pursuant to the provisions of section two hundred nine-bb of the general municipal law

for which the volunteer firefighter does not receive any remuneration or a gratuity and shall be deemed to include any date of injury as determined by the workers' compensation board pursuant to the provisions of section forty-one of this chapter. The following shall not be deemed to be remuneration or a gratuity: **receipt of a training stipend as outlined in section two hundred-aa of the general municipal law;** reimbursement of expenses for meals, lodging and actual and necessary travel; the receipt of a mileage allowance in lieu of travel expense; reimbursement of expenses for registration and tuition fees payable under section seventy-two-g of the general municipal law, and the acceptance of transportation, food, drink, shelter, clothing and similar items while on duty or engaged in such activities.

§ 2. The general municipal law is amended by adding a new section 200-aa to read as follows:

§ 200-aa. Training stipend for volunteer firefighters. 1. For purposes of this section:

(a) "fire company" shall have the same meaning as defined in section three of the volunteer firefighters' benefit law.

(b) "training stipend" means payment of a nominal fee to a volunteer firefighter of a stipend for the completion of certain firefighter training, as identified and published by the office of fire prevention and control.

(c) "volunteer firefighter" shall have the same meaning as defined in section three of the volunteer firefighters' benefit law.

2. The governing board of a city, town, village or fire district may, by local law, ordinance or resolution, authorize a fire company to provide training stipends to volunteer firefighters.

3. The office of fire prevention and control may make available state funds through a training stipend to volunteer firefighters for completion of certain firefighter training, as identified and published by the office of fire prevention and control.

4. No volunteer firefighter may receive a training stipend from both a volunteer fire company pursuant to subdivision two of this section and the office of fire prevention and control pursuant to subdivision three of this section for completion of the same firefighter training.

5. Any training stipend provided under this section shall not be deemed remuneration or gratuity under the volunteer firefighters' benefit law or any other provision of law and shall not interfere with or impact the volunteer status of volunteer firefighters under the volunteer firefighters' benefit law or any other provision of law.

6. The office of fire prevention and control shall promulgate rules and regulations necessary to implement the provisions of this section.

§ 3. Paragraph c of subdivision 1 of section 205-g of the general municipal law, as added by chapter 559 of the laws of 2006, is amended to read as follows:

c. "Line of duty" means the performance by a volunteer firefighter of the duties and activities described in subdivision one of section five of the volunteer firefighters' benefit law and the same such duties and activities performed for a specialized team established pursuant to the provisions of section two hundred nine-bb of this article for which the volunteer firefighter does not receive any remuneration or a gratuity and shall be deemed to include any date of injury as determined by the workers' compensation board pursuant to the provisions of section forty-one of the volunteer firefighters' benefit law. The following shall not be deemed to be remuneration or a gratuity: reimbursement of expenses for meals, lodging and actual and necessary travel; the receipt

of a mileage allowance in lieu of travel expense; reimbursement of expenses for registration and tuition fees payable under section seventy-two-g of this chapter, [~~and~~] the acceptance of transportation, food, drink, shelter, clothing and similar items while on duty or engaged in such activities**; and receipt of a training stipend as outlined in section two hundred-aa of this article**.

§ 4. This act shall take effect on the one hundred twentieth 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 is authorized to be made and completed on or before such date.

PART I

Intentionally Omitted

PART J

Section 1. Subdivisions 1, 2 and 6 of section 217 of the military law, subdivisions 1 and 6 as amended by chapter 141 of the laws of 1988, and subdivision 2 as amended by chapter 63 of the laws of 1976, are amended and a new subdivision 8 is added to read as follows:

1. Any member of the organized militia who **(a)** shall be disabled or has been so disabled in the performance of any actual service of this state within three years preceding the application for a pension under this chapter, in case of riots, tumults, breach of the peace, resistance to process, invasion, insurrection or imminent danger thereof, or whenever called upon in aid of the civil authorities, or while engaged in any lawfully ordered parade, drill, encampment or inspection, shall, upon proof of the fact, as hereinafter provided, be placed on the disability retired roll of the state and shall receive out of any moneys in the treasury of the state, not otherwise appropriated, upon the approval of the chief of staff and approval of the governor, the same pension or reward that persons under similar circumstances receive from the United States[~~.~~]**, or**

(b) was activated on state active duty on or after September eleventh, two thousand one, to participate in World Trade Center site rescue, recovery, or cleanup operations as part of such state active duty, and who is determined to have incurred a qualifying World Trade Center condition, as hereinafter provided, shall be entitled to a performance of duty disability pension equivalent to three-quarters of the member's final annual pay as provided for under this chapter. The deadline for submitting any qualifying claim under this paragraph shall be on or before September eleventh, two thousand twenty-six. The adjutant general of the division of military and naval affairs is authorized to promulgate regulations to implement the provisions of this section.

2. In case any such member of the organized militia **(a)** shall die as the result of any such wound, injury or disease within one year after it has been incurred or contracted, the surviving spouse, children under twenty-one years of age or dependent parent of such member of the organized militia shall receive such pension and reward as persons under similar circumstances receive from the United States[~~.~~]**, or**

(b) was activated on state active duty on or after September eleventh, two thousand one, to participate in World Trade Center site rescue, recovery, or cleanup operations as part of such state active duty, and

whose death is determined to be the result of incurring a qualifying World Trade Center condition, as hereinafter provided, the surviving spouse, children under twenty-one years of age or dependent parent of such member of the organized militia shall be entitled to an accidental death benefit equivalent to one-half of the member's final annual pay as provided under this chapter. The deadline for submitting any qualifying claim under this paragraph shall be on or before September eleventh, two thousand twenty-six. The adjutant general of the division of military and naval affairs is authorized to promulgate regulations to implement the provisions of this section.

6. Before the name of any person is placed upon the disability retired roll of the state under this section, proof shall be made under regulations issued pursuant to this chapter that the applicant is entitled to such pension or reward; provided, however, that in the case of the death or disability of a member of the organized militia who participated in World Trade Center rescue, recovery, or cleanup operations, and in which such death or disability is determined, pursuant to regulations issued under this chapter, to have been the result of a qualifying World Trade Center condition, then unless the contrary is proved by competent evidence, it shall be presumed that such death or disability was the natural and proximate result of an accident sustained in the performance of actual service of this state and not as a result of willful negligence on the part of such member. The chief of staff, with the approval of the governor, shall cause to be [~~stricken~~] stricken from such roll the name of any person whenever it appears by satisfactory proof that such name was put upon such roll through false or fraudulent representations. The chief of staff, with the approval of the governor, may increase, reduce or withdraw any pension or reward according to the right and justice and the practice under the laws and regulations of the United States.

8. For the purposes of this section:

(a) "Qualifying World Trade Center condition" shall mean a qualifying condition or impairment of health resulting in disability to a member of the organized militia who participated in World Trade Center rescue, recovery, or cleanup operations for a qualifying period.

(b) "Qualifying condition or impairment of health" shall mean a qualifying physical condition, or a qualifying psychological condition, or both.

(c) "Qualifying physical condition" and "qualifying psychological condition" shall have the same meaning as such terms are defined in subdivision thirty-six of section two of the retirement and social security law.

(d) "Participated in World Trade Center rescue, recovery, or cleanup operations" shall mean any member of the organized militia who: (i) participated in the rescue, recovery, or cleanup operations at the World Trade Center site; (ii) worked at the Fresh Kills Land Fill in New York; (iii) worked at the New York city morgue or the temporary morgue on pier locations on the west side of Manhattan; (iv) manned the barges between the west side of Manhattan and the Fresh Kills Land Fill in New York; or (v) repaired, cleaned or rehabilitated vehicles or equipment, including emergency vehicle radio equipment owned by the city of New York that were contaminated by debris in the World Trade Center site, regardless of whether the work on the repair, cleaning or rehabilitation of said vehicles and equipment was performed within the World Trade Center site, provided such work was performed prior to decontamination of such vehicles or equipment.

(e) "World Trade Center site" shall mean anywhere below a line starting from the Hudson River and Canal Street; east on Canal Street to Pike Street; south on Pike Street to the East River; and extending to the lower tip of Manhattan.

(f) "Qualifying period" shall mean: (i) any period of time within the forty-eight hours after the first airplane hit the towers; or (ii) a total of forty hours accumulated any time between September eleventh, two thousand one and September twelfth, two thousand two.

§ 2. This act shall take effect immediately.

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

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 M of chapter 55 of the laws of 2022, 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, [~~2023~~] 2024.

§ 2. This act shall take effect immediately.

PART P

Intentionally Omitted

PART Q

Section 1. Section 2 of chapter 303 of the laws of 1988, relating to the extension of the state commission on the restoration of the capitol, as amended by section 1 of part T of chapter 55 of the laws of 2018, is amended to read as follows:

§ 2. The temporary state commission on the restoration of the capitol is hereby renamed as the state commission on the restoration of the

capitol (hereinafter to be referred to as the "commission") and is hereby continued until April 1, [~~2023~~] **2028**. The commission shall consist of eleven members to be appointed as follows: five members shall be appointed by the governor; two members shall be appointed by the temporary president of the senate; two members shall be appointed by the speaker of the assembly; one member shall be appointed by the minority leader of the senate; one member shall be appointed by the minority leader of the assembly, together with the commissioner of general services and the commissioner of parks, recreation and historic preservation. The term for each elected member shall be for three years, except that of the first five members appointed by the governor, one shall be for a one year term, and two shall be for a two year term, and one of the first appointments by the president of the senate and by the speaker of the assembly shall be for a two year term. Any vacancy that occurs in the commission shall be filled in the same manner in which the original appointment was made. The commission shall elect a chairman and a vice-chairman from among its members. The members of the state commission on the restoration of the capitol shall be deemed to be members of the commission until their successors are appointed. The members of the commission shall receive no compensation for their services, but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties hereunder.

§ 2. Section 9 of chapter 303 of the laws of 1988, relating to the extension of the state commission on the restoration of the capitol, as amended by section 2 of part T of chapter 55 of the laws of 2018, is amended to read as follows:

§ 9. This act shall take effect immediately, and shall remain in full force and effect until April 1, [~~2023~~] **2028**.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023; provided that the amendments to section 2 of chapter 303 of the laws of 1988 made by section one of this act shall not affect the expiration of such chapter, and shall be deemed to expire therewith.

PART R

Section 1. Subdivision 7 of section 163 of the state finance law, as amended by section 2 of subpart A of part KK of chapter 57 of the laws of 2018, is amended to read as follows:

7. Method of procurement. Consistent with the requirements of subdivisions three and four of this section, state agencies shall select among permissible methods of procurement including, but not limited to, an invitation for bid, request for proposals or other means of solicitation pursuant to guidelines issued by the state procurement council. State agencies may accept bids electronically including submission of the statement of non-collusion required by section one hundred thirty-nine-d of this chapter, and the statement of certification required by section one hundred thirty-nine-l of this chapter[~~, and, starting April first, two thousand twelve, and ending March thirty-first, two thousand fifteen, may, for commodity, service and technology contracts require electronic submission as the sole method for the submission of bids for the solicitation. State agencies shall undertake no more than eighty-five such electronic bid solicitations, none of which shall be reverse auctions, prior to April first, two thousand fifteen. In addition, state agencies may conduct up to twenty reverse auctions through electronic means, prior to April first, two thousand fifteen. Prior to requiring~~

~~the electronic submission of bids, the agency shall make a determination, which shall be documented in the procurement record, that electronic submission affords a fair and equal opportunity for offerers to submit responsive offers. Within thirty days of the completion of the eighty-fifth electronic bid solicitation, or by April first, two thousand fifteen, whichever is earlier, the commissioner shall prepare a report assessing the use of electronic submissions and make recommendations regarding future use of this procurement method. In addition, within thirty days of the completion of the twentieth reverse auction through electronic means, or by April first, two thousand fifteen, whichever is earlier, the commissioner shall prepare a report assessing the use of reverse auctions through electronic means and make recommendations regarding future use of this procurement method. Such reports shall be published on the website of the office of general services~~]. Except where otherwise provided by law, procurements shall be competitive, and state agencies shall conduct formal competitive procurements to the maximum extent practicable. State agencies shall document the determination of the method of procurement and the basis of award in the procurement record. Where the basis for award is the best value offer, the state agency shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

§ 2. Subdivision 7-a of section 163 of the state finance law is REPEALED.

§ 3. Section 163 of the state finance law is amended by adding two new subdivisions 7-a and 7-b to read as follows:

7-a. Notwithstanding the electronic bid provisions set forth in subdivision seven of this section, starting April first, two thousand twenty-three, and ending March thirty-first, two thousand twenty-seven, state agencies may require electronic submission as the sole method for the submission of bids for commodity, service and technology contracts, including submission of the statement of non-collusion required by section one hundred thirty-nine-d of this chapter, and the statement of certification required by section one hundred thirty-nine-l of this chapter, and may require electronic signatures on all documents required for submission of a bid, any resulting contracts, and required submissions during the term of any contract. Prior to requiring the electronic submission of bids, the agency shall make a determination, which shall be documented in the procurement record, that electronic submission affords a fair and equal opportunity for offerers to submit responsive offers, and that the electronic signature complies with the provisions of article three of the state technology law.

7-b. On or before December first, two thousand twenty-six, the commissioner of the office of general services shall submit to the speaker of the assembly and the temporary president of the senate and post on the website of the office of general services a report including, but not limited to, the following information:

(a) which state agencies required electronic submission as the sole method by which bids could be submitted for the period from April first, two thousand twenty-three through March thirty-first, two thousand twenty-six;

(b) the number and types of contracts for which such state agencies required electronic submission as the sole method by which bids could be

submitted for the period from April first, two thousand twenty-three through March thirty-first, two thousand twenty-six;

(c) the estimated savings to the state as a result of such state agencies requiring electronic submission as the sole method by which bids could be submitted in response to a solicitation and the basis on which the estimate is made;

(d) to the extent practicable, the size, industry, minority- and women-owned business enterprise composition, service-disabled veteran-owned business enterprise composition, and geographic distribution of those vendors that submitted bids in response to solicitations from state agencies where electronic submission was the sole method by which bids could be submitted for the period from April first, two thousand twenty-three through March thirty-first, two thousand twenty-six;

(e) to the extent practicable, the size, industry, minority- and women-owned business enterprise composition, service-disabled veteran-owned business enterprise composition, and geographic distribution of those vendors that submitted non-electronic bids in response to solicitations from state agencies where electronic submission was accepted but not required for the period from April first, two thousand twenty-three through March thirty-first, two thousand twenty-six; and

(f) recommendations for the future use of electronic bidding as a permissible method of procurement.

§ 4. This act shall take effect immediately; provided, however, that the amendments to section 163 of the state finance law made by sections one and three of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided further that the changes made by this act shall not apply to any contracts or requests for proposals issued before the effective date.

PART S

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

§ 57. Continuous recruitment for certain positions. Notwithstanding any other provisions of this chapter or any other law, the civil service department or a municipal commission may establish a continuing eligible list for any class of positions for which it finds [~~inadequate numbers of well qualified persons available for recruitment~~] such lists appropriate. The civil service department may only establish continuing eligible lists for any class of positions filled through open competitive examination. Names of eligibles shall be inserted in such list from time to time as applicants are tested and found qualified in examinations held at such intervals as may be prescribed by the civil service department or municipal commission having jurisdiction. Such successive examinations shall, so far as practicable, be constructed and rated so as to be equivalent tests of the merit and fitness of candidates. The name of any candidate who passes any such examination and who is otherwise qualified shall be placed on the continuing eligible list in the rank corresponding to his or her final rating on such examination. The period of eligibility of successful candidates for certification and appointment from such continuing eligible list, as a result of any such examination, shall be fixed by the civil service department or municipal commission but, except as a list may reach an announced terminal date, such period shall not be less than one year; nor shall such period of eligibility exceed four years. Subject to such conditions and limitations as the civil service department or municipal commission

may prescribe, a candidate may take more than one such examination; provided, however, that no such candidate shall be certified simultaneously with more than one rank on the continuing eligible list. With respect to any candidate who applies for and is granted additional credit in any such examination as a disabled or non-disabled veteran, and for the limited purpose of granting such additional credit, the eligible list shall be deemed to be established on the date on which his **or her** name is added thereto.

§ 2. This act shall take effect immediately.

PART T

Section 1. Subdivision 1 of section 55-b of the civil service law, as amended by chapter 603 of the laws of 1995, is amended to read as follows:

1. The commission may determine up to [~~twelve~~] **seventeen** hundred positions with duties such as can be performed by persons with a physical or mental disability who are found otherwise qualified to perform satisfactorily the duties of any such position. Upon such determination the said positions shall be classified in the noncompetitive class, and may be filled only by persons who shall have been certified by the employee health service of the department as being a person with either a physical or mental disability. The number of persons appointed pursuant to this section shall not exceed [~~twelve~~] **seventeen** hundred.

§ 2. This act shall take effect immediately.

PART U

Intentionally Omitted

PART V

Section 1. Section 2 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, is amended to read as follows:

§ 2. **Notwithstanding any other provision of law to the contrary, none of the provisions of this act shall be subject to section 25 of the retirement and social security law.**

§ 3. This act shall take effect immediately and shall expire and be deemed repealed June 30, [~~2023~~] **2024**.

§ 2. This act shall take effect immediately.

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

Insofar as this bill affects the New York State and Local Retirement System (NYSLRS), 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, 2024. Currently, the post-retirement earnings limit is $35,000. Waivers to that post-retirement earnings limitation are only provided after the employer engages in a rigorous application process, including failed efforts to locate qualified non-retired individuals, requiring approval by the Commissioner of Education, and the retiree so hired did not work with the employer prior to retirement.

If this bill were enacted during the 2023 legislative session, the direct cost incurred would be the retiree's post-retirement earnings for the period July 1, 2023 through June 30, 2024, not to exceed the full pension benefit paid by the NYSLRS during that period.

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 $35,000 is expected. If large numbers of retirees are hired into such positions, significant annual costs would result.

All costs will be shared by the State of New York and all participating employers in the NYSLRS and spread over future billing cycles. Since this proposal exclusively benefits retirees, the increased costs are primarily attributable to retirees from Tiers 1 - 4. Approximately half the contributions required to fund this proposal will be collected on salary reported for current members of Tier 6.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 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 30, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-128, 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 section 2 of Part HH of Chapter 56 of the Laws of 2022 to extend the waiver of the earnings-after-retirement limit for one year for retirees of the New York State Teachers' Retirement System to June 30, 2024. The current expiration date is June 30, 2023 for the waiver of this limit. This act shall take effect immediately and shall be deemed repealed on June 30, 2024. Retirees must be employed with a school district or a board of cooperative educational services (BOCES). There is no earnings-after-retirement limit for retirees aged 65 and older.

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.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Annual Report. 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.

The source of this estimate is Fiscal Note 2023-18 dated February 8, 2023 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2023 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 W

Section 1. Paragraphs 2 and 3 of subdivision e of section 19-a of the retirement and social security law, as amended by chapter 48 of the laws of 2017, are amended to read as follows:

(2) For any given fiscal year for which (i) the system actuarial contribution rate exceeds nine and one-half percent of payroll as of the end of the previous fiscal year, and (ii) an employer's average actuarial contribution rate exceeds the [~~system~~] employer's graded contribution rate or the alternative [~~system~~] employer's graded contribution rate, the balance in the employer's account within such fund shall be applied to reduce the employer's payment to the retirement system for such fiscal year in an amount not to exceed the difference between the employer's actuarial contribution and the employer's graded contribution for the fiscal year.

(3) Notwithstanding the provisions of paragraph two of this subdivision, if at the close of any given fiscal year the balance of an employer's account within the fund exceeds [~~one hundred percent of~~] the employer's [~~payroll~~] actuarial contribution for the previous fiscal year, [~~the excess shall be applied to reduce the employer's payment to the retirement system for the next succeeding fiscal year~~] no graded payment shall be required or allowed.

§ 2. Section 19-a of the retirement and social security law is amended by adding a new subdivision f to read as follows:

f. (1) An amortizing employer may elect to terminate participation in the contribution stabilization program provided that such employer shall have paid in full all such prior year amortization amounts including interest as determined by the comptroller. Furthermore, any amortizing employer that has terminated participation in the contribution stabilization program may re-enter the program in a year in which the employer is eligible to amortize and their employer contribution reserve fund has been depleted.

(2) An alternative amortizing employer may elect to terminate participation in the alternative contribution stabilization program provided that such employer shall have paid in full all such prior year amortization amounts including interest as determined by the comptroller. Furthermore, any alternative amortizing employer that has terminated participation in the alternative contribution stabilization program may not re-enter the alternative contribution stabilization program; provided, however, such employer may enter the regular contribution stabilization program as set forth in paragraph one of this subdivision.

(3) In order to terminate participation in the contribution stabilization or alternative contribution stabilization program, such employer must file an election on a form prescribed by the comptroller. Such election is subject to review and approval by the comptroller.

(4) Termination shall take effect for the fiscal year billing cycle following the fiscal year of approval. An employer who has been approved

to terminate from the contribution stabilization or alternative contribution stabilization program pursuant to this section shall not be required to make a graded payment starting in the following fiscal year billing cycle.

(5) In the event an employer in the contribution stabilization program or alternative contribution stabilization program terminates participation pursuant to this section, any such balance in their employer contribution reserve fund shall be applied to the employer's annual bill in the maximum amount permitted under paragraph two of subdivision e of this section, for the following fiscal year and continue to be applied to future annual bills until the reserve fund is depleted.

§ 3. Paragraphs 2 and 3 of subdivision e of section 319-a of the retirement and social security law, as amended by chapter 48 of the laws of 2017, are amended to read as follows:

(2) For any given fiscal year for which (i) the system actuarial contribution rate exceeds seventeen and one-half percent of payroll as of the end of the previous fiscal year, and (ii) for which an employer's average actuarial contribution rate exceeds the employer's graded contribution rate or the alternative [~~system~~] employer's graded contribution rate, the balance in the employer's account within such fund shall be applied to reduce the employer's payment to the retirement system for such fiscal year in an amount not to exceed the difference between the employer's actuarial contribution and the employer's graded contribution for the fiscal year.

(3) Notwithstanding the provisions of paragraph two of this subdivision, if at the close of any given fiscal year the balance of an employer's account within the fund exceeds [~~one hundred percent of~~] the employer's [~~payroll~~] actuarial contribution for the previous fiscal year, [~~the excess shall be applied to reduce the employer's payment to the retirement system for the next succeeding fiscal year~~] no graded payment shall be required or allowed.

§ 4. Section 319-a of the retirement and social security law is amended by adding a new subdivision f to read as follows:

f. (1) An amortizing employer may elect to terminate participation in the contribution stabilization program provided that such employer shall have paid in full all such prior year amortization amounts including interest as determined by the comptroller. Furthermore, any amortizing employer that has terminated participation in the contribution stabilization program may re-enter the program in a year in which the employer is eligible to amortize and their employer contribution reserve fund has been depleted.

(2) An alternative amortizing employer may elect to terminate participation in the alternative contribution stabilization program provided that such employer shall have paid in full all such prior year amortization amounts including interest as determined by the comptroller. Furthermore, any alternative amortizing employer that has terminated participation in the alternative contribution stabilization program may not re-enter the alternative contribution stabilization program; provided, however, such employer may enter the regular contribution stabilization program as set forth in paragraph one of this subdivision.

(3) In order to terminate participation in the contribution stabilization or alternative contribution stabilization program, such employer must file an election on a form prescribed by the comptroller. Such election is subject to review and approval by the comptroller.

(4) Termination shall take effect for the fiscal year billing cycle following the fiscal year of approval. An employer who has been approved

to terminate from the contribution stabilization or alternative contribution stabilization program pursuant to this section shall not be required to make a graded payment starting in the following fiscal year billing cycle.

(5) In the event an employer in the contribution stabilization program or alternative contribution stabilization program terminates participation pursuant to this section, any such balance in their employer contribution reserve fund shall be applied to the employer's annual bill in the maximum amount permitted under paragraph two of subdivision e of this section, for the following fiscal year and continue to be applied to future annual bills until the reserve fund is depleted.

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

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

This bill would revise the terms of participation in the New York State and Local Retirement Systems (NYSLRS) Contribution Stabilization Program (CSP). Participating employers in the NYSLRS may enter the CSP to reduce volatility in average annual contribution rates. Should employer billing rates increase rapidly, the CSP allows a portion of the increase to be amortized over 10 years for the regular CSP or 12 years for the alternative CSP. Should employer billing rates decrease rapidly, the CSP requires employers to make an additional contribution, called a graded payment. The graded payment is deposited into an interest-bearing reserve fund held within the NYSLRS for the exclusive use by the employer to reduce future amortizations.

This bill revises the CSP in the following ways:

1) Limits the value of the reserve fund assets. Graded payments would cease when the employer's reserve fund assets exceed the employer's actuarial contribution in the prior fiscal year. Currently, the reserve fund is capped at 100% of the employer's payroll.

2) Creates provisions for termination from the CSP, subject to approval by the Comptroller, provided all prior year amortizations are paid in full, including interest. Beginning the fiscal year following termination, the employer would not be required (or allowed) to make a graded payment. Any existing reserve fund assets would be used to reduce future annual bills up to the amount the employer would have been able to amortize if still in the program. The employer would be permitted to re-enter the regular CSP only if eligible to amortize, provided all reserve fund assets are depleted.

3) Allows an employer to utilize its reserve fund assets to pay a portion of its annual bill when the employer's average actuarial contribution rate exceeds the employer's graded rate. Currently, the employer's average actuarial rate must exceed the System graded rate.

If this bill is enacted during the 2023 legislative session, we anticipate some administrative costs to implement the provisions of this legislation.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 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 January 26, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-57, prepared by the Actuary for the New York State and Local Retirement System.

PART X

Intentionally Omitted

PART Y

Section 1. The opening paragraph and paragraph 1 of subdivision b and subdivision e of section 208-f of the general municipal law, paragraph 1 of subdivision b and subdivision e as added by chapter 472 of the laws of 1978 and the opening paragraph of subdivision b as amended by chapter 782 of the laws of 2022, are amended and a new subdivision k is added to read as follows:

The special accidental death benefit shall be paid by the **county,** city, town or village which employed the deceased member at the time of death, and shall consist of a pension which is equal to the salary of the deceased member, reduced by the sum of each of the following benefits received by the widow or widower or the deceased member's children under the age of eighteen, if the widow or widower has died, or to the deceased member's parents if the member has no widow, widower, children under the age of eighteen, or a student under the age of twenty-three, on account of the death of the deceased member:

1. Any death benefit and any supplementation thereto paid by the said **county,** city, town or village in the form of a pension, and

e. There shall be appropriated to the [~~local assistance fund in the~~] general fund [~~to the department of audit and control~~] an amount equal to the special accidental death benefits paid pursuant to subdivisions b and c of this section during each preceding state fiscal year, as certified to the comptroller by the appropriate municipal official, for the purposes of reimbursing such special accidental death benefits.

The monies appropriated [~~to the department of audit and control~~] and made available pursuant to this subdivision shall be paid under rules and regulations adopted by the comptroller and subject to the approval of the director of the budget upon the audit and warrant of the comptroller on vouchers certified or approved as provided by law.

k. In the case of a deceased county member who died prior to the effective date of this subdivision, the payment of the benefit to the deceased member's beneficiaries pursuant to subdivision f of this section, shall commence on the effective date of this subdivision, provided, however that the benefit amount shall be deemed to have been subject to annual increases pursuant to subdivision b of this section and escalation pursuant to subdivision c of this section, from the date of such member's death.

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

PART Z

Section 1. Paragraph (a) of subdivision 4 of section 94 of the executive law, as added by section 2 of part QQ of chapter 56 of the laws of 2022, is amended to read as follows:

(a) The first class of members of the commission shall serve staggered terms to ensure continuity. For the first class of the commission, [~~five members shall serve a term of four years, three members shall serve a term of two years, and one member shall serve a term of one year. All subsequent members shall serve a term of four years~~] **the governor's first appointee shall serve an initial term of four years, their second appointee shall serve an initial term of two years, and their third appointee shall serve an initial term of one year; the attorney general's appointee shall serve an initial term of four years; the comptroller's appointee shall serve an initial term of four years; the temporary president of the senate's first appointee shall serve an initial term of four years and their second appointee shall serve a term of two years; the minority leader of the senate's appointee shall serve an initial term of four years; the speaker of the assembly's first appointee shall serve initial terms of four years and their second appointee shall serve a term of two years; and the minority leader of the assembly's appointee shall serve a term of four years. All subsequent members shall serve a term of four years**. No member shall be selected to the commission for more than two full consecutive terms, except that a member who has held the position by filling a vacancy can only be selected to the commission for an additional two full consecutive terms.

§ 2. This act shall take effect immediately.

PART AA

Section 1. Subparagraph (A) of paragraph 7 of subdivision (ee) of section 1115 of the tax law, as amended by section 1 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(A) "Tenant" means a person who, as lessee, enters into a space lease with a landlord for a term of ten years or more commencing on or after September first, two thousand five, but not later than, in the case of a space lease with respect to leased premises located in eligible areas as defined in clause (i) of subparagraph (D) of this paragraph, September first, two thousand [~~twenty-three~~] **twenty-seven** and, in the case of a space lease with respect to leased premises located in eligible areas as defined in clause (ii) of subparagraph (D) of this paragraph not later than September first, two thousand [~~twenty-five~~] **twenty-nine**, of premises for use as commercial office space in buildings located or to be located in the eligible areas. A person who currently occupies premises for use as commercial office space under an existing lease in a building in the eligible areas shall not be eligible for exemption under this subdivision unless such existing lease, in the case of a space lease with respect to leased premises located in eligible areas as defined in clause (i) of subparagraph (D) of this paragraph expires according to its terms before September first, two thousand [~~twenty-three~~] **twenty-seven** or such existing lease, in the case of a space lease with respect

to leased premises located in eligible areas as defined in clause (ii) of subparagraph (D) of this paragraph and such person enters into a space lease, for a term of ten years or more commencing on or after September first, two thousand five, of premises for use as commercial office space in a building located or to be located in the eligible areas, provided that such space lease with respect to leased premises located in eligible areas as defined in clause (i) of subparagraph (D) of this paragraph commences no later than September first, two thousand [~~twenty-three~~] twenty-seven, and provided that such space lease with respect to leased premises located in eligible areas as defined in clause (ii) of subparagraph (D) of this paragraph commences no later than September first, two thousand [~~twenty-five~~] twenty-nine and provided, further, that such space lease shall expire no earlier than ten years after the expiration of the original lease.

§ 2. Section 2 of part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, as amended by section 2 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

§ 2. This act shall take effect September 1, 2005 and shall expire and be deemed repealed on December 1, [~~2026~~] 2030, and shall apply to sales made, uses occurring and services rendered on or after such effective date, in accordance with the applicable transitional provisions of sections 1106 and 1217 of the tax law; except that clause (i) of subparagraph (D) of paragraph seven of subdivision (ee) of section 1115 of the tax law, as added by section one of this act, shall expire and be deemed repealed December 1, [~~2024~~] 2028.

§ 3. Paragraph 1 of subdivision (b) of section 25-s of the general city law, as amended by section 3 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(1) non-residential premises that are wholly contained in property that is eligible to obtain benefits under title two-D or two-F of article four of the real property tax law, or would be eligible to receive benefits under such article except that such property is exempt from real property taxation and the requirements of paragraph (b) of subdivision seven of section four hundred eighty-nine-dddd of such title two-D, or the requirements of subparagraph (ii) of paragraph (b) of subdivision five of section four hundred eighty-nine-ccccc of such title two-F, whichever is applicable, have not been satisfied, provided that application for such benefits was made after May third, nineteen hundred eighty-five and prior to July first, two thousand [~~twenty-three~~] twenty-seven, that construction or renovation of such premises was described in such application, that such premises have been substantially improved by such construction or renovation so described, that the minimum required expenditure as defined in such title two-D or two-F, whichever is applicable, has been made, and that such real property is located in an eligible area; or

§ 4. Paragraph 3 of subdivision (b) of section 25-s of the general city law, as amended by section 4 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(3) non-residential premises that are wholly contained in real property that has obtained approval after October thirty-first, two thousand and prior to July first, two thousand [~~twenty-three~~] twenty-seven for financing by an industrial development agency established pursuant to article eighteen-A of the general municipal law, provided that such financing has been used in whole or in part to substantially improve such premises (by construction or renovation), and that expenditures

have been made for improvements to such real property in excess of ten per centum of the value at which such real property was assessed for tax purposes for the tax year in which such improvements commenced, that such expenditures have been made within thirty-six months after the earlier of (i) the issuance by such agency of bonds for such financing, or (ii) the conveyance of title to such property to such agency, and that such real property is located in an eligible area; or

§ 5. Paragraph 5 of subdivision (b) of section 25-s of the general city law, as amended by section 5 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(5) non-residential premises that are wholly contained in real property owned by such city or the New York state urban development corporation, or a subsidiary thereof, a lease for which was approved in accordance with the applicable provisions of the charter of such city or by the board of directors of such corporation, and such approval was obtained after October thirty-first, two thousand and prior to July first, two thousand [~~twenty-three~~] twenty-seven, provided, however, that such premises were constructed or renovated subsequent to such approval, that expenditures have been made subsequent to such approval for improvements to such real property (by construction or renovation) in excess of ten per centum of the value at which such real property was assessed for tax purposes for the tax year in which such improvements commenced, that such expenditures have been made within thirty-six months after the effective date of such lease, and that such real property is located in an eligible area; or

§ 6. Paragraph 2 of subdivision (c) of section 25-t of the general city law, as amended by section 6 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(2) No eligible energy user, qualified eligible energy user, on-site cogenerator, or clean on-site cogenerator shall receive a rebate pursuant to this article until it has obtained a certification from the appropriate city agency in accordance with a local law enacted pursuant to this section. No such certification for a qualified eligible energy user shall be issued on or after November first, two thousand. No such certification of any other eligible energy user, on-site cogenerator, or clean on-site cogenerator shall be issued on or after July first, two thousand [~~twenty-three~~] twenty-seven.

§ 7. Paragraph 1 of subdivision (a) of section 25-aa of the general city law, as amended by section 7 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(1) is eligible to obtain benefits under title two-D or two-F of article four of the real property tax law, or would be eligible to receive benefits under such title except that such property is exempt from real property taxation and the requirements of paragraph (b) of subdivision seven of section four hundred eighty-nine-dddd of such title two-D, or the requirements of subparagraph (ii) of paragraph (b) of subdivision five of section four hundred eighty-nine-cccccc of such title two-F, whichever is applicable, of the real property tax law have not been satisfied, provided that application for such benefits was made after the thirtieth day of June, nineteen hundred ninety-five and before the first day of July, two thousand [~~twenty-three~~] twenty-seven, that construction or renovation of such building or structure was described in such application, that such building or structure has been substantially improved by such construction or renovation, and (i) that the minimum required expenditure as defined in such title has been made, or (ii) where there is no applicable minimum required expenditure, the

building was constructed within such period or periods of time established by title two-D or two-F, whichever is applicable, of article four of the real property tax law for construction of a new building or structure; or

§ 8. Paragraphs 2 and 3 of subdivision (a) of section 25-aa of the general city law, as amended by section 8 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, are amended to read as follows:

(2) has obtained approval after the thirtieth day of June, nineteen hundred ninety-five and before the first day of July, two thousand [~~twenty-three~~] twenty-seven, for financing by an industrial development agency established pursuant to article eighteen-A of the general municipal law, provided that such financing has been used in whole or in part to substantially improve such building or structure by construction or renovation, that expenditures have been made for improvements to such real property in excess of twenty per centum of the value at which such real property was assessed for tax purposes for the tax year in which such improvements commenced, and that such expenditures have been made within thirty-six months after the earlier of (i) the issuance by such agency of bonds for such financing, or (ii) the conveyance of title to such building or structure to such agency; or

(3) is owned by the city of New York or the New York state urban development corporation, or a subsidiary corporation thereof, a lease for which was approved in accordance with the applicable provisions of the charter of such city or by the board of directors of such corporation, as the case may be, and such approval was obtained after the thirtieth day of June, nineteen hundred ninety-five and before the first day of July, two thousand [~~twenty-three~~] twenty-seven, provided that expenditures have been made for improvements to such real property in excess of twenty per centum of the value at which such real property was assessed for tax purposes for the tax year in which such improvements commenced, and that such expenditures have been made within thirty-six months after the effective date of such lease; or

§ 9. Subdivision (f) of section 25-bb of the general city law, as amended by section 9 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(f) Application and certification. An owner or lessee of a building or structure located in an eligible revitalization area, or an agent of such owner or lessee, may apply to such department of small business services for certification that such building or structure is an eligible building or targeted eligible building meeting the criteria of subdivision (a) or (q) of section twenty-five-aa of this article. Application for such certification must be filed after the thirtieth day of June, nineteen hundred ninety-five and before a building permit is issued for the construction or renovation required by such subdivisions and before the first day of July, two thousand [~~twenty-three~~] twenty-seven, provided that no certification for a targeted eligible building shall be issued after October thirty-first, two thousand. Such application shall identify expenditures to be made that will affect eligibility under such subdivision (a) or (q). Upon completion of such expenditures, an applicant shall supplement such application to provide information (i) establishing that the criteria of such subdivision (a) or (q) have been met; (ii) establishing a basis for determining the amount of special rebates, including a basis for an allocation of the special rebate among eligible revitalization area energy users purchasing or otherwise receiving energy services from an eligible redistributor of energy or a qualified eligible redistributor of energy; and (iii)

supporting an allocation of charges for energy services between eligible charges and other charges. Such department shall certify a building or structure as an eligible building or targeted eligible building after receipt and review of such information and upon a determination that such information establishes that the building or structure qualifies as an eligible building or targeted eligible building. Such department shall mail such certification or notice thereof to the applicant upon issuance. Such certification shall remain in effect provided the eligible redistributor of energy or qualified eligible redistributor of energy reports any changes that materially affect the amount of the special rebates to which it is entitled or the amount of reduction required by subdivision (c) of this section in an energy services bill of an eligible revitalization area energy user and otherwise complies with the requirements of this article. Such department shall notify the private utility or public utility service required to make a special rebate to such redistributor of the amount of such special rebate established at the time of certification and any changes in such amount and any suspension or termination by such department of certification under this subdivision. Such department may require some or all of the information required as part of an application or other report be provided by a licensed engineer.

§ 10. Paragraph 1 of subdivision (i) of section 22-601 of the administrative code of the city of New York, as amended by section 10 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(1) Non-residential premises that are wholly contained in property that is eligible to obtain benefits under part four or part five of subchapter two of chapter two of title eleven of this code, or would be eligible to receive benefits under such chapter except that such property is exempt from real property taxation and the requirements of paragraph two of subdivision g of section 11-259 of this code, or the requirements of subparagraph (b) of paragraph two of subdivision e of section 11-270 of this code, whichever is applicable, have not been satisfied, provided that application for such benefits was made after May third, nineteen hundred eighty-five and prior to July first, two thousand [~~twenty-three~~] twenty-seven, that construction or renovation of such premises was described in such application, that such premises have been substantially improved by such construction or renovation so described, that the minimum required expenditure as defined in such part four or part five, whichever is applicable, has been made, and that such real property is located in an eligible area; or

§ 11. Paragraph 3 of subdivision (i) of section 22-601 of the administrative code of the city of New York, as amended by section 11 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(3) non-residential premises that are wholly contained in real property that has obtained approval after October thirty-first, two thousand and prior to July first, two thousand [~~twenty-three~~] twenty-seven for financing by an industrial development agency established pursuant to article eighteen-A of the general municipal law, provided that such financing has been used in whole or in part to substantially improve such premises (by construction or renovation), and that expenditures have been made for improvements to such real property in excess of ten per centum of the value at which such real property was assessed for tax purposes for the tax year in which such improvements commenced, that such expenditures have been made within thirty-six months after the

earlier of (i) the issuance by such agency of bonds for such financing, or (ii) the conveyance of title to such property to such agency, and that such real property is located in an eligible area; or

§ 12. Paragraph 5 of subdivision (i) of section 22-601 of the administrative code of the city of New York, as amended by section 12 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(5) non-residential premises that are wholly contained in real property owned by such city or the New York state urban development corporation, or a subsidiary thereof, a lease for which was approved in accordance with the applicable provisions of the charter of such city or by the board of directors of such corporation, and such approval was obtained after October thirty-first, two thousand and prior to July first, two thousand [~~twenty-three~~] twenty-seven, provided, however, that such premises were constructed or renovated subsequent to such approval, that expenditures have been made subsequent to such approval for improvements to such real property (by construction or renovation) in excess of ten per centum of the value at which such real property was assessed for tax purposes for the tax year in which such improvements commenced, that such expenditures have been made within thirty-six months after the effective date of such lease, and that such real property is located in an eligible area; or

§ 13. Paragraph 1 of subdivision (c) of section 22-602 of the administrative code of the city of New York, as amended by section 13 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(1) No eligible energy user, qualified eligible energy user, on-site cogenerator, clean on-site cogenerator or special eligible energy user shall receive a rebate pursuant to this chapter until it has obtained a certification as an eligible energy user, qualified eligible energy user, on-site cogenerator, clean on-site cogenerator or special eligible energy user, respectively, from the commissioner of small business services. No such certification for a qualified eligible energy user shall be issued on or after July first, two thousand three. No such certification of any other eligible energy user, on-site cogenerator or clean on-site cogenerator shall be issued on or after July first, two thousand [~~twenty-three~~] twenty-seven. The commissioner of small business services, after notice and hearing, may revoke a certification issued pursuant to this subdivision where it is found that eligibility criteria have not been met or that compliance with conditions for continued eligibility has not been maintained. The corporation counsel may maintain a civil action to recover an amount equal to any benefits improperly obtained.

§ 14. Subparagraph (b-2) of paragraph 2 of subdivision i of section 11-704 of the administrative code of the city of New York, as amended by section 14 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(b-2) The amount of the special reduction allowed by this subdivision with respect to a lease other than a sublease commencing between July first, two thousand five and June thirtieth, two thousand [~~twenty-three~~] twenty-seven with an initial or renewal lease term of at least five years shall be determined as follows:

(i) For the base year the amount of such special reduction shall be equal to the base rent for the base year.

(ii) For the first, second, third and fourth twelve-month periods following the base year the amount of such special reduction shall be

equal to the lesser of (A) the base rent for each such twelve-month period or (B) the base rent for the base year.

§ 15. Subdivision 9 of section 499-aa of the real property tax law, as amended by section 15 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

9. "Eligibility period." The period commencing April first, nineteen hundred ninety-five and terminating March thirty-first, two thousand one, provided, however, that with respect to eligible premises defined in subparagraph (i) of paragraph (b) of subdivision ten of this section, the period commencing July first, two thousand and terminating June thirtieth, two thousand [~~twenty-four~~] twenty-eight, and provided, further, however, that with respect to eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of this section, the period commencing July first, two thousand five and terminating June thirtieth, two thousand [~~twenty-four~~] twenty-eight.

§ 16. Subparagraph (iii) of paragraph (a) of subdivision 3 of section 499-cc of the real property tax law, as amended by section 16 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(iii) With respect to the eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title and for purposes of determining whether the amount of expenditures required by subdivision one of this section have been satisfied, expenditures on improvements to the common areas of an eligible building shall be included only if work on such improvements commenced and the expenditures are made on or after July first, two thousand five and on or before December thirty-first, two thousand [~~twenty-four~~] twenty-eight; provided, however, that expenditures on improvements to the common areas of an eligible building made prior to three years before the lease commencement date shall not be included.

§ 17. Subdivisions 5 and 9 of section 499-a of the real property tax law, as amended by section 17 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, are amended to read as follows:

5. "Benefit period." The period commencing with the first day of the month immediately following the rent commencement date and terminating no later than sixty months thereafter, provided, however, that with respect to a lease commencing on or after April first, nineteen hundred ninety-seven with an initial lease term of less than five years, but not less than three years, the period commencing with the first day of the month immediately following the rent commencement date and terminating no later than thirty-six months thereafter. Notwithstanding the foregoing sentence, a benefit period shall expire no later than March thirty-first, two thousand [~~thirty~~] thirty-four.

9. "Eligibility period." The period commencing April first, nineteen hundred ninety-five and terminating March thirty-first, two thousand [~~twenty-four~~] twenty-eight.

§ 18. Paragraph (a) of subdivision 3 of section 499-c of the real property tax law, as amended by section 18 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(a) For purposes of determining whether the amount of expenditures required by subdivision one of this section have been satisfied, expenditures on improvements to the common areas of an eligible building shall be included only if work on such improvements commenced and the expenditures are made on or after April first, nineteen hundred ninety-five and

on or before September thirtieth, two thousand [~~twenty-four~~] **twenty-eight**; provided, however, that expenditures on improvements to the common areas of an eligible building made prior to three years before the lease commencement date shall not be included.

§ 19. Subdivision 8 of section 499-d of the real property tax law, as amended by section 19 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

8. Leases commencing on or after April first, nineteen hundred ninety-seven shall be subject to the provisions of this title as amended by chapter six hundred twenty-nine of the laws of nineteen hundred ninety-seven, chapter one hundred eighteen of the laws of two thousand one, chapter four hundred forty of the laws of two thousand three, chapter sixty of the laws of two thousand seven, chapter twenty-two of the laws of two thousand ten, chapter fifty-nine of the laws of two thousand fourteen, chapter twenty of the laws of two thousand fifteen, chapter **sixty-one** of the laws of two thousand seventeen [~~and the~~]**,** chapter **fifty-eight** of the laws of two thousand twenty**, and the chapter of the laws of two thousand twenty-three** that amended this phrase. Notwithstanding any other provision of law to the contrary, with respect to leases commencing on or after April first, nineteen hundred ninety-seven, an application for a certificate of abatement shall be considered timely filed if filed within one hundred eighty days following the lease commencement date or within sixty days following the date chapter six hundred twenty-nine of the laws of nineteen hundred ninety-seven became a law, whichever is later.

§ 20. Subparagraph (a) of paragraph 2 of subdivision i of section 11-704 of the administrative code of the city of New York, as amended by section 20 of item A of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(a) An eligible tenant of eligible taxable premises shall be allowed a special reduction in determining the taxable base rent for such eligible taxable premises. Such special reduction shall be allowed with respect to the rent for such eligible taxable premises for a period not exceeding sixty months or, with respect to a lease commencing on or after April first, nineteen hundred ninety-seven with an initial lease term of less than five years, but not less than three years, for a period not exceeding thirty-six months, commencing on the rent commencement date applicable to such eligible taxable premises, provided, however, that in no event shall any special reduction be allowed for any period beginning after March thirty-first, two thousand [~~thirty~~] **thirty-four**. For purposes of applying such special reduction, the base rent for the base year shall, where necessary to determine the amount of the special reduction allowable with respect to any number of months falling within a tax period, be prorated by dividing the base rent for the base year by twelve and multiplying the result by such number of months.

§ 21. This act shall take effect immediately; provided, however, that if this act shall become a law after June 30, 2023, this act shall be deemed to have been in full force and effect on and after June 30, 2023; provided further, however, that the amendments to subparagraph (A) of paragraph 7 of subdivision (ee) of section 1115 of the tax law made by section one of this act shall not affect the repeal of such subdivision and shall be repealed therewith.

PART BB

Section 1. Subdivision 12 of section 239-bb of the general municipal law is REPEALED.

§ 2. This act shall take effect immediately.

PART CC

Intentionally Omitted

PART DD

Section 1. Section 13 of chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, as amended by section 1 of part II of chapter 55 of the laws of 2022, is amended to read as follows:

§ 13. This act shall take effect immediately and shall be deemed to have been in full force and effect as of April 1, 1994, provided that, the provisions of section 5-a of the legislative law as amended by sections two and two-a of this act shall take effect on January 1, 1995, and provided further that, the provisions of article 5-A of the legislative law as added by section eight of this act shall expire June 30, [~~2023~~] **2024** when upon such date the provisions of such article shall be deemed repealed; and provided further that section twelve of this act shall be deemed to have been in full force and effect on and after April 10, 1994.

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

§ 3. This act shall take effect immediately, provided, however, if this act shall take effect on or after June 30, 2023, this act shall be deemed to have been in full force and effect on and after June 30, 2023.

PART EE

Section 1. Paragraph (b) of subdivision 5 of section 50 of the civil service law, as amended by section 35 of part PP of chapter 56 of the laws of 2022, is amended to read as follows:

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the state civil service department, subject to the approval of the director of the budget, a municipal commission, subject to the approval of the governing board or body of the city or county, as the case may be, or a regional commission or personnel officer, pursuant to governmental agreement, may elect to waive application fees, or to abolish fees for specific classes of positions or types of examinations or candidates, or to establish a uniform schedule of reasonable fees different from those prescribed in paragraph (a) of this subdivision, specifying in such schedule the classes of positions or types of examinations or candidates to which such fees shall apply; provided, however, that fees shall be waived for candidates who certify to the state civil service department, a municipal commission or a regional commission that they are unemployed and primarily responsible for the support of a household, or are receiving public assistance. Provided further, the state civil service department shall waive the state application fee for examinations for original appointment for all veterans. **Provided further, the state civil service department shall, and a municipal**

commission may, subject to the approval of the governing board or body of the city or county, as the case may be, or a regional commission or personnel officer, pursuant to governmental agreement, waive application fees for all examinations held between July first, two thousand twenty-three and December thirty-first, two thousand twenty-five. Notwithstanding any other provision of law, for purposes of this section, the term "veteran" shall mean a person who has served in the armed forces of the United States or the reserves thereof, or in the army national guard, air national guard, New York guard, or the New York naval militia, and who (1) has been honorably discharged or released from such service under honorable conditions, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service. The term "armed forces" shall mean the army, navy, air force, marine corps, and coast guard.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on December 31, 2025; provided that this act shall be deemed to have been in full force and effect on and after April 1, 2023.

PART FF

Section 1. Subdivision 2 of section 99-l of the general municipal law, as amended by chapter 388 of the laws of 2012, is amended to read as follows:

2. The [~~counties~~] county of Nassau [~~and Suffolk~~] shall be entitled to receive the amounts set forth in subdivision one of this section for the services of [~~their respective~~] Nassau county traffic and parking violations agency.

§ 2. Section 99-l of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. The county of Suffolk shall be entitled to receive the amounts set forth in subdivision one of this section for the services of the Suffolk county traffic and parking violations agency.

§ 3. This act shall take effect immediately; provided, however, that the amendments to subdivision 2 of section 99-l of the general municipal law made by section one of this act shall take effect on the same date as the reversion of subdivision 2 of section 99-l of the general municipal law as provided in section 6 of chapter 179 of the laws of 2000, as amended.

PART GG

Section 1. Section 89-e of the retirement and social security law is amended by adding a new subdivision k to read as follows:

k. Notwithstanding any provision of law to the contrary, where a correction officer would have been entitled to retire pursuant to this section at the time of his or her death and where his or her death occurs on or after the effective date of the chapter of the laws of two thousand twenty-three that added this subdivision, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

§ 2. The retirement and social security law is amended by adding a new section 606-c to read as follows:

§ 606-c. Death benefits for correction officers employed by Westchester county. a. As used in this section, the term "correction officer" shall mean a person employed by the Westchester county correction department with a title of correction officer, correction officer-sergeant, correction officer-captain, assistant warden, associate warden or warden.

b. Notwithstanding any provision of law to the contrary, where a correction officer would have been entitled to a service retirement benefit at the time of his or her death and where his or her death occurs on or after the effective date of the chapter of the laws of two thousand twenty-three that added this section, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

§ 3. All past service costs associated with implementing the provisions of this act shall be borne by the county of Westchester and may be amortized over a period of ten years.

§ 4. Notwithstanding any other provision of law to the contrary, none of the provisions of this act shall be subject to the appropriation requirement of section 25 of the retirement and social security law.

§ 5. This act shall take effect immediately.

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

This bill would modify the in-service death benefit for Westchester County correction officers in Tiers 2 through 6. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death.

If this bill is enacted during the 2023 legislative session, we anticipate that there will be an increase of approximately $110,000 in the annual contributions of Westchester County for the fiscal year ending March 31, 2024. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $812,000 which will be borne by Westchester County as a one-time payment. This estimate assumes that payment will be made on February 1, 2024. If Westchester County elects to amortize this cost over a 10-year period, the cost for the first year including interest would be $104,000.

These estimated costs are based on 821 affected members employed by Westchester County, with annual salary of approximately $103 million as of March 31, 2022.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 January 11, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-20, prepared by the Actuary for the New York State and Local Retirement System.

PART HH

Section 1. Paragraph 2 of subdivision c of section 513 of the retirement and social security law, as added by chapter 890 of the laws of 1976, is amended to read as follows:

2. **(i)** A police/fire member shall be eligible to obtain credit for service with a public employer described in paragraph one only if such service, if rendered prior to July first, nineteen hundred seventy-six by a police/fire member who was subject to article eleven of this chapter, would have been eligible for credit in the police/fire retirement system or plan involved.

(ii) Notwithstanding any other provision of law to the contrary, a member of the New York city fire department pension fund subject to this article shall be eligible to obtain credit for any period of allowable service rendered as an EMT member, as such term is defined in paragraph one of subdivision a of section six hundred four-e of this chapter, as added by chapter five hundred seventy-seven of the laws of two thousand, which immediately precedes service in the uniformed force of the fire department and such service shall be deemed to be in service of the uniformed force of the fire department for purposes of eligibility for benefits and to determine the amount of benefits under the New York city fire department pension fund, provided that such member pays or transfers into the New York city fire department pension fund all member contributions set forth in section five hundred seventeen of this article plus interest, at a rate of five percent per annum. For a member who transfers such contributions from the New York city employees' retirement system to the New York city fire department pension fund or for a member who withdraws such contributions from the New York city employees' retirement system, such member's membership in the New York city employees' retirement system shall cease upon such transfer or withdrawal and such member shall retain no credited service in such system.

(iii) The provisions of this paragraph shall apply to a member with ten or more years of credited service in the New York city employees' retirement system, notwithstanding the provisions of section six hundred thirteen of this chapter or any other provision of law to the contrary.

§ 2. This act shall take effect immediately.

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

SUMMARY OF BILL: This proposed legislation would amend subdivision c of section 513 of the Retirement and Social Security Law (RSSL) to allow New York City Fire Pension Fund (FIRE) members subject to Article 14 (Tier 3, Tier 3 Modified, and Tier 3 Enhanced) to obtain service credit for service rendered as an emergency medical technician (EMT) with the New York City Employee's Retirement System (NYCERS).

The EMT service credit with NYCERS must immediately precede service in FIRE. If properly transferred or purchased, such service shall be deemed

as pensionable service for purposes of determining the eligibility for benefits and benefit amounts in FIRE.

Upon attaining eligible service credit with FIRE, the member would relinquish prior membership and applicable benefits with NYCERS.

Effective Date: Upon enactment.

IMPACT ON BENEFITS/PAYABILITY: Currently, the purchase or transfer of service rendered as a NYCERS EMT member does not provide an additional service retirement benefit for FIRE members subject to Article 14.

Under the proposed legislation, EMT service transferred or purchased would count for purposes of determining benefit amounts and eligibility in FIRE and would increase and/or accelerate the payability date of benefits.

MEMBER CONTRIBUTIONS: Member contributions as defined in Article 14, plus 5.0% annual interest, for EMT service purchased or transferred would apply.

Member contributions made as a NYCERS EMT member in excess of the amount required would, if not otherwise utilized for a separate vested benefit, be refunded with 5.0% annual interest.

FINANCIAL IMPACT - PRESENT VALUES: Based on the census data and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would result in an increase in the present value of future employer contributions of approximately $19.3 million.

This net increase is a result of an increase in the Present Value of Future Benefits (PVFB) of approximately $16.7 million and a decrease in the present value of member contributions of approximately $2.6 million.

Under the Entry Age Normal cost method used to determine the employer contributions to FIRE, there would be an increase in the Unfunded Accrued Liability (UAL) of approximately $40.6 million offset by a decrease in the present value of future employer Normal Cost of approximately $21.3 million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: The enactment of this proposed legislation would result in an initial increase in annual employer contributions of approximately $3.9 million which is the result of a decrease in the Normal Cost offset by the UAL payment. The average annual employer cost per member included in this fiscal note is approximately $3,100.

New UAL attributable to benefit changes are generally amortized over the remaining working lifetime of those impacted by the benefit changes. The remaining working lifetime for this group is approximately 19 years and the increase in UAL was therefore amortized over a 19-year period (18 payments under the One-Year Lag Methodology) using level dollar payments.

CENSUS DATA: The estimates presented herein are based on the census data used in the June 30, 2022 actuarial valuation of FIRE to determine the Preliminary Fiscal Year 2024 employer contributions.

There are an estimated 1,261 active FIRE Tier 3 members as of June 30, 2022 who could potentially benefit from the proposed legislation by purchasing or transferring service earned as an EMT member. These active members had an average age of approximately 32.3 years, average service of approximately 5.3 years (before purchasing any additional service), and an average salary of approximately $98,500.

On average, the 1,261 active FIRE Tier 3 members would be able to purchase 3.0 years of service earned as an EMT member with an estimated purchase cost of $7,400 per former EMT member as of June 30, 2022.

ACTUARIAL 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 2024 employer contributions of FIRE.

For the purposes of this Fiscal Note, it is assumed that the changes would be reflected for the first time in the June 30, 2022 actuarial valuation of FIRE used to determine employer contributions for Fiscal Year 2024.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions 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.

Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

* The employer costs for service purchased by future FIRE Tier 3 members for service earned as an EMT member. However, as noted above, the average annual employer cost per member included in this Fiscal Note is approximately $3,100.

* The initial, additional administrative costs to implement the proposed legislation.

* The impact of this proposed legislation on Other Postemployment Benefit costs.

STATEMENT OF ACTUARIAL OPINION: I, Marek Tyszkiewicz, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am an Associate of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my 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 2023-01 dated February 10, 2023 was prepared by the Chief Actuary for the New York City Fire Pension Fund. This estimate is intended for use only during the 2023 Legislative Session.

PART II

Section 1. Section 63-g of the retirement and social security law, as added by chapter 714 of the laws of 2021, is amended to read as follows:

§ 63-g. Disability benefits; certain disabilities. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, any member who is a **county fire marshal,** fire marshal, supervising fire marshal, division supervising fire marshal, assistant chief fire marshal, chief fire marshal**, assistant fire marshal,** or fire marshal trainee employed by Nassau county who contracts any condition of impairment of health caused by diseases of the heart, resulting in disability or death to such **county fire marshal,** fire marshal, supervising fire marshal, division supervising fire marshal, assistant chief fire marshal, chief fire marshal**, assistant fire marshal,** or fire marshal trainee, presently employed, and who shall have sustained such disability while so employed, shall be presumptive evidence that such disability was incurred in the performance and discharge of duty and the natural and proximate result of an accident, unless the contrary be proved by

competent evidence; provided, however, that prior to entry into service, such **county fire marshal,** fire marshal, supervising fire marshal, division supervising fire marshal, assistant chief fire marshal, chief fire marshal**, assistant fire marshal,** or fire marshal trainee successfully passed a physical examination which failed to disclose evidence of any disease or other impairment of the heart.

§ 2. The retirement and social security law is amended by adding a new section 63-i to read as follows:

§ 63-i. Death benefits for fire marshals employed by Nassau county. a. As used in this section, the term "fire marshal" shall mean a member who is employed by Nassau county with a title of county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal, chief fire marshal, and division supervising fire marshal.

b. Notwithstanding any provision of law to the contrary, where a fire marshal would have been entitled to a service retirement benefit at the time of his or her death and where his or her death occurs on or after the effective date of this section, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

§ 3. Subdivisions a and j of section 89-w of the retirement and social security law, as added by chapter 295 of the laws of 2007, are amended to read as follows:

a. A member who serves as a county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal [~~or~~]**,** chief fire marshal **or division supervising fire marshal** and is employed by the county of Nassau shall be eligible to retire pursuant to the provisions of this section. Such eligibility shall be an alternative to the eligibility provisions available under any other plan of this article to which such member is subject. The county executive of the county of Nassau shall certify to the comptroller, periodically and at such intervals of time as may be required of him or her and in such fashion as may be prescribed, the identity of the eligible county fire marshal, supervising fire marshals, fire marshals, assistant fire marshals, assistant chief fire marshals [~~and~~]**,** chief fire marshals **and division supervising fire marshals** in his or her employ.

j. Notwithstanding any provision of this section or of any other provision of law to the contrary, county fire marshals, supervising fire marshals, fire marshals, assistant fire marshals, assistant chief fire marshals [~~and~~]**,** chief fire marshals **and division supervising fire marshals** must serve five years within the Nassau county fire marshal department after the effective date of this section before they are eligible to retire under the provisions of the twenty-five year retirement plan.

§ 4. Subdivision a of section 445 of the retirement and social security law, as amended by chapter 245 of the laws of 2021, is amended to read as follows:

a. No member of a retirement system who is subject to the provisions of this article shall retire without regard to age, exclusive of retirement for disability, unless he or she is a police officer, an investigator member of the New York city employees' retirement system, firefighter, correction officer, a qualifying member as defined in section eighty-nine-t, as added by chapter six hundred fifty-seven of the laws

of nineteen hundred ninety-eight, of this chapter, sanitation worker, a special officer (including persons employed by the city of New York in the title urban park ranger or associate urban park ranger), school safety agent, campus peace officer or a taxi and limousine commission inspector member of the New York city employees' retirement system or the New York city board of education retirement system, a dispatcher member of the New York city employees' retirement system, a police communications member of the New York city employees' retirement system, an EMT member of the New York city employees' retirement system, a deputy sheriff member of the New York city employees' retirement system, a correction officer of the Westchester county correction department as defined in section eighty-nine-e of this chapter or employed in Suffolk county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred eighty-eight of the laws of nineteen hundred ninety-seven, of this chapter, employed in Suffolk county as a correction officer, as defined in section eighty-nine-f of this chapter, or employed in Nassau county as a correction officer, uniformed correction division personnel, sheriff, undersheriff or deputy sheriff, as defined in section eighty-nine-g of this chapter, or employed in Nassau county as an ambulance medical technician, an ambulance medical technician/supervisor or a member who performs ambulance medical technician related services, or a police medic, police medic supervisor or a member who performs police medic related services, as defined in section eighty-nine-s, as amended by chapter five hundred seventy-eight of the laws of nineteen hundred ninety-eight, of this chapter, or employed in Nassau county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred ninety-five of the laws of nineteen hundred ninety-seven, of this chapter, or employed in Albany county as a sheriff, undersheriff, deputy sheriff, correction officer or identification officer, as defined in section eighty-nine-h of this chapter or is employed in St. Lawrence county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-i of this chapter or is employed in Orleans county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-l of this chapter or is employed in Jefferson county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-j of this chapter or is employed in Onondaga county as a deputy sheriff-jail division competitively appointed or as a correction officer, as defined in section eighty-nine-k of this chapter or is employed in a county which makes an election under subdivision j of section eighty-nine-p of this chapter as a sheriff, undersheriff, deputy sheriff or correction officer as defined in such section eighty-nine-p or is employed in Broome County as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-m of this chapter or is a Monroe county deputy sheriff-court security, or deputy sheriff-jailor as defined in section eighty-nine-n, as added by chapter five hundred ninety-seven of the laws of nineteen hundred ninety-one, of this chapter or is employed in Greene county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-o of this chapter or is a traffic officer with the town of Elmira as defined in section eighty-nine-q of this chapter or is employed by Suffolk county as a park police officer, as defined in section eighty-nine-r of this chapter or is a peace officer employed by a county probation department as defined in section eighty-nine-t, as added by chapter six hundred three of the laws of nineteen hundred ninety-eight, of this chapter or is employed in Rockland county as a deputy

sheriff-civil as defined in section eighty-nine-v of this chapter as added by chapter four hundred forty-one of the laws of two thousand one, or is employed in Rockland county as a superior correction officer as defined in section eighty-nine-v of this chapter as added by chapter five hundred fifty-six of the laws of two thousand one or is a paramedic employed by the police department in the town of Tonawanda and retires under the provisions of section eighty-nine-v of this chapter, as added by chapter four hundred seventy-two of the laws of two thousand one, or is a county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal [~~or~~], chief fire marshal**, division supervising fire marshal or fire marshal trainee** employed by the county of Nassau as defined in section eighty-nine-w of this chapter and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age. Except as provided in subdivision c of section four hundred forty-five-a of this article, subdivision c of section four hundred forty-five-b of this article, subdivision c of section four hundred forty-five-c of this article, subdivision c of section four hundred forty-five-d of this article, subdivision c of section four hundred forty-five-e of this article, subdivision c of section four hundred forty-five-f of this article and subdivision c of section four hundred forty-five-h of this article, a member in such a plan and such an occupation, other than a police officer or investigator member of the New York city employees' retirement system or a firefighter, shall not be permitted to retire prior to the completion of twenty-five years of credited service; provided, however, if such a member in such an occupation is in a plan which permits retirement upon completion of twenty years of service regardless of age, he or she may retire upon completion of twenty years of credited service and prior to the completion of twenty-five years of service, but in such event the benefit provided from funds other than those based on such a member's own contributions shall not exceed two per centum of final average salary per each year of credited service.

§ 5. The retirement and social security law is amended by adding a new section 508-c to read as follows:

§ 508-c. Death benefits for fire marshals employed by Nassau county. a. As used in this section, the term "fire marshal" shall mean a member who is employed by Nassau county with a title of county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal, chief fire marshal, or division supervising fire marshal.

b. Notwithstanding any provision of law to the contrary, where a fire marshal would have been entitled to a service retirement benefit at the time of his or her death and where his or her death occurs on or after the effective date of this section, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

§ 6. Subdivision s of section 603 of the retirement and social security law, as added by chapter 295 of the laws of 2007, is amended to read as follows:

s. The service retirement benefit specified in section six hundred four of this article shall be payable to members with twenty-five years of creditable service, without regard to age, who are employed in the county of Nassau as a county fire marshal, supervising fire marshal,

fire marshal, assistant fire marshal, assistant chief fire marshal [~~or~~], chief fire marshal **or division supervising fire marshal** as defined in section eighty-nine-w of this chapter if: (i) such members have met the minimum service requirements upon retirement, and (ii) in the case of a member subject to the provisions of article fourteen of this chapter, such member files an election therefor which provides that he or she will be subject to the provisions of this article and to none of the provisions of such article fourteen. Such election, which shall be irrevocable, shall be in writing, duly executed and shall be filed with the comptroller within one year of the effective date of this subdivision or within one year after entering the employment with such county upon which eligibility is based, whichever comes later. For the purposes of this subdivision, the term "creditable service" shall have the meaning as so defined in both sections eighty-nine-w and six hundred one of this chapter.

§ 7. Subdivision t of section 604 of the retirement and social security law, as added by chapter 295 of the laws of 2007, is amended to read as follows:

t. The early service retirement benefit for a member who is employed in the county of Nassau as a county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal [~~or~~], chief fire marshal **or division supervising fire marshal** as defined in section eighty-nine-w of this chapter shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of twenty-five years of service as such county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal [~~or~~], chief fire marshal **or division supervising fire marshal**, but not exceeding one-half of his or her final average salary.

§ 8. The opening paragraph of subdivision a and subdivision g of section 605-d of the retirement and social security law, as added by chapter 416 of the laws of 2013, are amended to read as follows:

A member employed as a chief fire marshal, assistant **chief** fire marshal, division supervising fire marshal, supervising fire marshal, fire marshal or fire marshal trainee in Nassau county shall be entitled to an accidental disability retirement allowance if, at the time application therefor is filed, such member is:

g. Notwithstanding any other provision of law, this section shall apply to chief fire marshals, assistant **chief** fire marshals, division supervising fire marshals, supervising fire marshals, fire marshals and fire marshal trainees in Nassau county who were hired on or after July twenty-seventh, nineteen hundred seventy-six.

§ 9. Section 605-f of the retirement and social security law, as added by chapter 714 of the laws of 2021, is amended to read as follows:

§ 605-f. Disability benefits; certain disabilities. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, any member who is a **county fire marshal,** fire marshal, supervising fire marshal, division supervising fire marshal, assistant chief fire marshal, chief fire marshal**, assistant fire marshal,** or fire marshal trainee employed by Nassau county who contracts any condition of impairment of health caused by diseases of the heart, resulting in disability or death to such **county fire marshal,** fire marshal, supervising fire marshal, division supervising fire marshal, assistant chief fire marshal, chief fire marshal**, assistant fire marshal,** or fire marshal trainee, presently employed, and who shall have sustained such disability while so employed, shall be presumptive evidence that such disability

was incurred in the performance and discharge of duty and the natural and proximate result of an accident, unless the contrary be proved by competent evidence; provided, however, that prior to entry into service, such **county fire marshal,** fire marshal, supervising fire marshal, division supervising fire marshal, assistant chief fire marshal, chief fire marshal**, assistant fire marshal,** or fire marshal trainee successfully passed a physical examination which failed to disclose evidence of any disease or other impairment of the heart.

§ 10. The retirement and social security law is amended by adding a new section 606-c to read as follows:

§ 606-c. Death benefits for fire marshals employed by Nassau county. a. As used in this section, the term "fire marshal" shall mean a member who is employed by Nassau county with a title of county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal, chief fire marshal, or division supervising fire marshal.

b. Notwithstanding any provision of law to the contrary, where a fire marshal would have been entitled to a service retirement benefit at the time of his or her death and where his or her death occurs on or after the effective date of this section, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

§ 11. Subdivision a of section 607-j of the retirement and social security law, as added by chapter 524 of the laws of 2021, is amended to read as follows:

a. The county of Nassau shall make the benefits provided herein available to **county fire marshals,** chief fire marshals, assistant chief fire marshals, division supervising fire marshals, supervising fire marshals, fire marshals**, assistant fire marshals** and fire marshal trainees in the employ of Nassau county.

§ 12. All past service costs associated with implementing the provisions of this act shall be borne by the county of Nassau and may be amortized over a period of ten years.

§ 13. Notwithstanding any provision of law to the contrary, none of the provisions of this act shall be subject to the appropriation requirement of section twenty-five of the retirement and social security law.

§ 14. This act shall take effect immediately.

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

This bill would modify the in-service death benefit for retirement eligible members of the New York State and Local Employees' Retirement System who are employed by Nassau County in certain fire marshal job titles. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death.

If this bill is enacted during the 2023 legislative session, we anticipate that there will be an increase of approximately $5,400 in the annual contributions of Nassau County for the fiscal year ending March 31, 2024. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $48,700 which will be borne by Nassau County as a one-time payment. This estimate assumes that payment will be made on February 1, 2024. If Nassau County elects to

amortize this cost over a 10-year period, the cost for the first year including interest would be $6,220.

These estimated costs are based on 44 affected members employed by Nassau County, with annual salary of approximately $5.0 million as of March 31, 2022.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 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 January 31, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-21, prepared by the Actuary for the New York State and Local Retirement System.

PART JJ

Section 1. Paragraphs 1 and 2 of subdivision b of section 517-c of the retirement and social security law, paragraph 1 as amended and paragraph 2 as added by chapter 303 of the laws of 2017, are amended to read as follows:

1. A member of the New York state and local employees' retirement system, the New York state and local police and fire retirement system, the New York city employees' retirement system [~~or~~], the New York city board of education retirement system **or the New York city police pension fund** in active service who has credit for at least one year of member service may borrow, no more than once during each twelve month period, an amount not exceeding seventy-five percent of the total contributions made pursuant to section five hundred seventeen of this article (including interest credited at the rate set forth in subdivision c of such section five hundred seventeen compounded annually) and not less than one thousand dollars, provided, however, that the provisions of this section shall not apply to a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member.

2. A member of the New York state and local employees' retirement system who first joins such system on or after January first, two thousand eighteen**, or a member of the New York city police pension fund who first joins such system on or after January first, two thousand eighteen** in active service who has credit for at least one year of member service may borrow, no more than once during each twelve month period, an amount, not less than one thousand dollars and which would not cause the balance owed pursuant to this section, including any amounts borrowed

then outstanding, to exceed (i) fifty percent of the member's total contributions made pursuant to section five hundred seventeen of this article (including interest credited at the rate set forth in subdivision c of such section five hundred seventeen compounded annually); or (ii) fifty thousand dollars, whichever is less.

§ 2. Subdivisions d and i of section 517-c of the retirement and social security law, subdivision d as added by chapter 920 of the laws of 1990 and subdivision i as amended by chapter 426 of the laws of 2018, are amended to read as follows:

d. The rate of interest payable upon loans made pursuant to this section shall: (1) for members of the New York state and local employees' retirement system, be one percent less than the valuation rate of interest adopted for such system, however, in no event shall the rate be less than the rate set forth in subdivision c of section five hundred seventeen of this article; (2) for members of the New York city employees' retirement system, be one percent less than the regular interest rate established pursuant to [~~subdivision (c) of section 13-101.12~~] **paragraph (c) of subdivision twelve of section 13-101** of the administrative code of the city of New York for such system, however, in no event shall the rate be less than the rate set forth in subdivision c of section five hundred seventeen of this article; [~~and~~] (3) for members of the New York city board of education retirement system, be one percent less than the regular interest rate established pursuant to subparagraph four of paragraph (b) of subdivision sixteen of section twenty-five hundred seventy-five of the education law for such system, however, in no event shall the rate be less than the rate set forth in subdivision c of section five hundred seventeen of this article**; and (4) for members of the New York city police pension fund, be the regular interest rate established pursuant to subdivision b of section 13-638.2 of the administrative code of the city of New York for such system, however, in no event shall the rate be less than the rate set forth in subdivision c of section five hundred seventeen of this article**. Whenever there is a change in the interest rate, it shall be applicable to loans made or renegotiated after the date of such change in the interest rate.

i. Notwithstanding the provisions of section five hundred sixteen of this article, whenever a member of such a retirement system, for whom a loan is outstanding, retires, the retirement allowance payable without optional modification shall be reduced by a life annuity which is actuarially equivalent to the amount of the outstanding loan (all outstanding loans shall continue to accrue interest charges until retirement), such life annuity being calculated utilizing the interest rate on thirty year United States treasury bonds as of January first of the calendar year of the effective date of retirement and the mortality tables for options available under section five hundred fourteen of this article. A retiree of the New York city employees' retirement system, board of education retirement system of the city of New York, [~~or~~] the New York state and local employees' retirement system**, or the New York city police pension fund** whose benefit has been so reduced may repay the outstanding balance of the loan at any time. Benefits payable after the repayment of the loan shall not be subject to the actuarial reduction required by this subdivision.

§ 3. This act shall take effect immediately.

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

SUMMARY OF BILL: This proposed legislation would amend the Retirement and Social Security Law (RSSL) to permit Tier 3, Tier 3 Revised, and Tier 3 Enhanced members (who are subject to Article 14) of the New York

City Police Pension Fund (POLICE) to take loans against their accumulated total member contributions with interest.

Effective Date: Upon enactment.

BACKGROUND: Tier 1 and Tier 2 members of POLICE are generally permitted, subject to certain restrictions, to borrow from their accumulated Basic Member Contributions (BMC) with interest. However, Tier 3, Tier 3 Revised, and Tier 3 Enhanced members are currently not permitted to take loans on their contributions.

The proposed legislation would permit Tier 3, Tier 3 Revised, and Tier 3 Enhanced members of POLICE to borrow from their accumulated total member contributions, which include Enhanced Plan Additional Member Contributions (AMC). Loans may be taken no more than once a year, and the dollar amount is subject to minimum and maximum restrictions. For members with a date of membership before January 1, 2018, the members may take out a loan up to 75% of their total contributions plus accumulated interest. For members with a date of membership on and after January 1, 2018, the loan is limited to 50% of their total member contributions plus accumulated interest or $50,000, whichever is less.

FINANCIAL IMPACT: In the event an outstanding loan exists at retirement, the balance of the unpaid loan is converted to an annuity based on the yield on 30-year U.S. Treasury securities and deducted from the annual retirement allowance otherwise payable. This conversion is made on an actuarial basis that is different than the basis used to determine the employer contribution to POLICE. As a result of this difference in actuarial bases and based on the census data and actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the Present Value of Future Benefits (PVFB) by approximately $43.7 million.

Under the Entry Age Normal cost method used to determine the employer contributions to POLICE, there would be an increase in the Unfunded Accrued Liability (UAL) of approximately $11.3 million and an increase in the Present Value of Future Employer Normal Cost of approximately $32.4 million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: The enactment of this proposed legislation would result in an initial increase in annual employer contributions of approximately $3.4 million. This increase consists of an increase in the Normal Cost in addition to the UAL payment.

Future costs will vary based on the amount of member contributions eligible for loans. Individual member balances are expected to increase, however in the future, a larger portion of the membership will have membership dates on or after January 1, 2018, and therefore be limited to a maximum loan percentage of 50% and a maximum loan amount of $50,000.

New UAL attributable to benefit changes are generally amortized over the remaining working lifetime of those impacted by the benefit changes. The remaining working lifetime for this group is approximately 18 years and the increase in UAL was therefore amortized over an 18-year period (17 payments under the One-Year Lag Methodology) using level dollar payments.

CENSUS DATA: The estimates presented herein are based on the census data used in the June 30, 2022 actuarial valuation of POLICE to determine the Preliminary Fiscal Year 2024 employer contributions.

The 19,375 Tier 3, Tier 3 Revised, and Tier 3 Enhanced members in POLICE as of June 30, 2022 had an average age of approximately 32.2

years, average service of approximately 5.7 years, and an average salary of approximately $101,600.

ACTUARIAL ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the actuarial assumptions and methods used for the Preliminary Fiscal Year 2024 employer contributions of POLICE.

For the purposes of this Fiscal Note, it is assumed that the changes would be reflected for the first time in the June 30, 2022 actuarial valuation of POLICE used to determine employer contributions for Fiscal Year 2024.

It has been further assumed that the yield on 30-year U.S. Treasury securities, on a long-term basis would equal 3.5% per year and that 25% of member balances available for borrowing would be taken as loans at retirement.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions 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.

Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

* The initial additional administrative costs to implement the proposed legislation.

STATEMENT OF ACTUARIAL OPINION: I, Marek Tyszkiewicz, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am an Associate of the Society of Actuaries and a Member of the American Academy of Actuaries. I am a member of NYCERS but do not believe it impairs my objectivity and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my 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 2023-24 dated April 5, 2023 was prepared by the Chief Actuary for the New York City Police Pension Fund. This estimate is intended for use only during the 2023 Legislative Session.

PART KK

Section 1. The retirement and social security law is amended by adding a new section 89-x to read as follows:

§ 89-x. Retirement of deputy sheriffs-civil in Monroe county. a. A member employed in Monroe county shall be eligible to retire pursuant to the provisions of section eighty-nine-p of this title if the county of Monroe elects to make the benefits provided in section eighty-nine-p of this title available to the sheriff, undersheriffs, deputy sheriffs and correction officers of such county and if he or she is a deputy sheriff-civil of such county. Such eligibility shall be an alternative to the eligibility provisions available under any other plan of this article to which such member is subject.

b. The term "creditable service" shall include any and all services performed as a deputy sheriff-civil of Monroe county and other credita-

ble service as defined in subdivisions d and e of section eighty-nine-p of this title.

c. Monroe county is authorized to adopt a resolution on or before December thirty-first, two thousand twenty-four to extend the provisions of this section to those members defined in subdivision a of this section. A certified copy of such resolution must be filed with the comptroller and may contain an election that any past service cost be paid over either a five-year or ten-year period. Such resolution shall be accompanied by the affidavit of the chief executive officer of Monroe county that the county has received an estimate from the retirement system of the cost of the benefit provided by this section.

d. The sheriff shall certify to the comptroller, periodically and at such intervals of time as may be required of him or her and in such fashion as may be prescribed, the identity of the deputy sheriffs-civil of Monroe county.

e. Unless otherwise indicated in this section, the provisions of section eighty-nine-p of this title shall be controlling.

§ 2. Subdivision a of section 445 of the retirement and social security law, as amended by chapter 245 of the laws of 2021, is amended to read as follows:

a. No member of a retirement system who is subject to the provisions of this article shall retire without regard to age, exclusive of retirement for disability, unless he or she is a police officer, an investigator member of the New York city employees' retirement system, firefighter, correction officer, a qualifying member as defined in section eighty-nine-t, as added by chapter six hundred fifty-seven of the laws of nineteen hundred ninety-eight, of this chapter, sanitation worker, a special officer (including persons employed by the city of New York in the title urban park ranger or associate urban park ranger), school safety agent, campus peace officer or a taxi and limousine commission inspector member of the New York city employees' retirement system or the New York city board of education retirement system, a dispatcher member of the New York city employees' retirement system, a police communications member of the New York city employees' retirement system, an EMT member of the New York city employees' retirement system, a deputy sheriff member of the New York city employees' retirement system, a correction officer of the Westchester county correction department as defined in section eighty-nine-e of this chapter or employed in Suffolk county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred eighty-eight of the laws of nineteen hundred ninety-seven, of this chapter, employed in Suffolk county as a correction officer, as defined in section eighty-nine-f of this chapter, or employed in Nassau county as a correction officer, uniformed correction division personnel, sheriff, undersheriff or deputy sheriff, as defined in section eighty-nine-g of this chapter, or employed in Nassau county as an ambulance medical technician, an ambulance medical technician/supervisor or a member who performs ambulance medical technician related services, or a police medic, police medic supervisor or a member who performs police medic related services, as defined in section eighty-nine-s, as amended by chapter five hundred seventy-eight of the laws of nineteen hundred ninety-eight, of this chapter, or employed in Nassau county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred ninety-five of the laws of nineteen hundred ninety-seven, of this chapter, or employed in Albany county as a sheriff, undersheriff, deputy sheriff, correction officer or identification officer, as defined in section eighty-nine-h of this chapter or is

employed in St. Lawrence county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-i of this chapter or is employed in Orleans county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-l of this chapter or is employed in Jefferson county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-j of this chapter or is employed in Onondaga county as a deputy sheriff-jail division competitively appointed or as a correction officer, as defined in section eighty-nine-k of this chapter or is employed in a county which makes an election under subdivision j of section eighty-nine-p of this chapter as a sheriff, undersheriff, deputy sheriff or correction officer as defined in such section eighty-nine-p or is employed in Broome County as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-m of this chapter or is a Monroe county deputy sheriff-court security, or deputy sheriff-jailor as defined in section eighty-nine-n, as added by chapter five hundred ninety-seven of the laws of nineteen hundred ninety-one, of this chapter or is employed in Greene county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-o of this chapter or is a traffic officer with the town of Elmira as defined in section eighty-nine-q of this chapter or is employed by Suffolk county as a park police officer, as defined in section eighty-nine-r of this chapter or is a peace officer employed by a county probation department as defined in section eighty-nine-t, as added by chapter six hundred three of the laws of nineteen hundred ninety-eight, of this chapter or is employed in Rockland county as a deputy sheriff-civil as defined in section eighty-nine-v of this chapter as added by chapter four hundred forty-one of the laws of two thousand one, or is employed in Rockland county as a superior correction officer as defined in section eighty-nine-v of this chapter as added by chapter five hundred fifty-six of the laws of two thousand one or is a paramedic employed by the police department in the town of Tonawanda and retires under the provisions of section eighty-nine-v of this chapter, as added by chapter four hundred seventy-two of the laws of two thousand one, or is a county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal or chief fire marshal employed by the county of Nassau as defined in section eighty-nine-w of this chapter **or is employed in Monroe county as a deputy sheriff-civil as defined in section eighty-nine-x of this chapter** and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age. Except as provided in subdivision c of section four hundred forty-five-a of this article, subdivision c of section four hundred forty-five-b of this article, subdivision c of section four hundred forty-five-c of this article, subdivision c of section four hundred forty-five-d of this article, subdivision c of section four hundred forty-five-e of this article, subdivision c of section four hundred forty-five-f of this article and subdivision c of section four hundred forty-five-h of this article, a member in such a plan and such an occupation, other than a police officer or investigator member of the New York city employees' retirement system or a firefighter, shall not be permitted to retire prior to the completion of twenty-five years of credited service; provided, however, if such a member in such an occupation is in a plan which permits retirement upon completion of twenty years of service regardless of age, he or she may retire upon completion of twenty years of credited service and prior to the completion of twenty-five years of service, but in such event the bene-

fit provided from funds other than those based on such a member's own contributions shall not exceed two per centum of final average salary per each year of credited service.

§ 3. Section 603 of the retirement and social security law is amended by adding a new subdivision u to read as follows:

u. The service retirement benefit specified in section six hundred four of this article shall be payable to members with twenty-five or more years of creditable service, without regard to age, who are employed as deputy sheriffs-civil in Monroe county, as defined in section eighty-nine-x of this chapter if: (i) such members have met the minimum service requirements upon retirement, and (ii) in the case of a member subject to the provisions of article fourteen of this chapter, such member files an election therefor which provides that he or she will be subject to the provisions of this article and to none of the provisions of such article fourteen. Such election, which shall be irrevocable, shall be in writing, duly executed and shall be filed with the comptroller on or before December thirty-first, two thousand twenty-four or within one year of entering into service as a deputy sheriff-civil in Monroe county. The term "creditable service" shall have the meaning as so defined in section eighty-nine-x and subdivision c of section six hundred one of this chapter.

§ 4. Section 604 of the retirement and social security law is amended by adding a new subdivision u to read as follows:

u. The early service retirement for a member who is employed as a deputy sheriff-civil as defined in section eighty-nine-x of this chapter, shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of twenty-five years of service as such deputy sheriff-civil, but not exceeding one-half of his or her final average salary.

§ 5. All past service costs associated with implementing the provisions of this act shall be borne by Monroe County.

§ 6. This act shall take effect immediately.

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

This bill would permit members of the New York State and Local Employees' Retirement System (NYSLERS) who are employed by Monroe County in the title of deputy sheriff-civil, as certified by the sheriff, to retire upon completion of twenty-five (25) years of creditable service with a benefit of one-half (50%) final average salary, provided Monroe County has filed a resolution with the New York State Comptroller to provide such benefits on or before December 31, 2024. Additionally, for those members covered under the provisions of Article 14, this bill would permit an irrevocable election to forfeit the benefits of Article 14 in favor of the 25-year plan benefit, when elected on or before December 31, 2024 or within one year of entering service as a deputy sheriff-civil with Monroe County.

If this bill is enacted during the 2023 legislative session, we anticipate that there will be an increase of approximately $24,000 in the annual contributions of Monroe County for the fiscal year ending March 31, 2024. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $147,000 which will be borne by Monroe County as a one-time payment. This estimate assumes that payment will be made on February 1, 2024.

These estimated costs are based on 9 affected members employed by Monroe County, with annual salary of approximately $688,000 as of March

31, 2022. The affected members were identified using information provided by Andrew Toranzo of the New York State Minority Ways and Means Committee.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 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 January 26, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-36, prepared by the Actuary for the New York State and Local Retirement System.

PART LL

Section 1. Subdivision 2 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:

2. Notwithstanding any provision of this chapter or of any general, special, or local law to the contrary, any condition of impairment of health caused by diseases of the heart, resulting in disability or death to a police officer, presently employed, and who shall have sustained such disability while so employed, shall be presumptive evidence that it was incurred in the performance and discharge of duty **and the natural and proximate result of an accident**, unless the contrary be proved by competent evidence.

§ 2. The retirement and social security law is amended by adding a new section 809 to read as follows:

§ 809. Effect and rebuttal of certain medical presumptions pertaining to diseases of the heart. a. This section shall apply to certain applications for disability retirement allowances made by or on behalf of a member of the New York state and local employees' retirement system or the New York state and local police and fire retirement system. It shall apply only to applications that are subject under this chapter to a provision that any condition of impairment of health caused by a disease of the heart, resulting in disability, shall be presumptive evidence that such disability was incurred in the performance and discharge of duty and the natural and proximate result of an accident.

b. Notwithstanding any other provision of law to the contrary an application for an accidental disability retirement allowance that is based on a permanent incapacity caused by a disease of the heart, shall not be required to allege or establish:

(1) that the member sustained an accident or other incident related to the performance and discharge of duty; or

(2) that notice was provided thereof.

c. Notwithstanding any other provision of law to the contrary, the presumptions referred to in subdivision a of this section may be rebutted only by competent evidence that the disability is not the natural and proximate result of the performance and discharge of duty.

§ 3. The amendment made to subdivision 2 of section 363-a of the retirement and social security law 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 amendment thereto affect the application of such provisions as extended by the provisions of section 480 of the retirement and social security law.

§ 4. This act shall take effect immediately.

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

This bill would amend the Retirement and Social Security Law (RSSL) to

1. Eliminate certain eligibility requirements for awarding accidental disability benefits, when the disability is related to diseases of the heart, for members in the New York State and Local Employees' Retirement System (NYSLERS) and the New York State and Local Police and Fire Retirement System (NYSLPFRS). Accidental disability benefits would be granted even where

a. the member did not sustain an accident,

b. the member's incapacitation is unrelated to any accident, or

c. the member failed to provide notice thereof.

The heart presumption could continue to be rebutted by competent evidence that the disability is not the result of the performance and discharge of duty.

2. Increase disability benefits payable to police officers in the NYSLPFRS, who become incapacitated due to diseases of the heart, by providing an accidental disability benefit equal to 75% of salary less workers' compensation. Currently, police officers are eligible for a performance-of-duty disability benefit equal to 50% of salary less workers' compensation.

3. Increase the death benefits payable on behalf of a deceased police officer in the NYSLPFRS, whose death results from diseases of the heart, by providing the special accidental death benefit equal to more than 100% of salary less workers' compensation and social security benefits payable to an eligible beneficiary or beneficiaries. Currently the death benefit would be the continuance afforded under the performance-of-duty disability retirement

Insofar as this bill affects the New York State and Local Retirement System (NYSLRS), more accidental disability benefits and accidental death benefits would be granted. The cost of the revised benefit will depend upon the applicant's age, service, salary, plan and any benefit type otherwise payable. Further, we anticipate that the administrative costs to the NYSLRS, required to process applications and litigate anticipated disputes, will increase.

The number of members and retirees who could be affected by this legislation cannot be readily determined. However, every active member of the NYSLPFRS will be covered, as well as members of the NYSLERS

including uniformed court officers and peace officers employed by the Unified Court System and fire marshals employed by Nassau County.

If this bill is enacted during the 2023 legislative session, we anticipate that there will be increases of approximately $1.2 million and $4.3 million in the annual contributions to the NYSLERS and to the NYSLPFRS, respectively, for the fiscal year ending March 31, 2024. These costs will be shared by the State of New York (the State), Nassau County, and other local participating employers in the NYSLPFRS as follows:

Employer	payment to the NYSLERS	payment to the NYSLPFRS
the State	$1.2 million	$900,000
Nassau County	$11,000	
all local participating employers in the NYSLPFRS		$3.4 million

In future years, these annual costs will vary as the salary of the affected members change.

In addition to the annual contributions discussed above, there will be immediate past service costs of approximately $12.5 million and $111,000 which will be borne by the State and Nassau County, respectively, as one-time payments. This estimate assumes that payment will be made by the State and Nassau County on March 1, 2024 and February 1, 2024, respectively.

Estimated costs arising in the NYSLERS are based on 6,287 affected members with annual salary of approximately $573 million as of March 31, 2022.

Estimated costs arising in the NYSLPFRS are based on 32,169 affected members with annual salary of approximately $3.88 billion as of March 31, 2022.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 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 24, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-73, prepared by the Actuary for the New York State and Local Retirement System.

Section 1. Subdivisions 5 and 6 of section 167 of the state finance law, as added by chapter 83 of the laws of 1995, are amended to read as follows:

5. The secretary of the senate shall also have the power, at the request of any member of the senate who shall hereafter resign or whose term of office shall hereafter terminate, or the surviving spouse of such member, to sell to such member, or to such surviving spouse, the chair last occupied by such member in the senate [~~for the sum of twenty-five dollars~~] at a cost set at the discretion of the secretary of the senate, depositing any moneys received from such sale in the state treasury; provided, however, that a written request therefor, accompanied by the payment herein provided, be submitted to the secretary of the senate within ninety days after any such resignation or termination of term of office; and provided further that not more than one such chair may be thus sold, regardless of any service subsequently rendered as a member of the senate. In the event that any member of the senate dies leaving no surviving spouse, the secretary of the senate shall have the power to sell such chair, upon the terms and conditions hereinabove prescribed, and in the following order of priority: (i) to any person designated by such member in a writing filed with the secretary of the senate, or (ii) to a child of such member, if any, in the order of seniority, (iii) to [~~the father~~] any parent or parents of such member, (iv) to [~~the mother of such member, (v) to a brother or sister~~] siblings of such member, in the order of seniority.

6. The clerk of the assembly shall have the power, at the request of any member of the assembly who shall hereafter resign or whose term of office shall hereafter terminate, or the surviving spouse of such member, to sell to such member, or to such surviving spouse, the chair last occupied by such member in the assembly [~~for the sum of twenty-five dollars~~] at a cost set at the discretion of the clerk of the assembly, depositing any moneys received from such sale in the state treasury; provided, however, that a written request therefor, accompanied by the payment herein provided, be submitted to the clerk of the assembly within ninety days after such resignation or termination of term of office; and provided further that not more than one such chair may be thus sold, regardless of any service subsequently rendered as a member of the assembly. In the event that any member of the assembly dies leaving no surviving spouse, the clerk of the assembly shall have the power to sell such chair, upon the terms and conditions hereinabove prescribed, and in the following order of priority: (i) to any person designated by such member in a writing filed with the clerk of the assembly, or (ii) to a child of such member, if any, in the order of seniority, (iii) to [~~the father~~] any parent or parents of such member, (iv) to [~~the mother of such member, (v) to a brother or sister~~] siblings of such member, in the order of seniority.

§ 2. This act shall take effect immediately.

PART NN

Section 1. Subdivision 1 of section 711 of the executive law, as added by section 2 of part B of chapter 1 of the laws of 2004, is amended to read as follows:

1. On or before January thirty-first of each year, the director shall appear before and deliver a report to representatives of each house of the legislature. The temporary president of the senate and the speaker of the assembly shall each appoint [~~three~~] four members of their respec-

tive houses, and the minority leader of each house shall each appoint one member, to hear the director's report. The appointed members may hear the report in a joint meeting of the members of the senate and assembly or in separate meetings attended by the members from one house. **The chief information security officer of the state office of information technology services shall participate in such joint or separate meetings to supplement the report delivered by the director.** The report shall provide information including, but not limited to: the state's current threat level, imminent threats to New York state, the state's current threat posture and collaborative efforts among localities, regions and with other states to prepare for and defend against acts of terrorism. **The chief information security officer of the state office of information technology services shall supplement the report delivered by the director with information on the state's cyber security infrastructure and cyber security resiliency efforts.**

§ 2. This act shall take effect immediately.

PART OO

Section 1. Short title. This act shall be known and may be cited as the "unmarked burial site protection act".

§ 2. Section 1503 of the not-for-profit corporation law is amended by adding a new paragraph (c) to read as follows:

(c) Except as otherwise provided in paragraph (c) of section fifteen hundred seven and paragraph (m) of section fifteen hundred ten of this article, this article does not apply to a burial site as defined in paragraph (a) of subdivision one of section one hundred seventy-one of the executive law.

§ 3. Article 7 of the executive law is amended by adding a new section 171 to read as follows:

§ 171. Discovery and disposition of human remains and funerary objects. 1. Definitions. As used in this section:

(a) "Burial site" means any location in which human remains are interred, which is not a cemetery subject to provisions of the not-for-profit corporation law, the religious corporations law, the general municipal law, the county law, the town law or the village law.

(b) "Committee" means the Native American burial site review committee created by subdivision three of this section.

(c) "Culturally-affiliated group" means any group, including a Native American Nation or tribe, whose past or present government, or traditional culture or religion, was or is affiliated with human remains or funerary objects which are the subject of this section.

(d) "Forensic anthropologist or bioarchaeologist" means a person qualified in the medicolegal or osteological investigation/examination of human skeletal remains.

(e) "Funerary objects" means any item or items reasonably believed to have been placed with human remains at the time of burial, including but not limited to burial markers, items of personal adornment, vessels, beads, tools, implements, ceremonial objects and other artifacts.

(f) "Human remains" means the remains of any part of the body of a deceased person, excluding teeth.

(g) "Lineal descendant" means a genealogical descendant established by oral tradition, traditional Indigenous knowledge, or written record.

(h) "Native American Nation or tribe" means any Native American tribe, nation or group.

(i) "State archaeologist" means the person appointed to such office pursuant to section two hundred thirty-five of the education law.

2. Applicability. (a) This section shall apply to all lands within the state except for lands located upon any Native American territory or reservation located wholly or partly within the state.

(b) Subdivisions three, four, five, six, and seven of this section shall not apply to any project that has been reviewed pursuant to section 14.09 of the parks, recreation, and historic preservation law or to state participation in any review conducted pursuant to section 106 of the National Historic Preservation Act. If any human remains are discovered during the project, the applicant shall immediately notify the state archaeologist.

3. Native American burial site review committee. (a) There is hereby established a Native American burial site review committee consisting of the following:

(i) one member to be appointed by each of the Native American Nations or tribes recognized by the state;

(ii) the state archaeologist;

(iii) a forensic anthropologist or bioarchaeologist appointed by the executive director of the New York state museum;

(iv) the chair of the human remains committee or other designee of the New York Archaeological Council; and

(v) one member with expertise in the field of historic preservation appointed by the commissioner of the office of parks, recreation and historic preservation.

(b) The committee shall elect a chairperson from among its members. The members who are not public employees shall be reimbursed by the state for their reasonable, necessary expenses incurred in the performance of committee functions. Three-fifths of the members of the committee shall constitute a quorum for the purpose of conducting business. A majority vote of all members who have been appointed or who are serving ex-officio shall be necessary for action. Any vacancy shall be filled in the same manner as the original appointment.

(c) It shall be the function of the committee to determine the lineal descendants and/or culturally-affiliated groups for Native American human remains and funerary objects subject to this section, and to provide notice to such descendants and/or groups as provided in this section. The state archaeologist shall prepare, and the committee shall adopt, standard procedures for determining the lineal descendants and culturally-affiliated groups for human remains as required by this section, including acceptable types of proof of such descent and affiliation. Such procedures shall include dispute resolution methods to resolve disagreements among the committee members.

4. Discovery of burial site; reporting requirements. (a) Any person who in the course of any ground-disturbing activity discovers a burial site, human remains or funerary objects shall immediately cease any further disturbance of such site, remains or objects, and shall immediately report such discovery to the coroner or medical examiner in the county in which the remains were discovered. The coroner or medical examiner shall, within ninety-six hours, determine whether any actions are required pursuant to the provisions of article seventeen-A of the county law. If any such remains appear to the coroner or medical examiner to be more than fifty years old, the coroner or medical examiner shall immediately provide notice of the discovery of such remains to the state archaeologist, who shall in turn convey such notice to the other members of the committee. If no action is required under article seven-

teen-A of the county law, or once such actions are undertaken and no further action is required, the state archaeologist and the committee may commence their inspection or examination of the remains or objects. Any inspection or examination shall be made in situ except as necessary to comply with such article seventeen-A, this section, or to determine the age of the remains. The state archaeologist and the committee may use ground penetrating radar or other pertinent technology or equipment on any portion of the project site that has yet to be disturbed to determine if any other remains exist within the project site.

(b) The state archaeologist, or a registered archeologist or registered professional archeologist as may be designated by the state archaeologist, shall, upon receiving notice from a coroner or medical examiner of the discovery of human remains, inspect the site, remains and/or objects which are the subject of such notice. Within ten days of receiving such notice, the state archaeologist shall prepare a report thereon and provide a copy of the report to the committee and to the property owner. The report shall be based upon physical examination of the discovered burial site, remains and/or objects, and shall contain the state archaeologist's conclusion as to whether such site, remains and/or objects may be of Native American origin. In the event the state archaeologist determines there is a reasonable possibility the site contains multiple remains, an additional period of ten days may be provided for assessment by the state archaeologist in consultation with the culturally-affiliated group to determine the parameters of the site. In preparing the report, the state archaeologist may seek and obtain assistance from any employee of the regents, from the committee, and from the office of parks, recreation and historic preservation.

(c) The committee may recommend to the office of parks, recreation, and historic preservation that the site should be designated as a place of historic interest under section twelve-a of the Indian law.

5. Determination of and notification to lineal descendants or culturally-affiliated groups. (a) If the state archaeologist, the forensic anthropologist or bioarchaeologist, and the committee agree that the burial site does not wholly or partly contain human remains or funerary objects that are of Native American origin, it shall be the responsibility of the state archaeologist to determine, as soon as practicable, whether there are any reasonably ascertainable lineal descendants or culturally-affiliated groups with respect to such site, remains or objects and, immediately upon making such determination, to provide notice to such descendants or groups of the reported discovery.

(b) If the state archaeologist, the forensic anthropologist or bioarchaeologist, and the committee agree that the burial site wholly or partly contains human remains or funerary objects that may be of Native American origin, it shall be the responsibility of the committee to determine the lineal descendants or culturally-affiliated groups. Such determination shall be made as soon as practicable after the committee receives a report from the state archaeologist concerning the burial site. Immediately upon making such determination, the committee shall provide notification to such descendants or groups of the reported discovery.

(c) The committee shall have stewardship of Native American human remains and funerary objects from the time it receives notification from the state archaeologist pursuant to subdivision four of this section until the lineal descendants and/or culturally-affiliated groups receive notification from the committee pursuant to this subdivision, at which time such lineal descendants and/or culturally-affiliated groups shall

have the right of possession and stewardship of such remains and objects. Upon notification to such lineal descendants or culturally-affiliated groups pursuant to this subdivision, ownership of and responsibility for the human remains and funerary objects shall vest exclusively in such descendants or groups, which shall have authority to determine their disposition subject to the provisions of this section.

(d) The state archaeologist shall have stewardship of non-Native American human remains and funerary objects from the time he or she receives notification from the coroner or medical examiner pursuant to subdivision four of this section until the lineal descendants and/or culturally-affiliated groups receive notification from the state archaeologist pursuant to this paragraph, at which time such lineal descendants and/or culturally-affiliated groups shall have the right of possession and stewardship of such remains and objects. Upon notification to such lineal descendants or culturally-affiliated groups pursuant to this subdivision, ownership of and responsibility for the human remains and funerary objects shall vest exclusively in such descendants or groups, which shall have authority to determine their disposition subject to the provisions of this section.

(e) Where a burial site contains both Native American and non-Native American human remains or funerary objects, the committee shall be responsible for the Native American burials at the site, and the state archaeologist shall be responsible for all other burials at the site. Once stewardship of each is determined, the procedures established in paragraphs (c) and (d) of this subdivision shall apply.

6. Disposition of remains and objects. (a) Within ten days after receiving notification from the state archaeologist to lineal descendants or a culturally-affiliated group, other than a Native American Nation or tribe, of the discovery of a burial site, the descendants or group shall advise the state archaeologist in writing as to the preferred disposition of the discovered remains or objects, which may include a request to protect the burial site and keep the remains interred where they were found. The state archaeologist shall consult with the property owner to try to facilitate the request of the lineal descendants or culturally-affiliated group.

(b) Within sixty days after receiving notification from the committee to a lineal descendant or culturally-affiliated group of the discovery of a burial site, the descendants or group shall advise the committee in writing as to the preferred disposition of the discovered remains or objects, which may include a request to protect the burial site and keep the remains interred where they were found. The committee shall consult with the property owner to try to facilitate the request of the lineal descendants or culturally-affiliated group.

(c) No later than ten days after receiving the report from the state archaeologist pursuant to subdivision four of this section, the property owner shall inform the state archaeologist of their decision with respect to the interment of the remains on their property. The report from the state archaeologist to the property owner shall clearly include that the property owner has ten days to notify the state archaeologist of their decision. If a property owner fails to notify the state archaeologist of their decision, the state archaeologist or the committee, as appropriate, shall abide by the decision of the lineal descendants or culturally-affiliated group.

(d) Only the state archaeologist, a registered archaeologist, or a registered professional archaeologist may touch or handle any remains or funerary objects.

7. Disposition of human remains and funerary objects, generally. (a) The property owner, their agents, assignees, employees, family members, friends, acquaintances, or any other individuals acting on behalf of such property owner, other than the state archeologist or a registered archeologist or a registered professional archaeologist hired by the property owner and acting pursuant to paragraph (d) of this subdivision, are strictly prohibited from moving, relocating, transferring, selling, possessing, touching, handling, or otherwise intentionally disturbing, in any manner, all human remains and funerary objects that are discovered on site. Except as necessary to carry out the purposes of this section, burial sites, human remains and funerary objects shall remain undisturbed after discovery and during the process established by this section.

(b) While the disposition of the remains shall be determined by the lineal descendants or culturally-affiliated group, and the property owner, the preferred disposition as a matter of policy is to have the remains stay interred where they are discovered.

(c) (i) If the lineal descendants, or culturally-affiliated group, and the property owner agree that the remains shall stay interred, the committee or state archaeologist, as appropriate, shall establish a plan of action for the preservation and protection of the remains.

(ii) If the lineal descendants or culturally-affiliated group requests that the remains be excavated and moved to a different location, the committee or state archaeologist, as appropriate, shall establish and implement a plan of action for the respectful, dignified excavation and removal of the remains.

(iii) If the lineal descendants or culturally-affiliated group advise that the remains stay interred, but the property owner notifies of their decision, as provided in this section, that the remains should be removed, the committee or state archaeologist, as appropriate, shall establish and implement a plan of action for the respectful, dignified excavation and removal of the remains. Such plan shall not be inconsistent with the provisions of this section. The committee or state archaeologist may, prior to the execution of the plan of action, consult with the property owner in an attempt to realize the request of the lineal descendants or culturally-affiliated group. The committee or state archaeologist may use a mediator, at no cost to the property owner unless mediation is requested by the property owner, as part of this process.

(d) (i) If the plan of action has not been implemented within ninety days of the notification to the state archaeologist by the coroner or medical examiner pursuant to paragraph (a) of subdivision four of this section, and any additional time provided pursuant to paragraph (b) of subdivision four of this section, the property owner may decide to excavate and remove the remains, provided that they shall engage a registered archeologist or a registered professional archaeologist, registered with the Register of Professional Archaeologists and who practices in the field of bioarchaeology or forensic anthropology, to excavate and remove the remains in a respectful and dignified manner that is not inconsistent with the provisions of this section, and provided further that the property owner may request the state archeologist to perform any such excavation or removal. The culturally-affiliated group shall have the right to have a cultural monitor on site prior to and during any excavation and removal of human remains or funerary objects. Failure of the culturally-affiliated group to have a monitor on site shall

not be grounds to prohibit, prevent, or pause any excavation, removal, or other conduct as provided in this section.

(ii) If the plan of action has been substantially implemented but not completed within the ninety-day period, and any additional time provided pursuant to paragraph (b) of subdivision four of this section, the committee or state archaeologist may have one additional ten-day period to complete the excavation and removal. The state archaeologist, in consultation with the committee, where appropriate, shall determine whether the plan of action has been substantially implemented.

(iii) Any excavation and removal caused by the property owner pursuant to this paragraph shall be done at the expense of the property owner and shall be performed and supervised by the registered archaeologist, or a registered professional archaeologist, hired by the property owner pursuant to this subdivision, provided that the property owner may request the state archeologist to complete any such excavation or removal even after the ninety-day implementation period or any additional time provided in this section has expired. The culturally-affiliated group may select a cultural monitor to observe the work. Such archaeologist shall review the established plan of action with the state archaeologist or the committee, as appropriate, and act in accordance with that plan. For the purposes of this paragraph, only the state archaeologist, as provided in this section, or the registered archaeologist or registered professional archaeologist hired to perform the excavation pursuant to this subdivision may have physical contact with or otherwise disturb the remains or burial site.

(iv) The state archaeologist or committee shall make themselves available to the registered archaeologist or registered professional archaeologist forthwith for the purposes of discussing the established plan of action for the site. If the state archaeologist or committee fails to make themselves available forthwith, the registered archaeologist or registered professional archaeologist may proceed with the excavation and removal.

(v) If no plan of action has been established prior to the expiration of the ninety-day period, and any additional time provided pursuant to paragraph (b) of subdivision four of this section, the registered archaeologist or registered professional archaeologist may proceed with the excavation and removal in a professional, respectful, dignified manner that is not inconsistent with the provisions of this section.

(vi) Any remains or funerary objects excavated from the site as a result of the implementation of the process established by this paragraph shall be deposited with the New York state museum for disposition.

(vii) Notwithstanding any conflicting provision of this section, the state archeologist may at any time monitor and observe any excavation and removal performed pursuant to this section.

(e) If the state archaeologist and the committee have been unable to identify the lineal descendants or culturally-affiliated group for human remains or funerary objects, the state archaeologist shall take stewardship of the remains and shall make the recommendation for their disposition in accordance with the provisions of this section.

(f) Notwithstanding any conflicting provision of paragraph (d) of this subdivision, for project sites that contain the remains of six or more individuals, if the state archaeologist determines that additional time is necessary for the excavation of such site, an additional thirty-day period may be added before the remains can be excavated and removed by the property owner. If the state archeologist continues to find that additional time is necessary, the period before remains can be excavated

and removed by the property owner may be extended multiple times in increments of thirty days. The state archaeologist must provide a copy of each such determination to the property owner in writing. The property owner may bring an action pursuant to article seventy-eight of the civil practice law and rules to review the determination of the state archaeologist pursuant to this paragraph.

8. Penalties. (a) Any person who fails to report the discovery of a burial site, human remains or funerary objects as required by subdivision four of this section shall be guilty of a class B misdemeanor, as defined in the penal law.

(b) Any person other than the state archaeologist, or a person or group with a right to remove or a right of possession or stewardship pursuant to this section, or a designee thereof, who intentionally removes human remains or funerary objects from a burial site shall be guilty of a class A misdemeanor, as defined in the penal law.

(c) Any person (i) who knowingly defaces or destroys a burial site, human remains or funerary objects, or (ii) who, knowing that a burial site, human remains, or funerary objects exist causes another person to deface or destroy such burial site, human remains, or funerary objects, or (iii) who possesses human remains or funerary objects with intent to sell such remains or artifacts, or (iv) who sells or attempts to sell human remains or funerary objects, except when authorized by law, shall be guilty of a class E felony, as defined in the penal law.

9. Enforcement. The attorney general or any aggrieved party, including the committee and any lineal descendant or culturally-affiliated group, may bring an action in supreme court in the judicial district where the remains or objects covered by this section are located to enjoin violations or threatened violations of this section, and to recover such remains or objects.

§ 4. Section 235 of the education law is amended to read as follows:

§ 235. State science service. There shall be maintained in the university a science service which shall be known as the state science service and the state geologist, paleontologist, botanist [~~and~~], entomologist, and archaeologist shall constitute its staff together with such other scientists as the regents may employ or who are now employed by them. This service is empowered and directed to make available its services to all the departments of the state, and the residents of the state under such rules and regulations as the regents may prescribe and is empowered to engage in such scientific research as directed by law or by the regents and shall cooperate with scientific units or agencies of other states, the federal government, educational institutions and industry in the discovery, analysis and dissemination of scientific information. The director of the state museum shall also be the director and head of the state science service and the staff of the service shall be members of the staff of the state museum.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that if chapter 817 of the laws of 2022 shall not have taken effect on or before such date then section two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2022 takes effect.

§ 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 judg-

ment 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 OO of this act shall be as specifically set forth in the last section of such Parts.