STATE OF NEW YORK

8305--B

IN SENATE

January 17, 2024

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

AN ACT intentionally omitted (Part A); to amend the penal law, in relation to establishing the crime of fostering the sale of stolen goods (Part B); intentionally omitted (Part C); relating to the closure of correctional facilities; and providing for the repeal of such provisions upon the expiration thereof (Part D); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part E); intentionally omitted (Part F); to amend the cannabis law, the real property actions and proceedings law and the tax law, in relation to providing additional enforcement powers to the office of cannabis management and to authorize localities to create business registries for the purpose of combating illicit cannabis (Part G); to amend the alcoholic beverage control law, in relation to notifying municipalities of the filing of certain applications, changes of ownership of certain licensed businesses, and providing for certain temporary permits, and providing for the sale of wine and liquor from off-premises retail licensees to retail licensees for on-premises consumption; and to repeal certain provisions of such law related thereto (Part H); to amend the alcoholic beverage control law, in relation to establishing a temporary wholesale permit and allowing multiple wholesale licenses owned by the same person or entity to be located at the same premises (Part I); to amend chapter 118 of the laws of 2012 amending the alcoholic beverage control law relating to the powers of the chairman and members of the authority, in relation to the effectiveness of certain provisions thereof (Part J); to amend chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part K); to amend the alcoholic beverage control law, in relation to permitting the use of contiguous and non-contiguous municipal public space by certain licensees; and to repeal chapter 238 of the laws of 2021 (Part L); to

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

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amend the labor law, in relation to requiring certain employers provide prenatal personal leave (Part M); to amend the workers' compensation law and the insurance law, in relation to increasing short-term disability and family leave benefits; and providing for the repeal of certain provisions upon expiration thereof (Part N); intentionally omitted (Part O); to amend the general business law, in relation to establishing the New York child data protection act (Part P); to amend the state finance law, in relation to eliminating the alternate procedure for the payment of salaries for certain employees and the withholding of five days of salary for certain employees (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the general municipal law, in relation to county-wide shared services panels (Part U); to amend the public authorities law, in relation to bonds issued by the New York city transitional finance authority (Part V); to amend the state finance law, in relation to reforming the local government efficiency grant program (Part W); to provide for the administration of certain funds and accounts related to the 2023-2024 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and accounts, and in relation to the effectiveness thereof; to amend part D of chapter 389 of the laws of 1997 relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of certain bonds or notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the public authorities law, in relation to the issuance of bonds and notes by the dedicated highway and bridge trust fund, to amend the public authorities law, in relation to the issuance of bonds and notes for city university facilities; to amend the public authorities law, in relation to the issuance of bonds for library construction projects; to amend the public authorities law, in relation to the issuance of bonds for state university educational facilities; to amend the public authorities law, in relation to the issuance of bonds and notes for locally sponsored community colleges; to amend the New York state medical care facilities finance agency act, in relation to the issuance of mental health services facilities improvement bonds and notes; to amend part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of bonds and notes to finance capital costs related to homeland security; to amend the New York state urban development corporation act, in relation to the issuance of bonds and notes for purposes of funding office of information technology services project costs; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of funds to the thruway authority; to amend the New York state urban development corporation act, in relation to the issuance of bonds and notes to fund costs for statewide equipment; to amend the public authorities law, in relation to the issuance of bonds for purposes of financing environmental infrastructure projects; to amend part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds and notes for the youth facilities improvement fund; to amend the public authorities law, in relation to the issuance of bonds and notes for the purpose of financ-

ing peace bridge projects and capital costs of state and local highways; to amend the New York state urban development corporation act, in relation to the issuance of bonds for economic development initiatives; to amend part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of bonds and notes for the purpose of financing capital projects for the division of military and naval affairs; to amend the New York state urban development corporation act, in relation to the issuance of bonds for special education and other educational facilities; to amend part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities law, in relation to the issuance of bonds and notes for the purpose of financing the construction of the New York state agriculture and markets food laboratory; to amend the New York state medical care facilities finance agency act, in relation to including comprehensive psychiatric emergency programs and housing for mentally ill persons in the definition of mental health services facility; to amend the state finance law, in relation to the private sale of certain revenue bonds, and in relation to including assets that provide a long-term interest in land in the definition of fixed assets; to amend the public authorities law, in relation to bond issuance charges; to amend the public authorities law, in relation to the issuance of bonds or notes for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities; and providing for the repeal of certain provisions upon expiration thereof (Part X); intentionally omitted (Part Y); to amend the election law, the education law, the civil practice law and rules and the state finance law, in relation to regulating public data maintained by county and city boards of elections and establishing the New York voting and elections academic center to maintain a statewide database of voting and election data (Part Z); to amend the election law and the vehicle and traffic law, in relation to joining multistate voter list maintenance organizations (Part AA); to amend the general business law, in relation to the management and oversight of personal data (Part BB); to amend the state technology law, in relation to establishing the "secure our data act" (Part CC); to amend the alcoholic beverage control law, in relation to alcohol in certain motion picture theatres, and providing for the expiration and repeal of such provisions upon the expiration thereof (Part DD); to amend the alcoholic beverage control law, in relation to direct interstate and intrastate cider shipments (Part EE); to amend the real property tax law, in relation to subjecting certain state lands in Ulster county to real property taxation (Part FF); to amend the executive law, in relation to the collection of certain demographic information by certain state agencies, boards, departments and commissions (Part GG); to amend the executive law, the public authorities law and the public buildings law, in relation to the utilization of renewable energy at state-owned facilities in Albany (Part HH); to amend the retirement and social security law, in relation to allowing beneficiaries of certain deceased members to elect to receive death benefits in a lump sum (Part II); to amend the retirement and social security law and the administrative code of the city of New York, in relation to the calculation of the final average salary for purposes of the calculation of a pension benefit (Part JJ);

to amend the state technology law, in relation to automated decision-making by state agencies (Part KK); in relation to establishing the New York state aid and incentives for municipalities redesign task force; and providing for the repeal of such provisions upon expiration thereof (Part LL); to amend the retirement and social security law, in relation to certain disabilities of university police officers appointed by the state university of New York (Part MM); to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system (Part NN); to amend the retirement and social security law, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors (Part OO); to amend the retirement and social security law, in relation to increasing the earning limitations for retired persons in positions of public service (Part PP); 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 QQ); to amend the executive law, in relation to establishing the office of racial equity and social justice (Part RR); to amend the retirement and social security law, in relation to member contributions to retirement systems (Part SS); to amend the retirement and social security law, in relation to the calculation of past service credit for police officers employed by the division of law enforcement in the department of environmental protection in the city of New York transferring between the New York city employees' retirement system to the New York state and local police and fire retirement system (Part TT); to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement (Part UU); to amend the executive law, in relation to establishing the office of Native American affairs (Part VV); to amend the penal law, in relation to the definition of value for the purposes of larceny (Part WW); to amend the executive law, in relation to establishing an organized retail crime task force (Part XX); to amend the public officers law, in relation to prohibiting reimbursement of campaign committees and legal defense funds for defense costs incurred on behalf of state employees (Part YY); to amend the legislative law, in relation to relieving reporting requirements on small nonprofits (Part ZZ); to amend the correction law, in relation to available transportation for correction facility visitation (Part AAA); to amend the criminal procedure law, in relation to motions to vacate judgment; and to repeal certain provisions of such law relating thereto (Part BBB); to amend the judiciary law, in relation to audio-visual coverage of judicial proceedings; and to repeal section 218 of the judiciary law and section 52 of the civil rights law relating thereto (Part CCC); to amend the correction law, in relation to incarcerated individuals with a serious mental illness (Part DDD); to amend the county law and the judiciary law, in relation to setting hourly rates for persons representing certain persons in court or before a magistrate (Part EEE); to amend the estates, powers and trusts law, in relation to the payment and distribution of damages in wrongful death actions (Part FFF); directing the department of environmental conservation to conduct a study on ecological restoration needs of Jamaica Bay (Part GGG); to amend the penal law, the vehicle and traffic law, the executive law,

the correction law, the village law, the state finance law, and the criminal procedure law, in relation to eliminating mandatory surcharges for misdemeanors and violations; and to repeal certain provisions of the vehicle and traffic law, relating thereto (Part HHH); and to amend the workers' compensation law, in relation to claims for mental injury premised upon extraordinary work-related stress (Part III)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2024-2025 state fiscal year. Each component is wholly contained within a Part identified as Parts A through III. 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

Intentionally Omitted

PART B

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

§ 165.66 Fostering the sale of stolen goods.

A person is guilty of fostering the sale of stolen goods when such person:

1. Uses any internet website, application, online marketplace, digital service, or any other platform or venue, including any physical building, public or private space, or location to sell stolen goods; and

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

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

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

PART C

Intentionally Omitted

PART D

Section 1. Notwithstanding the provisions of sections 79-a and 79-b of the correction law, the governor is authorized to close up to five correctional facilities of the department of corrections and community supervision, in the state fiscal year 2024-2025, as the governor deter-

mines to be necessary for the cost-effective and efficient operation of the correctional system, provided that the governor provides at least 180 days notice prior to any such closures to the temporary president of the senate and the speaker of the assembly. Such notice shall include the list of facilities the governor plans to close, the number of incarcerated individuals in said facilities, the number of staff working in said facilities, and information regarding staff placement and staff relocation efforts. The commissioner of corrections and community supervision shall also report in detail to the temporary president of the senate and the speaker of the assembly an update on the results of staff placement and staff relocation efforts within 60 days after such closure.

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

PART E

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

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

§ 2. This act shall take effect April 1, 2024.

PART F

Intentionally Omitted

PART G

Section 1. Subdivision 8 of section 10 of the cannabis law, as amended by section 9 of part UU of chapter 56 of the laws of 2023, is amended to read as follows:

8. To conduct regulatory inspections during normal business hours of any place of business, including a vehicle **or storage facility** used for such business, where medical cannabis, adult-use cannabis, cannabis, cannabis product, cannabinoid hemp, hemp extract products, or any products marketed or labeled as such, are cultivated, processed, stored, distributed or sold by any person holding a registration, license, or permit under this chapter, or by any person who is engaging in activity for which a license would be required under this chapter. For the purposes of this subdivision, "place of business" shall not include a residence or other real property not otherwise held out as open to the

public or otherwise being utilized in a business or commercial manner or any private vehicle **or storage facility** on or about the same such property, unless probable cause exists to believe that such residence, real property, or vehicle are being used in such business or commercial manner for the activity described herein.

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

3. To conduct regulatory inspections during normal business hours of any place of business, including a vehicle **or storage facility** used for such business, where cannabis, cannabis product, cannabinoid hemp, hemp extract products, or any products marketed or labeled as such, are cultivated, processed, manufactured**, distributed, stored,** or sold, irrespective of whether a registration, license, or permit has been issued under this chapter. For the purposes of this subdivision, "place of business" shall not include a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle **or storage facility** on or about the same such property, unless probable cause exists to believe that such residence, real property, or vehicle are being used in such business or commercial manner for the activity described herein.

5. To conduct regulatory inspections during normal business hours of any registered, licensed or permitted place of business, including a vehicle **or storage facility** used for such business, where medical cannabis, adult-use cannabis, cannabinoid hemp, hemp extract products, or any products marketed or labeled as such, are cultivated, processed, stored, distributed or sold. For the purposes of this subdivision, "place of business" shall not include a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle **or storage facility** on or about the same such property, unless probable cause exists to believe that such residence, real property, or vehicle are being used in such business or commercial manner for the activity described herein.

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

7. Any action or proceeding brought pursuant to this section or section sixteen-a of this article or section one hundred thirty-eight-a of this chapter may be filed under temporary seal and the clerk shall provide a sealed index number upon request of the office or the attorney general. If temporary sealing cannot be implemented via the court's electronic filing system, such action or proceeding shall be permitted by the court to be filed through hard copy.

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

§ 16-a. Emergency relief. Following service of [~~a notice of violation and~~] **an** order requiring immediate cessation of unlicensed activity under this chapter, the office of cannabis management, or the attorney general, at the request of and on behalf of the office**, or any county attorney, corporation counsel, or local government authorized pursuant to subdivision eight of this section to bring and maintain a civil proceeding in accordance with the procedures set forth in this section,** may bring and maintain a civil proceeding in the supreme court of the county in which the building or premises is located to permanently enjoin such unlicensed activity when conducted, maintained, or permitted in such building or premises, occupied as a place of business as described in subdivision eight of section ten of this chapter, in violation of subdi-

vision one or one-a of section one hundred twenty-five of this chapter or subdivision eight of section one hundred thirty-two of this chapter, which shall constitute an unlicensed activity that presents a danger to the public health, safety, and welfare, and shall also enjoin the person or persons conducting or maintaining such unlicensed activity, in accordance with the following procedures:

1. Proceeding for permanent injunction. (a) To the extent known, the owner, lessor, and lessee of a building or premises wherein the unlicensed activity is being conducted, maintained, or permitted shall be made defendants in the proceeding. The venue of such proceeding shall be in the county where the unlicensed activity is being conducted, maintained, or permitted **or in any venue where a respondent is located**. The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this section.

(b) The proceeding shall name as defendants the building or premises wherein the unlicensed activity is being conducted, maintained, or permitted, by describing it by tax lot and street address and at least one of the owners of some part of or interest in the property.

(c) In rem jurisdiction shall be complete over the building or premises wherein the unlicensed activity is being conducted, maintained, or permitted by affixing the notice of petition **or order to show cause** to the door of the building or premises and by mailing the notice of petition **or order to show cause** by certified or registered mail, return receipt requested, to one of the owners of some part of or interest in the property. Proof of service shall be filed [~~within two days~~] **promptly** thereafter with the clerk of the court designated in the notice of petition **or order to show cause**. In any county where e-filing is unavailable, proof of service may be mailed to the clerk. Service shall be complete upon such filing or mailing.

(d) Defendants, other than the building or premises wherein the unlicensed activity is being conducted, maintained, or permitted, shall be served with the notice of petition **or order to show cause** as provided in the civil practice law and rules or pursuant to court order. No more than thirty days prior to such service, the office shall mail a copy, by certified mail, of any [~~prior notice of violation or letter or~~] order to cease and desist relating to the unlicensed activity at the building or premises to the person in whose name the real estate affected by the proceeding is recorded in the office of the city register or the county clerk, as the case may be, who shall be presumed to be the owner thereof. Such mailing shall constitute notice to the owner and shall be deemed to be complete upon such mailing by the office as provided above. No more than fifteen days prior to such service, the office, [~~or~~] the attorney general, at the request of and on behalf of the office of cannabis management, **or any local government authorized pursuant to subdivision eight of this section** shall verify the ongoing occupancy of any natural person who is a tenant of record and alleged to have caused or permitted the unlicensed activity in the building or premises wherein the unlicensed activity is alleged to have been conducted, maintained, or permitted. [~~If at any time such defendants vacate such building or premises, any action or proceeding filed in accordance with these procedures relating to such building or premises shall be withdrawn.~~]

(e) With respect to any proceeding commenced or to be commenced pursuant to this section by the office of cannabis management or the attorney general, at the request of and on behalf of the office, may file a notice of pendency pursuant to the provisions of article sixty-five of the civil practice law and rules.

(f) The person in whose name the real estate affected by the proceeding is recorded in the office of the city register or the county clerk, as the case may be, shall be presumed to be the owner thereof. Upon being served in a proceeding under this section, such owner shall, to the extent known, provide to the office of cannabis management, within three days, the names of any other owners, lessors and lessees of the building or premises that is the subject of the proceeding. Thereafter, such owners, lessors and lessees may be made parties to the proceeding.

(g) Whenever there is evidence that a person was the manager, operator, supervisor or, in any other way, in charge of the premises, at the time the unlicensed activity was being conducted, maintained, or permitted, such evidence shall be presumptive that [~~he or she was~~] they were an agent or employee of the owner or lessee of the building or premises.

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

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

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

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

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

(i) If a finding is made that the defendant has conducted, maintained, or permitted the unlicensed activity a penalty, to be included in the judgment, may be awarded in an amount not to exceed ten thousand dollars for each day it is found that the defendant intentionally conducted, maintained or permitted the unlicensed activity. With regard to any defendant conducting the referenced unlicensed activity, any such penalties may be awarded in addition to any penalties that may be imposed pursuant to section one hundred thirty-two of this chapter. Upon recovery, such penalty shall be paid to the office of cannabis management, or to the county attorney, corporation counsel, or local government that has been authorized pursuant to subdivision eight of this section to bring and maintain a civil proceeding in accordance with the procedures set forth in this section.

2. Preliminary injunction. (a) Pending a proceeding for a permanent injunction pursuant to this section the court may grant a preliminary injunction enjoining the unlicensed activity and the person or persons conducting, maintaining, or permitting the unlicensed activity from further conducting, maintaining, or permitting the unlicensed activity, where the public health, safety or welfare immediately requires the granting of such injunction. A temporary closing order may be granted pending a hearing for a preliminary injunction where it appears by clear and convincing evidence that unlicensed activity within the scope of this section is being conducted, maintained, or permitted and that the public health, safety or welfare immediately requires the granting of a temporary closing order. A temporary restraining order may be granted pending a hearing for a preliminary injunction.

(b) A preliminary injunction shall be enforced by the office or, at the request of the office, the attorney general. At the request of the office, a police officer or peace officer with jurisdiction may also enforce the preliminary injunction.

(c) The office or the attorney general shall show, by affidavit and such other evidence as may be submitted, that there is a cause of action for a permanent injunction abating unlicensed activity.

3. Temporary closing order. (a) If, on a motion for a preliminary injunction alleging unlicensed activity as described in this section in a building or premises used for commercial purposes only, the office or the attorney general demonstrates by clear and convincing evidence that such unlicensed activity is being conducted, maintained, or permitted and that the public health, safety, or welfare immediately requires a temporary closing order, a temporary order closing such part of the building or premises wherein such unlicensed activity is being conducted, maintained, or permitted may be granted without notice, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary closing order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but no later than [~~three~~] ten business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within [~~three business~~] thirty calendar days after the conclusion of the hearing.

(b) Unless the court orders otherwise, a temporary closing order together with the papers upon which it was based and a notice of hearing for the preliminary injunction shall be personally served, in the same manner as a summons as provided in the civil practice law and rules.

(c) [~~A temporary closing order shall only be issued prior to a hearing on a preliminary injunction if the building or premises is used for commercial purposes only.~~

~~(d)~~] No temporary closing order shall be issued against any building or premises where, in addition to the unlicensed activity which is alleged, activity that is licensed or otherwise lawful remains in place and the unlicensed activity is merely a de minimis part of the business. In assessing whether unlicensed activity within a building or premises is more than de minimis, the court shall consider such factors as: (i) the presence of signs or symbols, indoors or out, advertising unlicensed activity or otherwise indicating that cannabis is sold on the premises; (ii) information shared in any advertisements or other marketing content, including but not limited to social media, in connection with the unlicensed activity; (iii) the layout of the business with regard to lawful and unlicensed activities occurring on the premises; and (iv) an

assessment of the volume of cannabis, cannabis products, cannabinoid hemp, hemp extract product, or any product marketed or labeled as such at such place of business. In addition, no temporary closing order shall be issued against any building or premises which is used in part as residence and pursuant to local law or ordinance is zoned and lawfully occupied as a residence.

4. Temporary restraining order. (a) If, on a motion for a preliminary injunction alleging unlicensed activity as described in this section in a building or premises used for commercial purposes, the office or the attorney general demonstrates by clear and convincing evidence that such unlicensed activity is being conducted, maintained, or permitted and that the public health, safety, or welfare immediately requires a temporary restraining order, a temporary restraining order may be granted without notice restraining the defendants and all persons from removing or in any manner interfering with the furniture, fixtures and movable property used in conducting, maintaining or permitting such unlicensed activity, including [~~adult-use~~] cannabis, **cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such** and from further conducting, maintaining or permitting such unlicensed activity, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary restraining order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but no later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within [~~three business~~] **thirty calendar** days after the conclusion of the hearing.

(b) Unless the court orders otherwise, a temporary restraining order and the papers upon which it was based and a notice of hearing for the preliminary injunction shall be personally served, in the same manner as a summons as provided in the civil practice law and rules**, upon any agent, employee, or other representative of the defendant business present at the time the temporary restraining order is effectuated**.

5. Temporary closing order; temporary restraining order; additional enforcement procedures. (a) If on a motion for a preliminary injunction, the office of cannabis management or the attorney general submits evidence warranting both a temporary closing order and a temporary restraining order, the court shall grant both orders.

(b) Upon the request of the office, any police officer or peace officer with jurisdiction may assist in the enforcement of a temporary closing order and temporary restraining order. **Any reference to police officer or peace officer in this subdivision and subdivisions six and seven of this section shall also include any investigator employed by the office of the attorney general.**

(c) The police officer or peace officer serving a temporary closing order or a temporary restraining order shall forthwith make and return to the court an inventory of personal property situated in and used in conducting, maintaining, or permitting the unlicensed activity within the scope of this chapter and shall enter upon the building or premises for such purpose. Such inventory shall be taken in any manner which is deemed likely to evidence a true and accurate representation of the personal property subject to such inventory including, but not limited to photographing such personal property**, except that any cash found on the premises during such inventory shall be inventoried, seized, and secured off premises pending further order of the court. Any police officer or peace officer, or any representative of the office, shall be**

permitted to review and copy records, including electronic records stored on cloud platforms.

(d) The police officer or peace officer serving a temporary closing order shall, upon service of the order, command all persons present in the building or premises to vacate the premises forthwith. Upon the building or premises being vacated, the premises shall be securely locked and all keys delivered to the officer serving the order who thereafter [~~shall~~] **may** deliver the keys to the fee owner, lessor, or lessee of the building or premises involved. If the fee owner, lessor, or lessee is not at the building or premises when the order is being executed, the officer shall securely padlock the premises and retain the keys until the fee owner, lessor, or lessee of the building is ascertained, in which event, the officer [~~shall~~] **may** deliver the keys to such owner, lessor, or lessee **or retain them pending further order of the court**.

(e) Upon service of a temporary closing order or a temporary restraining order, the police officer or peace officer shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of such premises where the unlicensed activity is being conducted, maintained, or permitted. In addition, where a temporary closing order has been granted, the officer shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that the premises have been closed by court order, which notice shall contain the legend "closed by court order" in block lettering of sufficient size to be observed by anyone intending or likely to enter the premises, the date of the order, the court from which issued, and the name of the officer or agency posting the notice. In addition, where a temporary restraining order has been granted, the police officer or peace officer shall affix, in the same manner, a notice similar to the notice provided for in relation to a temporary closing order except that the notice shall state that certain described activity is prohibited by court order and that removal of property is prohibited by court order. Mutilation or removal of such a posted order or such a posted notice while it remains in force, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of not more than five thousand dollars or by imprisonment not exceeding ninety days, or by both, provided such order or notice contains therein a notice of such penalty. Any police officer or peace officer with jurisdiction may, upon the request of the office, assist in the enforcement of this section.

6. Temporary closing order; temporary restraining order; defendant's remedies. (a) A temporary closing order or a temporary restraining order [~~shall~~] **may** be vacated, upon notice to the office **and to any county attorney, corporation counsel, or local government that may have been authorized pursuant to subdivision eight of this section to bring and maintain the proceeding in accordance with the procedures set forth in this section**, if [~~the~~] **a** defendant **who is the fee owner, lessor, or lessee of the building or premises** shows by affidavit and such other proof as may be submitted that the unlicensed activity within the scope of this chapter has been abated **and that they are also not affiliated with the person who is conducting the unlicensed activity**. An order vacating a temporary closing order or a temporary restraining order shall include a provision authorizing the office**, or any county attorney, corporation counsel, or local government, as applicable,** to inspect the building or premises which is the subject of a proceeding pursuant to this subdivision, periodically without notice, during the pendency of

the proceeding for the purpose of ascertaining whether or not the unlicensed activity has been resumed. Any police officer or peace officer with jurisdiction may, upon the request of the office, assist in the enforcement of an inspection provision of an order vacating a temporary closing order or temporary restraining order.

(b) A temporary closing order or a temporary restraining order may be vacated by the court, upon notice to the office, **or any county attorney, corporation counsel, or local government, as applicable,** when [~~the~~] **a** defendant **entitled to request vacatur pursuant to paragraph (a) of this subdivision** gives an undertaking and the court is satisfied that the public health, safety, or welfare will be protected adequately during the pendency of the proceeding. The undertaking shall be in an amount equal to the assessed valuation of the building or premises where the unlicensed activity is being conducted, maintained, or permitted or in such other amount as may be fixed by the court. The defendant shall pay to the office and the attorney general, in the event a judgment of permanent injunction is obtained, their actual costs, expenses and disbursements in bringing and maintaining the proceeding. In addition, the defendant shall pay to the local government or law enforcement agency that provided assistance in enforcing any order of the court issued pursuant to a proceeding brought under this section, its actual costs, expenses and disbursements in assisting with the enforcement of the proceeding.

7. Permanent injunction. (a) A judgment awarding a permanent injunction pursuant to this chapter shall direct that any illicit cannabis**, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such** seized shall be turned over to the office of cannabis management or their authorized representative. The judgment may further direct any police officer or peace officer with jurisdiction to seize and remove from the building or premises all material, equipment, and instrumentalities used in the creation and maintenance of the unlicensed activity and shall direct the sale by the sheriff of any such property in the manner provided for the sale of personal property under execution pursuant to the provisions of the civil practice law and rules**, if the estimated value of the property exceeds the estimated lawful expenses of such sale, or the disposal of the property if the estimated value of the property does not exceed the estimated lawful expenses of such sale**. The net proceeds of any such sale, after deduction of the lawful expenses involved, shall be paid to the general fund of the state.

(b) A judgment awarding a permanent injunction pursuant to this chapter may direct the closing of the building or premises by any police officer or peace officer with jurisdiction to the extent necessary to abate the unlicensed activity and shall direct any police officer or peace officer with jurisdiction to post a copy of the judgment and a printed notice of such closing conforming to the requirements of this chapter. The closing directed by the judgment shall be for such period as the court may direct but in no event shall the closing be for a period of more than one year from the posting of the judgment provided for in this section. If the owner shall file a bond in the value of the property ordered to be closed and submits proof to the court that the unlicensed activity has been abated and will not be created, maintained, or permitted for such period of time as the building or premises has been directed to be closed in the judgment, **and also submits proof that they are also not affiliated with the person who is conducting the unlicensed activity,** the court may vacate the provisions of the judgment

that direct the closing of the building or premises. A closing by a police officer or peace officer with jurisdiction pursuant to the provisions of this section shall not constitute an act of possession, ownership, or control by such police officer or peace officer of the closed premises.

(c) Upon the request of the office of cannabis management or its authorized representative, **or any county attorney, corporation counsel, or local government authorized pursuant to subdivision eight of this section to bring and maintain a civil proceeding in accordance with the procedures set forth in this section,** any police officer or peace officer with jurisdiction may assist in the enforcement of a judgment awarding a permanent injunction entered in a proceeding brought pursuant to this chapter.

(d) A judgment rendered awarding a permanent injunction pursuant to this chapter shall be and become a lien upon the building or premises named in the petition in such proceeding, such lien to date from the time of filing a notice of lis pendens in the office of the clerk of the county wherein the building or premises is located. Every such lien shall have priority before any mortgage or other lien that exists prior to such filing except tax and assessment liens.

(e) A judgment awarding a permanent injunction pursuant to this chapter shall provide, in addition to the costs and disbursements allowed by the civil practice law and rules, upon satisfactory proof by affidavit or such other evidence as may be submitted, the actual costs, expenses and disbursements of the office and the attorney general**, or of any county attorney, corporation counsel, or local government authorized pursuant to subdivision eight of this section to bring and maintain a civil proceeding in accordance with the procedures set forth in this section,** in bringing and maintaining the proceeding.

8. Civil proceedings. In addition to the authority granted in this section to the office of cannabis management and the attorney general, **any** county attorney, corporation counsel, or local government in which such building or premises is located may[~~, after the office of cannabis management grants permission in writing,~~] bring and maintain a civil proceeding in the supreme court of the county in which the building or premises is located to permanently enjoin the unlicensed activity described in this section and the person or persons conducting or maintaining such unlicensed activity, in accordance with the procedures set forth in this section. The office shall be permitted to intervene as of right in any such proceeding. Any such governmental entity which obtains a permanent injunction pursuant to this chapter shall be awarded, in addition to the costs and disbursements allowed by the civil practice law and rules, upon satisfactory proof by affidavit or such other evidence as may be submitted, **any penalties awarded pursuant to paragraph (h) of subdivision one or paragraph (e) of subdivision five of this section and** the actual costs, expenses and disbursements in bringing and maintaining the proceeding. The authority provided by this subdivision shall be in addition to, and shall not be deemed to diminish or reduce, any rights of the parties described in this section under existing law for any violation pursuant to this chapter or any other law.

§ 5. Subdivision 3 of section 17 of the cannabis law, as amended by section 13 of part UU of chapter 56 of the laws of 2023, is amended to read as follows:

3. Notice and right of hearing as provided in the state administrative procedure act shall be served at least fifteen days prior to the date of

the hearing, provided that, whenever because of danger to the public health, safety or welfare it appears prejudicial to the interests of the people of the state to delay action for fifteen days or with respect to a violation of subdivision one or one-a of section one hundred twenty-five of this chapter, the board may serve the respondent with an order requiring certain action [~~or~~], the cessation of certain activities, or the sealing of a premises immediately or within a specified period of less than fifteen days. Whenever a notice of violation or order has been served, the respondent shall be provided an opportunity to request a hearing pursuant to the procedures established by the office and in accordance with the state administrative procedure act and the provisions of this chapter.

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

5. Prior to a hearing, a party, other than the board or office, shall furnish to any other party, within five days after a demand, or sooner if the hearing is scheduled less than five days from the date of demand, a verified statement setting forth:

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

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

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

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

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

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

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

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

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

1-b. Any activity conducted in violation of subdivision one or one-a of this section creates a significant risk of imminent physical harm to natural persons, presents a danger to public health, safety, or welfare, and constitutes a public nuisance.

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

3. Any county, town, city or village governing bodies may adopt local laws or ordinances pertaining to unlicensed persons selling cannabis, cannabis products, or any product marketed or labeled as such in a place of business without obtaining the appropriate registration, license, or permit therefor, or engaging in an indirect retail sale in a place of business, provided that no two such local laws or ordinances shall relate to the same geographic region. Any such laws or ordinances shall be filed with the office promptly upon adoption, and shall establish a local registry, which shall mirror a list maintained by the office for this purpose, as updated, and shall reflect the current name and address of all registered organizations, licensees, or permittees with licensed or permitted premises within the geographical boundaries of the county, town, city, or village. Such local laws or ordinances shall also designate a local official who shall serve as the liaison to the office and who shall be required to receive local registry updates from the office, immediately adopt such updates, coordinate with the office on local enforcement efforts, and send monthly reports to the office in a manner and format as the office shall reasonably prescribe detailing recent enforcement issues and, when executing closure orders, the amount and nature of the products seized. In addition, such local laws or ordinances may:

(a) establish civil penalties for any persons engaging in selling cannabis, cannabis products, or any product marketed or labeled as such in a place of business without appearing on the local registry adopted pursuant to local law or ordinance, or any indirect retail sales, which may include fees, fines or other financial penalties or other remedies, including closures of the premises or building where such retail sales or indirect retail sales are taking place, and a process for adjudicating any hearings required in connection with the issuance of such penalties; and

(b) establish a process by which the county, town, city, or village shall execute any closure orders, and a process by which the enforcing entity shall be required to seize all cannabis, cannabis products, and any products marketed or labeled as such, and to destroy such products.

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

1.(a) Any person who cultivates for sale**, offers to sell,** or sells cannabis, cannabis products, medical cannabis, or any product marketed or labeled as such, without having an appropriate registration, license or permit therefor, including a person whose registration, license, or permit has been revoked, surrendered or cancelled, where such person is engaging in activity for which a license would be required under this chapter, may be subject to a civil penalty of not more than ten thousand dollars for each day during which such violation continues and an additional civil penalty in an amount of no more than five times the revenue from such prohibited sales or, in an amount of no more than three times the projected revenue for any such product found in the possession of such person based on the retail list price of such products; provided, however, that any such person who engages in such activity from a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle on or about same such property, and the quantity of such product on such premises or vehicle does not exceed the limits of personal use under article two hundred twenty-two of the penal law, may be subject to a civil penalty of no more than five thousand dollars.

Provided, further, that where such person has been ordered to cease such conduct pursuant to subdivision one of section one hundred thirty-eight-a of this [~~chapter~~] **article**, such person may be assessed a civil penalty of no more than twenty thousand dollars per day for each day during which such violation continues after receiving such order in addition to the additional civil penalties set forth above; provided, however, that any such person who engages in such activity from a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle on or about same such property, and the quantity of such product on such premises or vehicle does not exceed the limits of personal use under article two hundred twenty-two of the penal law, may be subject to a civil penalty of no more than ten thousand dollars.

(b) If a person engaging in the conduct described in paragraph (a) of this subdivision[~~,~~] or subdivision one-a of this section refuses to permit the office or the board from performing a regulatory inspection, such person may be assessed a civil penalty of up to [~~four~~] **twenty** thousand dollars for a first refusal and up to [~~eight~~] **forty** thousand dollars for a second or subsequent refusal within three years of a prior refusal. If the office or board is not permitted access for a regulatory inspection pursuant to section ten or section eleven of this chapter, as applicable, by such person, the attorney general, upon the request of the office or the board, shall be authorized to apply, without notice to such person, to the supreme court in the county in which the place of business is located for an order granting the office or board access to such place of business. The court may grant such an order if it determines, based on evidence presented by the attorney general, that there is reasonable cause to believe that such place of business is a place of

business which does not possess a valid registration, license, or permit issued by the office or board.

(c) In assessing the civil penalties under this subdivision **or subdivision one-a of this section**, the board or office shall take into consideration the nature of such violation and shall assess a penalty that is proportionate to the violation**; provided, however, that an affidavit from a representative of the office, the office of the attorney general, or a local government, or a local police officer confirming the presence of conduct described in this subdivision or subdivision one-a following an inspection by the office after the office has ordered such conduct to cease shall be sufficient to establish a prima facie case that such conduct had been continuing for each business day between the initial inspection and the last observed or otherwise documented conduct, and shall require the imposition of the maximum per day penalty permitted under paragraph (a) of this subdivision, and the documented presence of such conduct upon or at the completion of an administrative inspection or investigation shall require the assessment of the maximum penalty permitted under paragraph (b) of this subdivision**.

1-a. Any person [~~found to have~~] **who** engaged in indirect retail sale in violation of subdivision one-a of section one hundred twenty-five of this [~~chapter~~] **article**, shall be subject to a civil penalty in an amount equaling the lesser of three times the revenue for such indirect retail sales or up to two thousand five hundred dollars for each such sale, provided, however, that where such conduct also constitutes a violation of subdivision one of this section, such person may only be subject to the civil penalties under one such subdivision, and provided, further, that where such person has been ordered to cease such conduct pursuant to subdivision one of section one hundred thirty-eight-a of this article, such person may be assessed a civil penalty of up to five thousand dollars for each day during which such violation continues in addition to any civil penalties set forth above.

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

2. seize any cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, found in the possession of a person engaged in the conduct described in subdivision one of this section **and their place of business, including a vehicle or storage facility used for such business**;

4. seek injunctive relief against any person engaging in conduct in violation of this section; [~~and~~]

5. request that the attorney general obtain judicial enforcement of an order issued under subdivision one of this section or bring an action or proceeding for any relief otherwise authorized under this chapter for a violation of this chapter, including the recovery of any applicable civil penalties[~~.~~]**;**

6. in connection with any regulatory inspection or investigation or action thereafter, review, seize and copy records, including electronic records stored on cloud platforms, which may establish the duration or extent of any unlawful operation;

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

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

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

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

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

12. upon receipt of one or more complaints that a person is engaged in conduct described in subdivision one of this section, apply or request that the attorney general apply, without notice to such person, to the supreme court in the county in which the place of business is located for an order granting the office or board access to such place of business. The court may grant such an order it if determines, based on evidence presented by the attorney general, that there is reasonable cause to believe that such place of business is the same place of business for which the office has received such complaints. Upon inspection, such person may be assessed a civil penalty of up to ten thousand dollars unless the person provides books and records to the office indicating that all transactions at the place of business do not constitute activities described in subdivision one of this section; and

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

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

§ 138-b. Orders to seal. 1. In addition to any other authority conferred in this chapter, pursuant to the provisions of this section, the board or the office shall have the authority to seal the building or premises, including the storage facility, of any businesses engaged in unlicensed activity, when such activity is conducted, maintained, or permitted in such building or premises, occupied as a place of business as described in subdivision eight of section ten of this chapter, in violation of subdivision one or one-a of section one hundred twenty-five or subdivisions one or eight of section one hundred thirty-two of this article.

2. Upon service of a notice of violation and order requiring immediate cessation of unlicensed activity pursuant to section one hundred thirty-eight-a of this article, the office may issue an order to seal any building or premises involved in the unlicensed activity in accordance with subdivision one of this section. Such order to seal shall be served and posted in accordance with the provisions of this chapter and regulations promulgated by the board, shall be made effective on the fifteenth calendar day after the delivery and posting of such order, and

shall contain notice of the right to request a hearing within fourteen days of delivery and posting of such order to seal. If a hearing is requested within such fourteen-day period, the order shall be effective as set forth in the determination of the board or their designee. If no hearing is requested within such fourteen-day period, the order shall be effective as noticed on the order.

3. Notwithstanding the provisions of subdivision two of this section, the office may issue an order to seal with an immediate effective date if such order is based upon a finding by the office of an imminent threat to the public health or safety. In such cases a hearing shall be held within three business days of a request for such hearing, unless otherwise adjourned by agreement of the parties, and a determination shall be rendered within four business days of the conclusion of such hearing.

4. The finding of whether an imminent threat to the public health or safety exists shall be based on factors that include but are not limited to:

(a) documented sales to minors;

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

(c) sales of products grown, processed, or packaged in another state, or labeled as such;

(d) orders issued following issuance of an order by a court to inspect the building or premises;

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

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

(g) proximity of the building or premises to locations such as schools, houses of worship, or public youth facilities; or

(h) other factors that the board may establish by rule or regulation pursuant to the state administrative procedure act.

Such orders to seal shall be served in the same manner as the notice of violation and order to cease unlicensed activity.

5. Notwithstanding the factors listed in subdivision four of this section, the office may issue an order to seal with an immediate effective date upon a second, third, or fourth inspection in which unlicensed activity is confirmed to be continuing more than ten calendar days after a notice of violation and order to cease unlicensed activity was previously issued by the office.

6. An order to seal may be issued by the office or the board pursuant to subdivision three of this section only if: (a) no part of the building or premises to be sealed is used in part as a residence and pursuant to local law or ordinance is zoned and lawfully occupied as a residence; and (b) the unlicensed activity as described in this section is more than a de minimis part of the business activity on the premises or in the building to be sealed pursuant to the order.

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

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

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

(c) an assessment of the volume of illicit cannabis products on site.

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

(a) The police officer or peace officer serving and executing the order to seal shall forthwith make and return to the office an inventory of personal property situated in and used in conducting, maintaining, or permitting the unlicensed activity within the scope of this chapter and shall enter upon the building or premises for such purpose. Such inventory shall be taken in any manner which is deemed likely to evidence a true and accurate representation of the personal property subject to such inventory including, but not limited to photographing such personal property.

(b) The police officer or peace officer serving and executing the order to seal shall enter the building or premises and, upon service of the order, command all persons present in the building or premises to vacate the premises forthwith. Upon the building or premises being vacated, the premises shall be securely locked and all keys delivered to the officer serving the order who thereafter shall deliver the keys to the fee owner, lessor, or lessee of the building or premises involved. If the fee owner, lessor, or lessee is not at the building or premises when the order is being executed, the officer shall securely padlock the premises and retain the keys until the fee owner, lessor, or lessee of the building is ascertained, in which event, the officer shall deliver the keys to such fee owner, lessor, or lessee.

(c) Upon service and execution of the order to seal, the police officer or peace officer shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of such premises where the unlicensed activity is being conducted, maintained, or permitted. In addition, the officer shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that the premises have been closed by order of the cannabis control board, and the name of the officer or agency posting the notice.

(d) Mutilation or removal of such a posted order or such a posted notice while it remains in force, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of not more than five thousand dollars or by imprisonment not exceeding ninety days, or by both, provided such order or notice contains therein a notice of such penalty. Such penalty shall be enforced by the board or, upon a request by the office, the office of the attorney general or by a court of competent jurisdiction.

(e) Mutilation or removal of the secure padlock while the order to seal remains in place shall be punishable, upon conviction, by a fine of not more than twenty thousand dollars or by a class E felony, or both.

The office shall also adhere to these procedures when executing an order to seal issued in accordance with this section.

9. Any order to seal issued by the office or the board shall be effective for one year from the posting of the judgment provided for in this section. An order to seal may be vacated by the office or the board, upon notice to the office, if the respondent shows by affidavit and such

other proof as may be submitted by the respondent that the unlicensed activity has been abated. An order vacating a previously issued order to seal shall include a provision authorizing the office, or any police officer or peace officer who assisted with the execution of the order to seal, to inspect the building or premises periodically without notice for the purpose of ascertaining whether or not the unlicensed activity has been resumed. Any police officer or peace officer with jurisdiction may, upon the request of the office, assist in the enforcement of an inspection provision of an order vacating an order to seal.

10. The office shall mail a copy, by certified mail, of any order to seal issued by the office or board within five days following issuance of such order to the person in whose name the real estate affected by the order is recorded in the office of the city register or the county clerk, as the case may be, who shall be presumed to be the owner thereof. Such mailing shall constitute notice to the owner and shall be deemed to be complete upon such mailing by the office as provided above.

11. If at any time a respondent vacates the building or premises subject to an order to seal issued by the office or board, or if the building owner provides sufficient proof thereof, any action or proceeding filed in accordance with these procedures relating to such building or premises may be withdrawn by the office or the board without prejudice, and any order to seal may be vacated.

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

§ 13. Subdivisions 1 and 4 of section 715-a of the real property actions and proceedings law, as added by section 21 of part UU of chapter 56 of the laws of 2023, are amended to read as follows:

1. Any duly authorized enforcement agency of the state or of a subdivision thereof, under a duty to enforce the provisions of the penal law or of any state or local law, ordinance, code, rule or regulation relating to buildings, or the cannabis control board, office of cannabis management or the attorney general pursuant to section one hundred thirty-eight-a of the cannabis law, may serve personally upon the owner or landlord of real property authorized or otherwise intended or advertised, in whole or part, for use to buy, sell or otherwise provide goods or services, or for other business, commercial, professional services or manufacturing activities, or upon their agent, a written notice requiring the owner or landlord to make an application for the removal of a commercial tenant so using or occupying the same for a violation of article two hundred twenty-two of the penal law or article six of the cannabis law involving the unlicensed sale of cannabis or products marketed as such, where such property, or the portion thereof being used for such unlicensed activity, is not occupied for any other licensed or lawful purpose. If the owner or landlord or their agent does not make such application within five days thereafter; or, having made it, does not in good faith diligently prosecute it, the enforcement agency giving the notice may bring a proceeding under this article for such removal as though the petitioner were the owner or landlord of the premises, and shall have precedence over any similar proceeding thereafter brought by such owner or landlord or to one theretofore brought by them and not prosecuted diligently and in good faith. An enforcement agency authorized to bring a petition hereunder may do so on their own initiative or upon a referral from an agency of the state or a subdivision thereof. The person in possession of the property, as well as any lessee or

sublessee and the owner or landlord shall be made respondents in the proceeding.

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

§ 14. Subdivision (a) of section 496-d of the tax law, as added by section 6 of part UU of chapter 56 of the laws of 2023, is amended to read as follows:

(a) To conduct regulatory inspections during [~~normal business~~] **operating** hours of any place of business, including a vehicle used for such business, where adult-use cannabis products are distributed, placed, stored, sold or offered for sale. For the purposes of this section, "place of business" shall not include a residence or other real property, or any personal vehicle on or about such property, not held out as open to the public or otherwise being utilized in a business or commercial manner, unless probable cause exists to believe that such residence, real property or vehicle is being used in such a business or commercial manner for the buying or selling of adult-use cannabis products.

§ 15. This act shall take effect immediately and shall apply to offenses committed on or after the date this act shall have become a law; provided, however that the amendments to section 16-a of the cannabis law made by section four of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART H

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

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

§ 2. The opening paragraph of subdivision 2 of section 99-d of the alcoholic beverage control law, as amended by chapter 560 of the laws of 2011, is amended to read as follows:

Before any change in the members of a limited liability company or the transfer or assignment of a membership interest in a limited liability company or any corporate change in stockholders, stockholdings, alcoholic beverage officers, officers or directors, except officers and directors of a premises licensed as a club or a luncheon club under this chapter can be effectuated for the purposes of this chapter, there shall be filed with the liquor authority an application for permission to make such change and there shall be paid to the liquor authority in advance upon filing of the application a fee of one hundred twenty-eight dollars. **Such application shall be deemed approved and in effect if not disapproved by the authority prior to the expiration of ninety days after receipt by the authority.**

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

1. The liquor authority is hereby authorized to issue to a retail licensee for on-premises consumption or a licensed off-premises caterer

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

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

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

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

§ 5-a. Subdivision 3 of section 97-a of the alcoholic beverage control law, as amended by chapter 106 of the laws of 2022, is amended to read as follows:

3. A temporary retail permit under paragraph (b) of subdivision one of this section may not be issued for any premises that is subject to the provisions of section sixty-three or seventy-nine of this chapter; a temporary retail permit under paragraph (b) of subdivision one of this section shall not be issued for a premises subject to the provisions of paragraph (b) of subdivision seven of section sixty-four, subparagraph (ii) of paragraph (a) of subdivision seven of section sixty-four-a, subparagraph (ii) of paragraph (a) of subdivision eleven of section sixty-four-c, or paragraph (b) of subdivision eight of section sixty-four-d __of this chapter__, unless and until a recommendation that there be a finding of public interest has been made by an administrative law judge pursuant to paragraph (f) of subdivision seven of section sixty-four, paragraph (d) of subdivision seven of section sixty-four-a, paragraph (c) of subdivision five of section sixty-four-b, paragraph (c) of subdivision eleven of section sixty-four-c, or paragraph (e) of subdivision eight of section sixty-four-d of this chapter. Provided however, any premises granted a temporary retail permit pursuant to this subdivision in a city with a population of one million or more people shall

only be allowed to operate on the premises under the following conditions: [~~an active~~] no retail license [~~shall have existed~~] at the applied for location [~~within the past two years, and such license~~] shall [~~not~~] have been canceled, suspended, or revoked by the authority within the past two years; the closing time any day of the week shall be no later than midnight; provided however that the closing time of any outdoor space shall be no later than ten o'clock post-meridian Sunday through Thursday and eleven o'clock post-meridian Friday and Saturday; no outdoor music; indoors shall have recorded background music only, with no live music, DJ's, karaoke, or similar forms of music; and no dancing. The authority shall automatically lift such restrictions if the authority issues a retail license for the premises, and replace such restrictions with other restrictions, if any, imposed by the authority in accordance with the public interest standard.

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

2-b. Notwithstanding any provision of this chapter to the contrary, a retail licensee for on-premises consumption shall be authorized to purchase up to twelve bottles of wine and liquor per week from an off-premises retail licensee, and may resell any wine and liquor so purchased for consumption on the premises licensed therefor.

§ 5-c. Section 105 of the alcoholic beverage control law is amended by adding a new subdivision 25 to read as follows:

25. Notwithstanding any provision of this chapter to the contrary, a retail licensee to sell liquor and/or wine for consumption off the premises shall be authorized to sell up to twelve bottles of wine and liquor per week to a retail licensee for on-premises consumption.

§ 6. This act shall take effect immediately, and shall apply to all applications received by the state liquor authority on and after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation by the state liquor authority necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 2. Section 104 of the alcoholic beverage control law is amended by adding a new subdivision 4 to read as follows:

4. Notwithstanding any other provision of this chapter to the contrary, the authority may issue a cider producer or wholesaler's license, beer wholesaler's license, wine wholesaler's license, or liquor wholesaler's license to the holder of any wholesaler's license issued pursuant to this chapter for use at such licensee's existing licensed premises. The liquor authority is hereby authorized to adopt such rules as it may deem necessary to carry out the purposes of this subdivision.

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

PART J

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

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

§ 2. This act shall take effect immediately.

PART K

Section 1. Section 5 of chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and

temporary retail permits, as amended by section 1 of part O of chapter 55 of the laws of 2023, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

PART L

Section 1. Chapter 238 of the laws of 2021 is REPEALED.

§ 2. The alcoholic beverage control law is amended by adding a new section 111-a to read as follows:

§ 111-a. Use of contiguous and non-contiguous municipal public space for on-premises alcoholic beverage sales by certain licensees. 1. The holder of a retail on-premises license issued pursuant to sections fifty-five, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one, or eighty-one-a of this chapter or a manufacturing license that includes a privilege to sell and/or serve alcoholic beverages at retail for on-premises consumption on the licensed premises issued pursuant to section thirty, thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-eight-c, subdivision two-c of section sixty-one, section seventy-six, seventy-six-a, seventy-six-c, or seventy-six-d of this chapter may file an alteration application with the authority pursuant to subdivision one of section ninety-nine-d of this chapter for permission to add municipal public space that is either contiguous or non-contiguous to the licensed premises. Upon approval of such alteration application, such a licensee may exercise the privilege to sell and/or serve alcoholic beverages at retail for on-premises consumption on contiguous municipal public space or non-contiguous municipal public space provided:

(a) the municipality in which the licensed premises is located issues a permit or the responsible municipal regulatory body or agency issues written authorization to the licensee to sell and/or serve food on such contiguous municipal public space or non-contiguous municipal public space;

(b) the licensee submits to the liquor authority a copy of such municipal permit or other written authorization along with the alteration application;

(c) the licensee submits to the liquor authority a copy of the permit application submitted to the municipality to obtain the municipal permit or other written authorization from the municipality along with the alteration application;

(d) the licensee submits to the liquor authority a diagram depicting both the licensed premises and the contiguous municipal public space or non-contiguous municipal public space to be used by the licensee with the alteration application;

(e) the licensee submits to the liquor authority proof that it has provided community notification to the municipality, including municipalities outside the city of New York, in a manner consistent with or required by subdivision two of section one hundred ten-b of this article as required for the city of New York; and

(f) use of any such contiguous or non-contiguous municipal public space meets all applicable federal, state or local laws, rules, regulations, guidance, conditions or requirements.

2. For the purposes of this section: (a) "non-contiguous municipal public space" shall mean space that: (i) is located in front of, behind,

or to the side of the licensed premises; (ii) is within the property boundaries of the licensed premises as extended out; or within the property boundaries of the nearest adjacent properties on either side; (iii) does not extend further than the midline of any public roadway; (iv) is separated from the licensed premises only by one or more of the following: a pedestrian thoroughfare, a thoroughfare primarily restricted to use by bicycles, or a portion of a thoroughfare with such restrictions; and (v) otherwise complies with all applicable federal, state and local requirements.

(b) "Contiguous municipal public space" shall mean space that: (i) is located in front of, behind, or to the side of the licensed premises; (ii) is within the property boundaries of the licensed premises as extended out; or within the property boundaries of the nearest adjacent properties on either side; (iii) otherwise complies with all applicable federal, state and local requirements.

3. Licensees choosing to utilize non-contiguous municipal public space that includes a thoroughfare primarily restricted to use by bicycles, or a portion of a thoroughfare with such restrictions, shall post a sign or poster in said municipal outdoor space with conspicuous lettering in at least seventy-two point bold face font that states: "CAUTION: BICYCLE LANE" prior to and while utilizing any such municipal space for on-premises alcoholic beverage sales to patrons. Such licensees shall be solely responsible for production of and maintenance of such signage. Compliance by the licensee with the provisions of any local law requiring posting of warning signs regarding bicycle lanes enacted on or before the effective date of this section shall be deemed to be in compliance with the provisions of this section. Nothing contained herein, however, shall be deemed to exempt any licensee not otherwise subject to the provisions of any such local law from complying with the provisions of this section.

4. If at any time the municipality revokes, cancels or suspends or otherwise terminates the licensee's authorization to use such contiguous municipal public space or non-contiguous municipal public space, the licensee shall immediately cease exercising the privilege to sell and/or serve alcoholic beverages at retail for consumption on such municipal public space. The licensee shall then file a new alteration application removing the municipal public space from its licensed premises. The failure to file a new alteration application with the authority within ten business days of the revocation, cancellation, suspension, or other termination by the local municipality of the licensee's authorization to use such contiguous or non-contiguous municipal public space shall be cause for revocation, cancellation, suspension and/or imposition of a civil penalty against the license in accordance with section one hundred eighteen of this article.

5. The authority may promulgate guidance, rules and/or regulations necessary to implement the provisions of this section. Notwithstanding existing provisions of this chapter, the authority is authorized to provide simplified applications and notification procedures for licensees seeking to utilize municipal space for on-premises alcoholic beverage sales whenever possible or appropriate. Nothing in this section shall prohibit the authority from requesting additional information from any applicant seeking to use new municipal space or renewal of existing municipal space.

§ 3. This act shall take effect immediately and shall apply to all applications received by the state liquor authority on and after such effective date. Effective immediately, the authority is authorized to

undertake the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act.

PART M

Section 1. Section 196-b of the labor law is amended by adding a new subdivision 4-a to read as follows:

4-a. In addition to the sick leave provided for in this section, on and after January first, two thousand twenty-five, every employer shall be required to provide to its employees forty hours of prenatal personal leave during any fifty-two week calendar period. Prenatal personal leave shall mean the health care received by an employee during pregnancy related to such pregnancy, including physical examinations, monitoring and testing, and discussions with a health care provider related to the pregnancy. Prenatal personal leave may be taken in hourly increments. Benefits for prenatal personal leave shall be paid in hourly installments. Employees shall receive compensation at his or her regular rate of pay, or the applicable minimum wage established pursuant to section six hundred fifty-two of this chapter, whichever is greater, for the use of paid prenatal personal leave.

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

PART N

Section 1. Section 200 of the workers' compensation law, as amended by section 1 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

§ 200. Short title. This article shall be known and may be cited as the "disability [~~benefits law~~] and [~~the~~] paid family leave benefits law."

§ 2. Subdivisions 14, 15 and 22 of section 201 of the workers' compensation law, subdivision 14 as amended and subdivisions 15 and 22 as added by section 2 of part SS of chapter 54 of the laws of 2016, are amended to read as follows:

14. "A day of disability" means any day on which the employee was prevented from performing work because of disability[~~, including any day which the employee uses for family leave,~~] and for which the employee has not received [~~his or her~~] **the employee's** regular remuneration.

15. "Family leave" shall mean any leave taken by an employee from work: (a) to participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member; or (b) to bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of the child for adoption or foster care with the employee; or (c) because of any qualifying exigency as interpreted under the family and medical leave act, 29 U.S.C.S § 2612(a)(1)(e) and 29 C.F.R. S.825.126[~~(a)(1)-(8)~~], arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

22. "Health care provider" shall mean for the purpose of [~~family leave~~] **this article**, a person licensed under article one hundred thirty-one, one hundred thirty-one-B, one hundred thirty-two, one hundred thirty-three, one hundred thirty-six, one hundred thirty-nine, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred fifty-three, one hundred fifty-four, one hundred fifty-six or

one hundred fifty-nine of the education law or a person licensed under the public health law, article one hundred forty of the education law or article one hundred sixty-three of the education law.

§ 2-a. Subdivision 9 of section 201 of the workers' compensation law, as amended by chapter 675 of the laws of 1977, paragraph B as amended by chapter 352 of the laws of 1981, is amended to read as follows:

9. [~~A.~~] (a) "Disability" during employment means the inability of an employee, as a result of injury or sickness not arising out of and in the course of an employment, to perform the regular duties of [~~his~~] their employment or the duties of any other employment which [~~his~~] their employer may offer [~~him~~] them at [~~his~~] their regular wages and which [~~his~~] their injury or sickness does not prevent [~~him~~] them from performing. "Disability" during unemployment means the inability of an employee, as a result of injury or sickness not arising out of and in the course of an employment, to perform the duties of any employment for which [~~he is~~] they are reasonably qualified by training and experience.

[~~B.~~] (b) "Disability" also includes disability caused by or in connection with a pregnancy or neonatal loss, including stillbirth.

§ 2-b. Section 201 of the workers' compensation law is amended by adding a new subdivision 25 to read as follows:

25. "Neonatal loss" means the death of a child during the first twelve weeks of life.

§ 3. Section 203-a of the workers' compensation law, as added by section 4 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

§ 203-a. [~~Retaliatory~~] Interference and retaliatory action prohibited for disability and family leave. 1. The provisions of section one hundred twenty of this chapter and section two hundred forty-one of this article shall be applicable to family and disability leave.

2. It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this article, including:

(a) failing to comply with the requirements of section two hundred twenty-nine of this article, such as by failing to provide an employee with the notice of rights required by such section;

(b) failing to provide an employee with complete and accurate information related to the submission of a claim for disability or family leave benefits, such as by failing to inform the employee that it is the employee's responsibility to submit the completed application materials to the employer's insurance carrier or by failing or refusing to provide the employee with the name of the employer's insurance carrier and/or the employer's policy number with said insurance carrier;

(c) failing to accurately complete and return to the employee the disability or family leave application paperwork within the time period specified by the chair;

(d) providing the employer's insurance carrier with inaccurate information about an employee's employment as it relates to the employee's eligibility for disability or family leave benefits;

(e) refusing to allow an employee who has requested disability or family leave under this article to begin leave until the employer's insurance carrier has approved the employee's claim for disability or family leave benefits;

(f) failing or refusing to carry disability or family leave insurance as required by section two hundred eleven of this article;

(g) threatening termination, demotion, discipline, suspension, or reduction of hours or wages, reporting or threatening to report an

employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of a family member of the employee to a federal, state, or local agency, or threatening any other action against an employee seeking to take disability or family leave that might reasonably deter an employee from exercising a right provided under this article; or

(h) threatening or taking any other action that may have the effect of preventing or discouraging an employee from exercising a right provided under this article.

3. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any collective bargaining agreement or employment contract.

§ 4. Section 203-b of the workers' compensation law, as added by section 4 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

§ 203-b. Reinstatement following disability or family leave. Any eligible employee of a covered employer who takes leave, including leave due to a disability, under this article shall be entitled, on return from such leave, to be restored by the employer to the position of employment held by the employee when the leave commenced, or to be restored to a comparable position with comparable employment benefits, pay and other terms and conditions of employment. The taking of family or disability leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. Nothing in this section shall be construed to entitle any restored employee to the accrual of any seniority or employment benefits during any period of leave, or any right, benefit or position to which the employee would have been entitled had the employee not taken the leave.

§ 5. Section 203-c of the workers' compensation law, as added by section 4 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

§ 203-c. Health insurance during [~~family~~] leave. In accordance with the Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any period of family or disability leave the employer shall maintain any existing health benefits of the employee in force for the duration of such leave as if the employee had continued to work from the date [~~he or she~~] they commenced family or disability leave until the date [~~he or she returns~~] they return to employment.

§ 6. Section 204 of the workers' compensation law, as amended by section 5 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

§ 204. Disability and family leave during employment. 1. Disability benefits shall be payable to an eligible employee for disabilities, beginning with the [~~eighth~~] first day of disability and thereafter during the continuance of disability, subject to the limitations as to maximum and minimum amounts and duration and other conditions and limitations in this section and in sections two hundred five and two hundred six of this article. Family leave benefits shall be payable to an eligible employee for the first full day when family leave is required and thereafter during the continuance of the need for family leave, subject to the limitations as to maximum and minimum amounts and duration and other conditions and limitations in this section and in sections two hundred five and two hundred six of this article. Successive periods of disability or family leave caused by the same or related injury or sickness or qualifying event shall shall be deemed a single period of disability or family leave only if separated by less than three months.

2. (a) The weekly benefit for family leave that occurs (i) on or after January first, two thousand eighteen shall not exceed eight weeks during any fifty-two week calendar period and shall be fifty percent of the employee's average weekly wage but shall not exceed fifty percent of the state average weekly wage, (ii) on or after January first, two thousand nineteen shall not exceed ten weeks during any fifty-two week calendar period and shall be fifty-five percent of the employee's average weekly wage but shall not exceed fifty-five percent of the state average weekly wage, (iii) on or after January first, two thousand twenty shall not exceed ten weeks during any fifty-two week calendar period and shall be sixty percent of the employee's average weekly wage but shall not exceed sixty percent of the state average weekly wage, and (iv) on or after January first of each succeeding year, shall not exceed twelve weeks during any fifty-two week calendar period and shall be sixty-seven percent of the employee's average weekly wage but shall not exceed sixty-seven percent of the New York state average weekly wage in effect. The superintendent of financial services shall have discretion to delay the increases in the family leave benefit level provided in subparagraphs (ii), (iii), and (iv) of this paragraph by one or more calendar years. In determining whether to delay the increase in the family leave benefit for any year, the superintendent of financial services shall consider: (1) the current cost to employees of the family leave benefit and any expected change in the cost after the benefit increase; (2) the current number of insurers issuing insurance policies with a family leave benefit and any expected change in the number of insurers issuing such policies after the benefit increase; (3) the impact of the benefit increase on employers' business and the overall stability of the program to the extent that information is readily available; (4) the impact of the benefit increase on the financial stability of the disability and family leave insurance market and carriers; and (5) any additional factors that the superintendent of financial services deems relevant. If the superintendent of financial services delays the increase in the family leave benefit level for one or more calendar years, the family leave benefit level that shall take effect immediately following the delay shall be the same benefit level that would have taken effect but for the delay. The weekly benefits for family leave that occurs on or after January first, two thousand eighteen shall not be less than one hundred dollars per week except that if the employee's wages at the time of family leave are less than one hundred dollars per week, the employee shall receive [~~his or her~~] **the employee's** full wages. Benefits may be payable to employees for paid family leave taken intermittently or for less than a full work week in increments of one full day or one fifth of the weekly benefit.

(b) **The weekly benefit which the disabled employee is entitled to receive for disability commencing: (i) on or after January first, two thousand twenty-six shall be seventy percent of the portion of the employee's average weekly wage that is equal to or less than fifty percent of the New York state average weekly wage in effect and forty-seven percent of the portion of the employee's average weekly wage that is more than fifty percent of the New York state average weekly wage in effect, but shall not exceed sixty-seven percent of the New York state average weekly wage in effect except that if the employee's average weekly wage is less than one hundred dollars, the benefit shall be such average weekly wage; (ii) on or after January first, two thousand twenty-seven shall be eighty percent of the portion of the employee's average weekly wage that is equal to or less than**

fifty percent of the New York state average weekly wage in effect and fifty-seven percent of the portion of the employee's average weekly wage that is more than fifty percent of the New York state average weekly wage in effect but shall not exceed sixty-seven percent of the state average weekly wage in effect except that if the employee's average weekly wage is less than one hundred dollars, the benefit shall be such average weekly wage; (iii) on or after January first, two thousand twenty-eight shall be ninety percent of the portion of the employee's weekly average wage that is equal to or less than fifty percent of the New York state average weekly wage in effect and sixty-seven percent of the portion of the employee's average weekly wage that is more than fifty percent of the New York state average weekly wage in effect but shall not exceed sixty-seven percent of the state average weekly wage in effect except that if the employee's average weekly wage is less than one hundred dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after May first, nineteen hundred eighty-nine and prior to January first, two thousand twenty-six shall be one-half of the employee's weekly wage, but in no case shall such benefit exceed one hundred seventy dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred eighty-four and prior to July first, nineteen hundred eighty-five shall be one-half of the employee's weekly wage, but in no case shall such benefit exceed one hundred forty-five dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred eighty-three and prior to July first, nineteen hundred eighty-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed one hundred thirty-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred seventy-four, and prior to July first, nineteen hundred eighty-three, shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed ninety-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred seventy and prior to July first, nineteen hundred seventy-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed seventy-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars the benefit shall be such average weekly wage. For any period of disability less than a full week, the benefits payable shall be calculated by dividing the weekly benefit by the number of the employee's normal work days per week and multiplying the quotient by the number of normal work days in such period of disability. The weekly benefit for a disabled employee who is concurrently eligible for benefits in the employment of more than one covered employer shall, within the maximum and minimum herein provided, be one-half of the total of the employee's average weekly wages received from all such covered employ-

ers, and shall be allocated in the proportion of their respective average weekly wage payments.

(c) Provided that the provisions of paragraph (b) of this subdivision and subparagraph (i) of paragraph (a) of subdivision three of section two hundred nine of this article may be waived by a covered employer subject to a collective bargaining agreement with a bona fide labor organization in effect on January first, two thousand twenty-six for a disability commencing between January first, two thousand twenty-six and the expiration or modification date of such collective bargaining agreement; and provided that for such waiver to be valid, it shall explicitly reference this section and be agreed to by the bona fide labor organization. Nothing herein shall prevent a collective bargaining agreement from providing temporary disability benefits greater than the benefits required herein.

§ 7. Subdivision 2 of section 206 of the workers' compensation law, as amended by section 7 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

2. If an employee who is eligible for disability benefits under section two hundred three or two hundred seven of this article is disabled and has claimed or subsequently claims workers' compensation benefits under this chapter or benefits under the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law, and such claim is controverted on the ground that the employee's disability was not caused by an accident that arose out of and in the course of [~~his~~] **their** employment or by an occupational disease, or by an injury in line of duty as a volunteer firefighter or volunteer ambulance worker, the employee shall be entitled in the first instance to receive benefits under this article for [~~his or her~~] **the employee's** disability. If benefits have been paid under this article in respect to a disability alleged to have arisen out of and in the course of the employment or by reason of an occupational disease, or in line of duty as a volunteer firefighter or a volunteer ambulance worker, the employer or carrier or the chair making such payment may, at any time before award of workers' compensation benefits, or volunteer firefighters' benefits or volunteer ambulance workers' benefits, is made, file with the board a claim for reimbursement out of the proceeds of such award to the employee for the period for which disability benefits were paid to the employee under this article, and shall have a lien against the **full** award for reimbursement, notwithstanding the provisions of section thirty-three of this chapter or section twenty-three of the volunteer firefighters' benefit law or section twenty-three of the volunteer ambulance workers' benefit law provided the insurance carrier liable for payment of the award receives, before such award is made, a copy of the claim for reimbursement from the employer, carrier or chair who paid disability benefits, or provided the board's decision and award directs such reimbursement therefrom.

§ 8. Paragraph (a) of subdivision 3 of section 209 of the workers' compensation law, as amended by section 10 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

(a) Disability benefits. The contribution of each such employee to the cost of disability benefits provided by this article shall be one-half of one per centum of the employee's wages paid to him or her on and after July first, nineteen hundred fifty, but not in excess of sixty cents per week.

(i) Beginning January first, two thousand twenty-six, the maximum employee contribution that a covered employer is authorized to collect

from each employee for the cost of disability benefits provided by this article shall be one-half of one per centum of the employee's wages, but shall not exceed two dollars and twenty cents per week.

(ii) Beginning January first, two thousand thirty, the maximum employee contribution that a covered employer is authorized to collect from each employee for the cost of disability benefits provided by this article shall be one-half of one per centum of the employee's wages, but shall not exceed thirty percent of the average of the combination of all employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of this article during the prior calendar year, as determined annually by the superintendent of financial services pursuant to subsection (n) of section four thousand two hundred thirty-five of the insurance law. A self-insurer shall submit reports to the superintendent of financial services for the purpose of determining thirty percent of the average of the combination of all employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of this article during the prior calendar year, pursuant to subsection (n) of section four thousand two hundred thirty-five of the insurance law.

§ 9. The opening paragraph and subdivision 1 of section 214 of the workers' compensation law, as amended by section 26 of part GG of chapter 57 of the laws of 2013, are amended to read as follows:

There is hereby created a fund which shall be known as the special fund for disability benefits to provide for the payment of [~~disability~~] benefits under sections two hundred seven, two hundred thirteen and attendance fees under section two hundred thirty-two of this article.

1. As promptly as practicable after April first, in each year, the chairman shall ascertain the condition of the fund, and if as of any such date the net assets of the fund shall be one million dollars or more below the sum of twelve million dollars, the chairman shall assess and collect an amount sufficient to restore the fund to an amount equal to twelve million dollars.[~~,~~] Such assessment shall be included in the assessment rate established pursuant to subdivision two of section one hundred fifty-one of this chapter. Such assessments shall be deposited with the commissioner of taxation and finance and transferred to the benefit of such fund upon payment of debt service, if any, pursuant to section one hundred fifty-one of this chapter.

§ 10. Subdivision 1 of section 217 of the workers' compensation law, as amended by section 16 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

1. Written notice and proof of disability or proof of need for family leave shall be furnished to the employer by or on behalf of the employee claiming benefits or, in the case of a claimant under section two hundred seven of this article, to the chair, within thirty days after commencement of the period of disability. Additional proof shall be furnished thereafter from time to time as the employer or carrier or chair may require but not more often than once each week. Such proof shall include a statement of disability by the employee's [~~attending physician or attending podiatrist or attending chiropractor or attending dentist or attending psychologist or attending certified nurse midwife or family leave care recipient's health care provider, or in the case of an employee who adheres to the faith or teachings of any church or denomination, and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, by an accredited practitioner,~~] health care

provider containing facts and opinions as to such disability in compliance with regulations of the chair. Failure to furnish notice or proof within the time and in the manner above provided shall not invalidate the claim but no benefits shall be required to be paid for any period more than two weeks prior to the date on which the required proof is furnished unless it shall be shown to the satisfaction of the chair not to have been reasonably possible to furnish such notice or proof and that such notice or proof was furnished as soon as possible; provided, however, that no benefits shall be paid unless the required proof [~~of disability~~] is furnished within the period of actual disability or family leave that does not exceed the statutory maximum period permitted under section two hundred four of this article. No limitation of time provided in this section shall run as against any disabled employee who is mentally incompetent, or physically incapable of providing such notice as a result of a serious medical condition, or a minor so long as such person has no guardian of the person and/or property.

§ 11. Section 218 of the workers' compensation law, as added by chapter 600 of the laws of 1949, subdivision 2 as amended by chapter 809 of the laws of 1985, is amended to read as follows:

§ 218. [~~Disability benefit~~] Benefit rights inalienable. 1. Any agreement by an employee to waive [~~his~~] their rights under this article shall be void.

2. Disability or family leave benefits payable under this article shall not be assigned or released, except as provided in this article, and shall be exempt from all claims of creditors and from levy, execution and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived provided, however, that such benefits shall be subject to an income execution or order for support enforcement pursuant to section fifty-two hundred forty-one or fifty-two hundred forty-two of the civil practice law and rules.

§ 12. Section 221 of the workers' compensation law, as amended by section 19 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

§ 221. Determination of contested claims for disability and family leave benefits. In accordance with regulations adopted by the chair, within twenty-six weeks of written notice of rejection of claim, the employee may file with the chair a notice that [~~his or her~~] the employee's claim for disability or family leave benefits has not been paid, and the employee shall submit proof of disability or entitlement to family leave and of [~~his or her~~] the employee's employment, wages and other facts reasonably necessary for determination of the employee's right to such benefits. Failure to file such notice within the time provided, may be excused if it can be shown not to have been reasonably possible to furnish such notice and that such notice was furnished as soon as possible. On demand the employer or carrier shall forthwith deliver to the board the original or a true copy of the health care provider's report, wage and employment data and all other documentation in the possession of the employer or carrier with respect to such claim.

The chair or designee, shall have full power and authority to determine all issues in relation to every such claim for disability benefits required or provided under this article, and shall file its decision in the office of the chairman. Upon such filing, the chairman shall send to the parties a copy of the decision. Either party may present evidence and be represented by counsel at any hearing on such claim. The decision of the board shall be final as to all questions of fact and, except as provided in section twenty-three of this chapter, as to all questions of

law. Every decision shall be complied with in accordance with its terms within ten days thereafter except as permitted by law upon the filing of a request for review, and any payments due under such decision shall draw simple interest from thirty days after the making thereof at the rate provided in section five thousand four of the civil practice law and rules. The chair shall adopt rules and regulations to carry out the provisions of this article including but not limited to resolution of contested claims and requests for review thereof, and payment of costs for resolution of disputed claims by carriers. Any designated process shall afford the parties the opportunity to present evidence and to be represented by counsel in any such proceeding. The chair shall have the authority to provide for alternative dispute resolution procedures for claims arising under **disability and** family leave, including but not limited to referral and submission of disputed claims to a neutral arbitrator under the auspices of an alternative dispute resolution association pursuant to article seventy-five of the civil practice law and rules. Neutral arbitrator shall mean an arbitrator who does not have a material interest in the outcome of the arbitration proceeding or an existing and substantial relationship, including but not limited to pecuniary interests, with a party, counsel or representative of a party. Any determination made by alternative dispute resolution shall not be reviewable by the board and the venue for any appeal shall be to a court of competent jurisdiction.

§ 13. Section 228 of the workers' compensation law, as added by section 27 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

§ 228. Administrative expenses. 1. The estimated annual expenses necessary for the workers' compensation board to administer the provisions of the disability **and paid family leave** benefits law shall be borne by all affected employers and included as part of the assessment rate generated pursuant to subdivision two of section one hundred fifty-one of this chapter.

2. Annually, as soon as practicable after the first day of April, the chair and department of audit and control shall ascertain the total amount of actual expenses.

§ 14. Subsection (n) of section 4235 of the insurance law is amended by adding a new paragraph 4 to read as follows:

(4)(A) The superintendent shall establish by September first of each year the maximum employee contribution that a covered employer, as defined in section two hundred two of the workers' compensation law, is authorized to collect from each employee for the cost of disability benefits provided pursuant to article nine of the workers' compensation law through a group accident and health insurance policy or through a self-funded employer for its employees.

(i) Beginning January first, two thousand twenty-six, the maximum employee contribution amount shall be one-half of one percent of the employee's wages but shall not exceed two dollars and twenty cents per week.

(ii) Beginning January first, two thousand thirty, the maximum employee contribution that a covered employer is authorized to collect from each employee for the cost of disability benefits provided by this article shall be one-half of one per centum of the employee's wages, but shall not exceed thirty percent of the average of the combination of all employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of the workers' compensation law during the prior calendar year, which

the superintendent shall determine and publish on the department's website.

(B) A self-funded employer shall submit reports to the superintendent for the purpose of determining thirty percent of the average of the combination of all employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of the workers' compensation law. A self-funded employer shall submit a report to the superintendent by July first, two thousand twenty-nine that sets forth employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of the workers' compensation law for the year-ending two thousand twenty-three, in a format determined by the superintendent. Beginning April first, two thousand thirty, and annually thereafter, a self-funded employer shall submit a report to the superintendent that sets forth employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of the workers' compensation law for the prior calendar year, in a format determined by the superintendent.

§ 14-a. Section 203 of the workers' compensation law, as amended by section 3 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

§ 203. Employees eligible for benefits under section two hundred four of this article. Employees in employment of a covered employer for four or more consecutive weeks and employees in employment during the work period usual to and available during such four or more consecutive weeks in any trade or business in which they are regularly employed and in which hiring from day to day of such employees is the usual employment practice shall be eligible for disability and family leave benefits as provided in section two hundred four of this article. [~~Employees in employment of a covered employer for twenty-six or more consecutive weeks and employees in employment during the work period usual to and available during such twenty-six or more consecutive weeks in any trade or business in which they are regularly employed and in which hiring from day to day of such employees is the usual employment practice shall be eligible for family leave benefits as provided in section two hundred four of this article. Every such employee shall continue to be eligible for family leave benefits only during employment with a covered employer.~~] Every such employee shall continue to be eligible for disability and family leave benefits during such employment and for a period of four weeks after such employment terminates regardless of whether the employee performs any work for remuneration or profit in non-covered employment. If during such four week period the employee performs any work for remuneration or profit for another covered employer the employee shall become eligible for disability and family leave benefits immediately with respect to that employment. In addition every such employee who has previously completed four or more consecutive weeks in employment with the covered employer for purposes of disability and family leave benefits[~~, or twenty-six or more consecutive weeks in employment with the covered employer for purposes of paid family leave,~~] and returns to work with the same employer after an agreed and specified unpaid leave of absence or vacation without pay shall become eligible for benefits immediately with respect to such employment. An employee who during a period in which [~~he or she~~] the employee is eligible to receive benefits under subdivision two of section two hundred seven of this article returns to employment with a covered employer and an

employee who is currently receiving unemployment insurance benefits or benefits under section two hundred seven of this article and who returns to employment with a covered employer shall become eligible for disability benefits immediately with respect to such employment. An employee regularly in the employment of a single employer on a work schedule less than the employer's normal work week shall become eligible for disability **and family** leave benefits on the twenty-fifth day of such regular employment [~~**and for purposes of paid family leave an employer shall become eligible for benefits on the one hundred seventy-fifth day of such regular employment**~~]. An employee who is eligible for disability and family leave benefits in the employment of a covered employer shall not be deemed, for the purposes of this article, to have such employment terminated during any period [~~**he or she**~~] **the employee** is eligible to receive benefits under section two hundred four of this article with respect to such employment.

§ 14-b. Paragraph (b) of subdivision 4 of section 212 of the workers' compensation law, as added by section 13 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

(b) Notwithstanding the definition of "employer" in section two hundred one of this article, a sole proprietor, member of a limited liability company or limited liability partnership, or other self-employed person may become a covered employer under this article **for a period of at least one year** by complying with the provisions of subdivision one of this section. **A self-employed person who becomes a covered employer under this section shall become eligible for disability and family leave benefits no later than four weeks after the purchase of a policy of insurance under this article.**

§ 14-c. Subdivision 5 of section 205 of the workers' compensation law, as added by section 6 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

5. **(a)** In any case in which the necessity for family leave is foreseeable based on an expected birth or placement, the employee shall provide the employer with not less than thirty days notice before the date the leave is to begin, of the employee's intention to take family leave under this article, except that if the date of the birth or placement requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable. In any case in which the necessity for family leave is foreseeable based on planned medical treatment, the employee shall provide the employer with not less than thirty days notice, before the date the leave is to begin, of the employees intention to take family leave under this article, except that if the date of the treatment requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.

(b) Any employee who has been deemed eligible to take family leave benefits under this article and who is subsequently deemed ineligible for family leave benefits due to a stillbirth shall be entitled to take family leave benefits, provided that such employee may not collect disability benefits concurrently.

§ 15. Section 2605 of the insurance law is amended to read as follows:

§ 2605. Penalty for violating workers' compensation law. The superintendent may impose a penalty not to exceed twenty-five hundred dollars **per violation** upon any insurer required to be licensed under the provisions of this chapter, if, after notice to and a hearing of such insurer, [~~**he**~~] **the superintendent** finds it has unreasonably failed to comply with the workers' compensation law.

§ 16. This act shall take effect immediately and shall apply to all policies issued, renewed, modified, altered, or amended on or after January 1, 2026; provided, however that the amendments to subdivision 5 of section 205 of the workers' compensation law made by section fourteen-c of this act shall expire and be deemed repealed January 1, 2028.

PART O

Intentionally Omitted

PART P

Section 1. The general business law is amended by adding a new article 39-FF to read as follows:

ARTICLE 39-FF

NEW YORK CHILD DATA PROTECTION ACT

Section 899-ee. Definitions.

899-ff. Privacy protection by default.

899-gg. Third parties.

899-hh. Ongoing coverage.

899-ii. Respecting user-provided age flags.

899-jj. Protections for third-party operators.

899-kk. Rulemaking authority.

899-ll. Scope.

899-mm. Remedies.

§ 899-ee. Definitions. For purposes of this article, the following terms shall have the following meanings:

1. "Covered user" shall mean a user of a website, online service, online application, mobile application, or connected device, or portion thereof, in the state of New York who is:

(a) actually known by the operator of such website, online service, online application, mobile application, or connected device to be a minor; or

(b) a user of a website, online service, online application, mobile application, or connected device primarily directed to minors.

2. "Minor" shall mean a natural person under the age of eighteen.

3. "Operator" shall mean any person:

(a) who operates or provides a website on the internet, online service, online application, mobile application, or connected device; and

(b) who:

(i) collects or maintains, either directly or through another person, personal data from or about the users of such website, service, application, or connected device;

(ii) integrates with another website, service, application, or connected device and directly collects personal data from the users of such website, service, application, or connected device;

(iii) allows another person to collect personal data directly from users of such website, service, application, or connected device; or

(iv) allows users of such website, service, application, or connected device to publicly disclose personal data.

4. "Personal data" shall mean any data that identifies or could reasonably be linked, directly or indirectly, with a specific natural person or device.

5. "Process" or "processing" shall mean an operation or set of operations performed on personal data, including but not limited to the collection, use, access, sharing, sale, monetization, analysis, retention, creation, generation, derivation, recording, organization, structuring, storage, disclosure, transmission, disposal, licensing, destruction, deletion, modification, or deidentification of personal data.

6. "Primarily directed to minors" shall mean a website, online service, online application, mobile application, or connected device, or a portion thereof, that is targeted to minors. A website, online service, online application, mobile application, or connected device, or portion thereof, shall not be deemed directed primarily to minors solely because such website, online service, online application, mobile application, or connected device, or portion thereof refers or links to any other website, online service, online application, mobile application, or connected device directed to minors by using information location tools, including a directory, index, reference, pointer, or hypertext link. A website, online service, online application, mobile application, or connected device, or portion thereof, shall be deemed directed to minors when it has actual knowledge that it is collecting personal data of users directly from users of another website, online service, online application, mobile application, or connected device primarily directed to minors.

7. "Sell" shall mean to share personal data for monetary or other valuable consideration. "Selling" shall not include the sharing of personal data for monetary or other valuable consideration to another person as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which that person assumes control of all or part of the operator's assets.

8. "Third party" shall mean any person who is not any of the following:

(a) the operator with whom the user intentionally interacts and who collects personal data from the user as part of the user's current interaction with the operator;

(b) the user whose personal data the operator processes; or

(c) the parent or legal guardian of a user under thirteen years old whose personal data the operator processes.

§ 899-ff. Privacy protection by default. 1. Except as provided for in subdivision six of this section and section eight hundred ninety-nine-jj of this article, an operator shall not process, or allow a third party to process, the personal data of a covered user collected through the use of a website, online service, online application, mobile application, or connected device unless and to the extent:

(a) the covered user is twelve years of age or younger and processing is permitted under 15 U.S.C. § 6502 and its implementing regulations; or

(b) the covered user is thirteen years of age or older and processing is strictly necessary for an activity set forth in subdivision two of this section, or informed consent has been obtained as set forth in subdivision three of this section.

2. For the purposes of paragraph (b) of subdivision one of this section, the processing of personal data of a covered user is permissible where it is strictly necessary for the following activities:

(a) providing or maintaining a specific product or service requested by the covered user;

(b) conducting the operator's internal business operations. For purposes of this paragraph, such internal business operations shall not

include any activities related to marketing, advertising, or providing products or services to third parties, or prompting covered users to use the website, online service, online application, mobile application, or connected device when it is not in use;

(c) identifying and repairing technical errors that impair existing or intended functionality;

(d) protecting against malicious, fraudulent, or illegal activity;

(e) investigating, establishing, exercising, preparing for, or defending legal claims;

(f) complying with federal, state, or local laws, rules, or regulations;

(g) complying with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities;

(h) detecting, responding to, or preventing security incidents or threats; or

(i) protecting the vital interests of a natural person.

3. (a) For the purposes of paragraph (b) of subdivision one of this section, to process personal data of a covered user where such processing is not strictly necessary under subdivision two of this section, informed consent must be obtained from the covered user either through a device communication or signal pursuant to the provisions of subdivision two of section eight hundred ninety-nine-ii of this article or through a request. Requests for such informed consent shall:

(i) be made separately from any other transaction or part of a transaction;

(ii) be made in the absence of any mechanism that has the purpose or substantial effect of obscuring, subverting, or impairing a covered user's decision-making regarding authorization for the processing;

(iii) clearly and conspicuously state that the processing for which consent is requested is not strictly necessary, and that the covered user may decline without preventing continued use of the website, online service, online application, mobile application, or connected device; and

(iv) clearly present an option to refuse to provide consent as the most prominent option.

(b) Such informed consent, once given, shall be freely revocable at any time, and shall be at least as easy to revoke as it was to provide.

(c) If a covered user declines to provide or revokes informed consent for processing, another request may not be made for such processing for the following calendar year, however an operator may make available a mechanism that a covered user can use, at the user's discretion, to provide informed consent.

(d) If a covered user's device communicates or signals that the covered user declines to provide informed consent for processing pursuant to the provisions of subdivision two of section eight hundred ninety-nine-ii of this article, an operator shall not request informed consent for such processing, however an operator may make available a mechanism that a covered user can use, at the user's discretion, to provide informed consent.

4. Except where processing is strictly necessary to provide a product, service, or feature, an operator may not withhold, degrade, lower the quality, or increase the price of any product, service, or feature to a covered user due to the operator not obtaining verifiable parental consent under 15 U.S.C. § 6502 and its implementing regulations or informed consent under subdivision three of this section.

5. Except as provided for in section eight hundred ninety-nine-jj of this article, an operator shall not purchase or sell, or allow a third party to purchase or sell, the personal data of a covered user.

6. Within fourteen days of determining that a user is a covered user, an operator shall:

(a) dispose of, destroy, or delete all personal data of such covered user that it maintains, unless processing such personal data is permitted under 15 U.S.C. § 6502 and its implementing regulations, is strictly necessary for an activity listed in subdivision two of this section, or informed consent is obtained as set forth in subdivision three of this section; and

(b) notify any third parties to whom it disclosed the personal data, and any third parties it allowed to process the personal data, that the user is a covered user.

§ 899-gg. Third parties. 1. Except as provided for in section eight hundred ninety-nine-jj of this article, no operator shall disclose the personal data of a covered user to a third party, or allow the processing of the personal data of a covered user by a third party, without a written, binding agreement governing such disclosure or processing. Such agreement shall clearly set forth instructions for the nature and purpose of the third-party's processing of the personal data, instructions for using or further disclosing the personal data, and the rights and obligations of both parties.

2. Except as provided for in section eight hundred ninety-nine-jj of this article, prior to disclosing personal data to a third party, the operator shall inform the third party if such data is the personal data of a covered user.

3. An agreement pursuant to subdivision one of this section shall require that the third party:

(a) process the personal data of covered users only when and to the extent strictly necessary for an activity listed pursuant to subdivision two of section eight hundred ninety-nine-ff of this article, or where informed consent was obtained pursuant to subdivision three of section eight hundred ninety-nine-ff of this article;

(b) delete or return to the operator all personal data of covered users at the end of its provision of services, unless retention of the personal data is required by law;

(c) upon reasonable request of the operator, make available to the operator all data in its possession necessary to demonstrate the third-party's compliance with the obligations in this section;

(d) allow, and cooperate with, reasonable assessments by the operator or the operator's designated assessor for purposes of evaluating compliance with the obligations of this article. Alternatively, the third party may arrange for a qualified and independent assessor to conduct an assessment of the third-party's policies and technical and organizational measures in support of the obligations under this article using an appropriate and accepted control standard or framework and assessment procedure for such assessments. The third party shall provide a report of such assessment to the operator upon request; and

(e) notify the operator a reasonable time in advance before disclosing or transferring the personal data of covered users to any further third parties, which may be in the form of a regularly updated list of further third parties that may access personal data of covered users.

§ 899-hh. Ongoing coverage. Upon learning that a user is no longer a covered user, an operator shall immediately provide notice that such

user is no longer covered by the protections and rights provided under the provisions of this article.

§ 899-ii. Respecting user-provided age flags. 1. For the purposes of this article, an operator shall treat a user as a covered user if the user's device communicates or signals that the user is or shall be treated as a minor, including through a browser plug-in or privacy setting, device setting, or other mechanism.

2. For the purposes of subdivision three of section eight hundred ninety-nine-ff of this article, an operator shall adhere to any clear and unambiguous communications or signals from a covered user's device, including through a browser plug-in or privacy setting, device setting, or other mechanism, concerning processing that the covered user consents to or declines to consent to. An operator shall not adhere to unclear or ambiguous communications or signals from a covered user's device, and shall instead request informed consent pursuant to the provisions of paragraph a of subdivision three of section eight hundred ninety-nine-ff of this article.

§ 899-jj. Protections for third-party operators. Sections eight hundred ninety-nine-ff and eight hundred ninety-nine-gg of this article shall not apply to an operator processing the personal data of a covered user of another website, online service, online application, mobile application, or connected device, or portion thereof, where the operator received reasonable written representations that the covered user provided informed consent for such processing, or:

1. the operator does not have actual knowledge that the covered user is a minor; and

2. the operator does not have actual knowledge that the other website, online service, online application, mobile application, or connected device, or portion thereof, is primarily directed to minors.

§ 899-kk. Rulemaking authority. The attorney general may promulgate such rules and regulations as are necessary to effectuate and enforce the provisions of this article.

§ 899-ll. Scope. 1. This article shall apply to conduct that occurs in whole or in part in the state of New York. For purposes of this article, commercial conduct takes place wholly outside of the state of New York if the business collected such information while the covered user was outside of the state of New York, no part of the use of the covered user's personal data occurred in the state of New York, and no personal data collected while the covered user was in the state of New York is used.

2. Nothing in this article shall be construed to prohibit an operator from storing a covered user's personal data that was collected pursuant to section eight hundred ninety-nine-ff of this article when such covered user is in the state.

3. Nothing in this article shall be construed to impose liability for commercial activities or actions by operators subject to 15 U.S.C. 6501 that is inconsistent with the treatment of such activities or actions under 15 U.S.C. 6502.

§ 899-mm. Remedies. Whenever it appears to the attorney general, either upon complaint or otherwise, that any person, within or outside the state, has engaged in or is about to engage in any of the acts or practices stated to be unlawful in this article, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the state of New York to enjoin any violation of this article, to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, to obtain disgorgement of

any profits or gains obtained directly or indirectly by any such violation, including but not limited to the destruction of unlawfully obtained data and algorithms trained on such data, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to five thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief.

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

§ 3. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART Q

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

2. Notwithstanding the provisions of subdivision one of this section, where the state and an employee organization representing state officers and employees who are in positions which are in collective negotiating units established pursuant to article fourteen of the civil service law enter into an agreement providing for an alternative procedure for the payment of salaries to such employees or where the director of employee relations shall authorize an alternative procedure for the payment of salaries to state officers or employees in the executive branch who are in positions which are not in collective negotiating units, such alternative procedure shall be implemented in lieu of the procedure specified in subdivision one of this section. Notwithstanding any other provision of law to the contrary, where the state and an employee organization representing officers and employees in the executive branch who are in positions which are in collective negotiating units established pursuant to article fourteen of the civil service law enter into an agreement, or where the director of employee relations shall authorize for officers and employees in the executive branch who are in positions which are not in collective negotiating units, the alternate procedure specified herein shall be terminated for officers and employees hired on or after July first, two thousand twenty-four. The alternate procedure specified herein shall also be terminated for: (i) nonjudicial officers and employees of the unified court system hired on or after July first, two thousand twenty-four, if the chief administrator of the courts so elects; (ii) employees of the senate hired on or after July first, two thousand twenty-four, if the temporary president of the senate so elects; (iii) employees of the assembly hired on or after July first, two thousand twenty-four, if the speaker of the assembly so elects; and (iv) employees of joint legislative employers hired on or after July first, two thousand twenty-four, if the temporary president of the senate and the speaker of the assembly mutually so elect for all such

joint legislative employers. Any election made pursuant to paragraph (i), (ii), (iii), or (iv) of this subdivision shall be in writing and filed with the state comptroller not later than thirty days after the enactment of this legislation.

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

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

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

(a) For nonjudicial officers and employees of the unified court system: commencing with the earliest administratively feasible payroll period (and corresponding payment date) subsequent to the date this subdivision becomes a law, payment on the payment date of the five payroll periods commencing thereon shall be for nine-tenths of that amount paid each payroll period until a total of five-tenths of salary for one payroll period that would be paid but for this provision has been withheld. For nonjudicial officers and employees hired after the date this subdivision becomes a law, the withholding of five days of salary shall be accomplished in the same manner described above, provided, however, such withholding shall be made on the first five payment dates in which such new officers or employees would otherwise have received their salary. Notwithstanding any other provision of law to the contrary, such withholding shall not be taken for nonjudicial officers and employees of the unified court system hired on or after July first, two thousand twenty-four, if the chief administrator of the courts so elects. Any election made pursuant to this subdivision shall

be in writing and filed with the state comptroller not later than thirty days after the enactment of this legislation.

§ 4. This act shall take effect July 1, 2024.

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

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

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

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

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

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

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

2. County-wide shared services panels. a. There [~~shall~~] may be a county-wide shared services panel in each county consisting of the county CEO, and one representative from each city, town and village in the county. The chief executive officer of each town, city and village shall be the representative to a panel and shall be the mayor, if a city or a village, or shall be the supervisor, if a town. The county CEO shall serve as chair. [~~All panels established in each county pursuant to part BBB of chapter fifty-nine of the laws of two thousand seventeen, and prior to the enactment of this article, shall continue in satisfaction of this section in such form as they were established, provided that the county CEO may alter the membership of the panel consistent with paragraph b of this subdivision.~~]

b. The county CEO may invite any school district, board of cooperative educational services, fire district, fire protection district, or special improvement district in the county to join a panel. Upon such invitation, the governing body of such school district, board of cooperative educational services, fire district, fire protection district, or other special district may accept such invitation by selecting a representative of such governing body, by majority vote, to serve as a member

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

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

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

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

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

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

~~b. The county legislative body shall review and consider each plan submitted in accordance with paragraph a of this subdivision. A majority of the members of such body may issue an advisory report on each plan, making recommendations as deemed necessary. The county CEO may modify a~~

~~plan based on such recommendations, which shall include an updated certification as to the accuracy of the savings contained therein.~~

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

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

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

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

~~8. For each county, new shared services actions in an approved and submitted plan pursuant to this section or part BBB of chapter fifty-nine of the laws of two thousand seventeen, may be eligible for funding to match savings from such action, subject to available appropriation. Savings that are actually and demonstrably realized by the participating local governments are eligible for matching funding. For actions that are part of an approved plan transmitted to the secretary of state in accordance with paragraph b of subdivision seven of this section, savings achieved during either: (i) January first through December thirty-first from new actions implemented on or after January first through December thirty-first of the year immediately following an approved and transmitted plan, or (ii) July first of the year immediately following an approved and transmitted plan through June thirtieth of the subsequent year from new actions implemented July first of the year immediately following an approved plan through June thirtieth of the subsequent year may be eligible for matching funding. Only net savings between local governments for each action would be eligible for matching funding. Savings from internal efficiencies or any other action taken by a local government without the participation of another local government are not eligible for matching funding. Each county and all of the local governments within the county that are part of any action to be implemented as part of an approved plan must collectively apply for the matching funding and agree on the distribution and use of any matching funding in order to qualify for matching funding.~~

~~9.~~] 4. The department of state shall prepare a report to the governor, the temporary president of the senate and the speaker of the assembly on the county-wide shared services plans approved by the county-wide shared services panels created pursuant to part BBB of chapter fifty-nine of

the laws of two thousand seventeen and this article and shall post the report on the department's website. Such report shall be provided on or before June thirtieth, two thousand twenty-five and shall include, but not be limited to, the following:

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

(1) public health and insurance;

(2) emergency services;

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

(4) energy procurement and efficiency;

(5) parks and recreation;

(6) education and workforce training;

(7) law and courts;

(8) shared equipment, personnel, and services;

(9) joint purchasing;

(10) governmental reorganization;

(11) transportation and highway departments; and

(12) records management and administrative functions.

b. for each of the counties the following information:

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

(2) the anticipated savings for each plan;

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

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

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

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

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

~~11. The authority granted by this article to a county CEO to convene a panel for the purpose of revising or updating a previously approved plan, or developing a new plan, or to provide the secretary of state information pursuant to subdivision ten of this section, shall cease on December thirty-first, two thousand twenty-four.~~

~~12.~~] 5. Notwithstanding any other provision of law to the contrary, monies constituting the funds of the village incorporation commission established pursuant to section [~~2-259~~] 2-260 of the village law shall be deposited with the state comptroller and held for the purposes of the village incorporation commission established in article two of the village law; provided, however, that such monies shall be derived from the appropriation dedicated to the matching funds program pursuant to subdivision eight of this section and provided further, that such fund-

ing for such entity shall not be subject to the requirements of subdivision eight of this section related to savings.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024; provided however, that payment to local governments for the state's match of net savings actually and demonstrably realized from new actions that were included in an approved county-wide shared services property tax savings plan finalized and submitted to the director of budget pursuant to part BBB of chapter 59 of the laws of 2017, or transmitted to the secretary of state pursuant to article 12-I of the general municipal law on or before December 31, 2024, which may include projects implemented before March 31, 2025 shall remain eligible for funding, subject to appropriations.

PART V

Section 1. Subdivision 1 of section 2799-gg of the public authorities law, as amended by chapter 182 of the laws of 2009, is amended to read as follows:

1. The authority shall have the power and is hereby authorized from time to time to issue bonds, in conformity with applicable provisions of the uniform commercial code, in such principal amounts as it may determine to be necessary pursuant to section twenty-seven hundred ninety-nine-ff of this title to pay the cost of any project and to fund reserves to secure such bonds, including incidental expenses in connection therewith.

The aggregate principal amount of such bonds, notes or other obligations outstanding shall not exceed [~~thirteen billion, five hundred million dollars ($13,500,000,000)~~], **beginning July first, two thousand twenty-four, nineteen billion five hundred million dollars ($19,500,000,000), provided however, that two hundred eighty-eight million dollars ($288,000,000) shall be dedicated to the city university of New York, and beginning July first, two thousand twenty-five, twenty-five billion five hundred million dollars ($25,500,000,000), provided however, that two hundred eighty-one million dollars ($281,000,000) shall be dedicated to the city university of New York,** excluding bonds, notes or other obligations issued pursuant to sections twenty-seven hundred ninety-nine-ss and twenty-seven hundred ninety-nine-tt of this title; provided, however, that upon any refunding or repayment of bonds (which term shall not, for this purpose, include bond anticipation notes), the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~thirteen billion, five hundred million dollars ($13,500,000,000)~~]**, beginning July first, two thousand twenty-four, nineteen billion five hundred million dollars ($19,500,000,000), and beginning July first, two thousand twenty-five, twenty-five billion five hundred million dollars ($25,500,000,000),** only if the refunding or repayment bonds, notes or other obligations were issued in accordance with the provisions of subparagraph (a) of subdivision two of paragraph b of section 90.10 of the local finance law, as amended from time to time. Notwithstanding the foregoing, bonds, notes or other obligations issued by the authority may be outstanding in an amount greater than the amount permitted by the preceding sentence, provided that such additional amount at issuance, together with the amount of indebtedness contracted by the city of New York, shall not exceed the limit prescribed by section 104.00 of the local finance law. The authority shall have the power from time to time to refund any bonds

of the authority by the issuance of new bonds whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds of the authority then outstanding and partly to pay the cost of any project pursuant to section twenty-seven hundred ninety-nine-ff of this title. Bonds issued by the authority shall be payable solely out of particular revenues or other moneys of the authority as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued, subject to any agreements entered into between the authority and the city, and subject to any agreements with the holders of outstanding bonds pledging any particular revenues or moneys.

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

PART W

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

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

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

(ii) Within the annual amounts appropriated therefor, the secretary of state may award competitive grants to municipalities to cover costs associated with local government efficiency projects, including, but not limited to, planning for or implementation of a municipal consolidation or dissolution, a functional consolidation, a city or county charter revision that includes functional consolidation, shared or cooperative

services, and regionalized delivery of services; provided, however, that such local government efficiency projects must demonstrate new opportunities for financial savings and operational efficiencies; provided, further, that eligible local government efficiency projects shall not include studies and plans for a local government re-organization eligible to receive a local government citizens re-organization empowerment grant pursuant to paragraph q of this subdivision. The secretary of state may focus the grant program in specific functional areas, within distressed communities and areas of historically high local government costs and property taxes, or in areas of unique opportunity, in which case such areas of focus shall be detailed in a request for applications.

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

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

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

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

(vii) In the selection of grant awards, the secretary of state shall give the highest priority to applications: (1) that would result in the dissolution or consolidation of municipalities; (2) that would implement

the complete functional consolidation of a municipal service; or (3) by local governments with historically high costs of local government or sustained increases in property taxes. Priority will also be given to municipalities that have previously completed a planning grant pursuant to this program or the shared municipal services incentive grant program, and to local governments currently involved in regional development projects that have received funds through state community and infrastructure development programs.

(viii) Within one week of the receipt of an application, the department of state shall review the application to ensure the applicant has filed the correct application, and to determine if any required sections of the application contain no information. Within one business day of determining an applicant has filed an incorrect application, or determining an application contains no information in a section required to contain information, the department shall so notify the applicant. Applicants shall be permitted to amend an application found to be missing information, and such application shall be reconsidered for approval if it is amended by the application deadline. If an applicant has submitted an incorrect application, the applicant may submit the correct application to the appropriate program by the deadline for such program for consideration. Under no circumstances shall this subparagraph be deemed to require the extension of any application deadline established by the department, nor shall it obligate the department to conduct a substantive review of the contents of any application outside of the procedures established by the department for the purposes of maintaining the competitive integrity of the grant program.

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

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

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

PART X

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

1. DOL-Child performer protection account (20401).
2. Local government records management account (20501).
3. Child health plus program account (20810).
4. EPIC premium account (20818).
5. Education - New (20901).
6. VLT - Sound basic education fund (20904).
7. Sewage treatment program management and administration fund (21000).

8. Hazardous bulk storage account (21061).
9. Utility environmental regulatory account (21064).
10. Federal grants indirect cost recovery account (21065).
11. Low level radioactive waste account (21066).
12. Recreation account (21067).
13. Public safety recovery account (21077).
14. Environmental regulatory account (21081).
15. Natural resource account (21082).
16. Mined land reclamation program account (21084).
17. Great lakes restoration initiative account (21087).
18. Environmental protection and oil spill compensation fund (21200).
19. Public transportation systems account (21401).
20. Metropolitan mass transportation (21402).
21. Operating permit program account (21451).
22. Mobile source account (21452).
23. Statewide planning and research cooperative system account (21902).
24. New York state thruway authority account (21905).
25. Financial control board account (21911).
26. Regulation of racing account (21912).
27. State university dormitory income reimbursable account (21937).
28. Criminal justice improvement account (21945).
29. Environmental laboratory reference fee account (21959).
30. Training, management and evaluation account (21961).
31. Clinical laboratory reference system assessment account (21962).
32. Indirect cost recovery account (21978).
33. Multi-agency training account (21989).
34. Bell jar collection account (22003).
35. Industry and utility service account (22004).
36. Real property disposition account (22006).
37. Parking account (22007).
38. Courts special grants (22008).
39. Asbestos safety training program account (22009).
40. Batavia school for the blind account (22032).
41. Investment services account (22034).
42. Surplus property account (22036).
43. Financial oversight account (22039).
44. Regulation of Indian gaming account (22046).
45. Rome school for the deaf account (22053).
46. Seized assets account (22054).
47. Administrative adjudication account (22055).
48. New York City assessment account (22062).
49. Cultural education account (22063).
50. Local services account (22078).
51. DHCR mortgage servicing account (22085).
52. Housing indirect cost recovery account (22090).
53. Voting Machine Examinations account (22099).
54. DHCR-HCA application fee account (22100).
55. Low income housing monitoring account (22130).
56. Restitution account (22134).
57. Corporation administration account (22135).
58. New York State Home for Veterans in the Lower-Hudson Valley account (22144).
59. Deferred compensation administration account (22151).
60. Rent revenue other New York City account (22156).
61. Rent revenue account (22158).

62. Transportation aviation account (22165).
63. Tax revenue arrearage account (22168).
64. New York State Campaign Finance Fund account (22211).
65. New York state medical indemnity fund account (22240).
66. Behavioral health parity compliance fund (22246).
67. Pharmacy benefit manager regulatory fund (22255).
68. State university general income offset account (22654).
69. Lake George park trust fund account (22751).
70. Highway safety program account (23001).
71. DOH drinking water program account (23102).
72. NYCCC operating offset account (23151).
73. Commercial gaming revenue account (23701).
74. Commercial gaming regulation account (23702).
75. Highway use tax administration account (23801).
76. New York state secure choice administrative account (23806).
77. New York state cannabis revenue fund (24800).
78. Fantasy sports administration account (24951).
79. Mobile sports wagering fund (24955).
80. Highway and bridge capital account (30051).
81. State university residence hall rehabilitation fund (30100).
82. State parks infrastructure account (30351).
83. Clean water/clean air implementation fund (30500).
84. Hazardous waste remedial cleanup account (31506).
85. Youth facilities improvement account (31701).
86. Housing assistance fund (31800).
87. Housing program fund (31850).
88. Highway facility purpose account (31951).
89. New York racing account (32213).
90. Capital miscellaneous gifts account (32214).
91. Information technology capital financing account (32215).
92. New York environmental protection and spill remediation account (32219).
93. Mental hygiene facilities capital improvement fund (32300).
94. Correctional facilities capital improvement fund (32350).
95. New York State Storm Recovery Capital Fund (33000).
96. OGS convention center account (50318).
97. Empire Plaza Gift Shop (50327).
98. Unemployment Insurance Benefit Fund, Interest Assessment Account (50651).
99. Centralized services fund (55000).
100. Archives records management account (55052).
101. Federal single audit account (55053).
102. Civil service administration account (55055).
103. Civil service EHS occupational health program account (55056).
104. Banking services account (55057).
105. Cultural resources survey account (55058).
106. Neighborhood work project account (55059).
107. Automation & printing chargeback account (55060).
108. OFT NYT account (55061).
109. Data center account (55062).
110. Intrusion detection account (55066).
111. Domestic violence grant account (55067).
112. Centralized technology services account (55069).
113. Labor contact center account (55071).
114. Human services contact center account (55072).
115. Tax contact center account (55073).

116. Department of law civil recoveries account (55074).
117. Executive direction internal audit account (55251).
118. CIO Information technology centralized services account (55252).
119. Health insurance internal service account (55300).
120. Civil service employee benefits division administrative account (55301).
121. Correctional industries revolving fund (55350).
122. Employees health insurance account (60201).
123. Medicaid management information system escrow fund (60900).
124. Virtual currency assessments account.
125. Animal shelter regulation account.
126. Department of financial services IT modernization capital account.

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

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

§ 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2025, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. $2,175,000 from the miscellaneous special revenue fund, underground facilities safety training account (22172), to the general fund.
2. An amount up to the unencumbered balance from the miscellaneous special revenue fund, business and licensing services account (21977), to the general fund.
3. $19,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.
4. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

Education:

1. $2,792,000,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
2. $1,096,000,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
3. $121,600,000 from the general fund to the New York state commercial gaming fund, commercial gaming revenue account (23701), as reimbursement

for disbursements made from such fund for supplemental aid to education pursuant to section 97-nnnn of the state finance law that are in excess of the amounts deposited in such fund for purposes pursuant to section 1352 of the racing, pari-mutuel wagering and breeding law.

4. $995,000,000 from the general fund to the mobile sports wagering fund, education account (24955), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1367 of the racing, pari-mutuel wagering and breeding law.

5. $25,000,000 from the interactive fantasy sports fund, fantasy sports education account (24950), to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law.

6. An amount up to the unencumbered balance in the fund on March 31, 2025 from the charitable gifts trust fund, elementary and secondary education account (24901), to the general fund, for payment of general support for public schools pursuant to section 3609-a of the education law.

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

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

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

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

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

12. $79,100,000 from the state university income fund, state university hospitals income reimbursable account (22656) to the general fund for hospital debt service for the period April 1, 2024 through March 31, 2025.

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

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

15. $30,013,000 from the general fund to the miscellaneous special revenue fund, HESC-insurance premium payments account (21960).

Environmental Affairs:

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

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

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

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

5. $125,000,000 from the general fund to the environmental protection fund, environmental protection fund transfer account (30451).

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

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

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

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

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

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

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

13. $15,000,000 from the enterprise fund, golf account (50332) to the state park infrastructure fund, state park infrastructure account (30351).

Family Assistance:

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

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

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

4. $205,000,000 from any of the office of temporary and disability assistance or department of health special revenue funds to the general fund.

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

6. $35,000,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, and department of health special revenue federal funds to the office of

children and family services miscellaneous special revenue fund, multi-agency training contract account (21989).

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

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

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

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

11. $5,000,000 from the general fund to the housing program fund (31850).

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

General Government:

1. $9,000,000 from the general fund to the health insurance revolving fund (55300).

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

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

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

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

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

7. $3,326,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the miscellaneous special revenue fund, authority budget office account (22138).

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

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

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

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

12. $33,000,000 from the general fund to the internal service fund, business services center account (55022).

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

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

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

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

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

18. $5,600,000 from the banking department special revenue fund (21970) funded by the assessment to defray operating expenses authorized by section 206 of the financial services law to the IT Modernization Capital Fund.

19. $8,400,000 from the insurance department special revenue fund (21994) funded by the assessment to defray operating expenses authorized by section 206 of the financial services law to the IT Modernization Capital Fund.

20. $500,000 from the pharmacy benefits bureau special revenue fund (22255) funded by the assessment to defray operating expenses authorized by section 206 of the financial services law, to the IT Modernization Capital Fund.

21. $500,000 from the virtual currency special revenue fund (22262) funded by the assessment to defray operating expenses authorized by section 206 of the financial services law, to the IT Modernization Capital Fund.

Health:

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

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

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

4. $3,600,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

5. $4,000,000 from the miscellaneous special revenue fund, vital health records account (22103), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

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

7. $131,000,000 from the HCRA resources fund (20800) to the capital projects fund (30000).

8. $6,550,000 from the general fund to the medical cannabis trust fund, health operation and oversight account (23755).

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

10. $500,000 from the miscellaneous special revenue fund, New York State cannabis revenue fund (24800), to the miscellaneous special revenue fund, environmental laboratory fee account (21959).

11. An amount up to the unencumbered balance from the public health emergency charitable gifts trust fund (23816), to the general fund, for payment of goods and services necessary to respond to a public health disaster emergency or to assist or aid in responding to such a disaster.

12. $1,000,000,000 from the general fund to the health care transformation fund (24850).

13. $2,590,000 from the miscellaneous special revenue fund, patient safety center account (22140), to the general fund.

14. $1,000,000 from the miscellaneous special revenue fund, nursing home receivership account (21925), to the general fund.

15. Intentionally omitted.

16. $2,200,000 from the miscellaneous special revenue fund, adult home quality enhancement account (22091), to the general fund.

17. $22,113,000 from the general fund, to the miscellaneous special revenue fund, helen hayes hospital account (22140).

18. $4,850,000 from the general fund, to the miscellaneous special revenue fund, New York city veterans' home account (22141).

19. $3,675,000 from the general fund, to the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).

20. $2,055,000 from the general fund, to the miscellaneous special revenue fund, western New York veterans' home account (22143).

21. $6,451,000 from the general fund, to the miscellaneous special revenue fund, New York state for veterans in the lower-hudson valley account (22144).

22. $6,600,000 from the general fund, to the New York state medical indemnity fund (22240).

23. $175,000,000 from the essential plan trust fund, to the general fund.

Labor:

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

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

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

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

Mental Hygiene:

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

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

3. $20,000,000 from the opioid settlement fund (23817) to the miscellaneous capital projects fund, opioid settlement capital account (32200).

4. $20,000,000 from the miscellaneous capital projects fund, opioid settlement capital account (32200) to the opioid settlement fund (23817).

Public Protection:

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

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

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

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

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

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

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

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

9. Intentionally omitted.

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

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

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

13. $38,938,000 from the general fund to the miscellaneous special revenue fund, criminal justice improvement account (21945).

14. $6,000,000 from the general fund to the miscellaneous special revenue fund, hazard mitigation revolving loan account.

15. Intentionally omitted.

Transportation:

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

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

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

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

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

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

Miscellaneous:

1. $500,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

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

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

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

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

6. $3,650,000,000 from the special revenue federal fund, ARPA-Fiscal Recovery Fund (25546) to the general fund, state purposes account (10050) to cover eligible costs incurred by the state.

7. $1,350,000,000 from the general fund to the hazardous waste oversight and assistance account (31505), State parks infrastructure account (30351), environmental protection fund transfer account (30451), the correctional facilities capital improvement fund (32350), housing program fund (31850), or the Mental hygiene facilities capital improvement fund (32300), up to an amount equal to certain outstanding accounts receivable balances.

§ 4. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2025:

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

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

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

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

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

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

§ 5. On or before March 31, 2025, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund, banking services account (55057), for the purpose of meeting direct payments from such account.

§ 6. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2025, up to $16,000,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

§ 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2025, up to $6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.

§ 8. Notwithstanding any law to the contrary, the state university chancellor or his or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (61000) to the state university income fund, state university general revenue offset account (22655) on or before March 31, 2025.

§ 8-a. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, a total of up to $100,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) and/or the state university income fund, state university hospitals income reimbursable account (22656) during the period July 1, 2024 through June 30, 2025 to pay costs attributable to the state university health science center at Brooklyn and/or the state university of New York hospital at Brooklyn, respectively, pursuant to a transformation plan approved by the director of the budget.

§ 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $1,318,326,500 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2024 through June 30, 2025 to support operations at the state university.

§ 10. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $110,650,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of April 1, 2024 through June 30, 2024 to support operations at the state university.

§ 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $49,600,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2024 to June 30, 2025 for general fund operating support pursuant to subparagraph (4-b) of paragraph h of subdivision 2 of section three hundred fifty-five of the education law.

§ 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $20,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2024 to June 30, 2025 to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of the education law.

§ 13. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his or her designee, up to $55,000,000 from the state university income fund, state university hospitals income reimbursable account (22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2025.

§ 14. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2025.

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

§ 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $1 billion from the unencumbered balance of any special revenue fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly

authorized in the 2024-25 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 17. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207), the miscellaneous capital projects fund, the federal capital projects account (31350), information technology capital financing account (32215), or the centralized technology services account (55069), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

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

§ 19. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized and directed to transfer to the state treasury to the credit of the general fund up to $20,000,000 for the state fiscal year commencing April 1, 2024, the proceeds of which will be utilized to support energy-related state activities.

§ 20. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized to transfer to the state treasury to the credit of the general fund up to $25,000,000 for the state fiscal year commencing April 1, 2024, the proceeds of which will be utilized to

support programs established or implemented by or within the department of labor, including but not limited to the office of just energy transition and programs for workforce training and retraining, to prepare workers for employment for work in the renewable energy field.

§ 21. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to contribute $913,000 to the state treasury to the credit of the general fund on or before March 31, 2025.

§ 22. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to transfer five million dollars to the credit of the Environmental Protection Fund on or before March 31, 2025 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 23. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 21 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [~~twenty-three~~] twenty-four, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [~~$1,716,913,000~~] $1,575,393,000 as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [~~twenty-three~~] twenty-four.

§ 24. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2025, the following amounts from the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

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

2. $1,537,000 from the miscellaneous special revenue fund, helen hayes hospital account (22140).

3. $474,000 from the miscellaneous special revenue fund, New York city veterans' home account (22141).

4. $593,000 from the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).

5. $177,000 from the miscellaneous special revenue fund, western New York veterans' home account (22143).

6. $336,000 from the miscellaneous special revenue fund, New York state for veterans in the lower-hudson valley account (22144).

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

8. $9,173,000 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

9. $150,218,000 from the miscellaneous special revenue fund, state university revenue offset account (22655).

10. $50,197,000 from the state university dormitory income fund, state university dormitory income fund (40350).

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

§ 25. Subdivision 6 of section 4 of the state finance law, as amended by section 24 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

6. Notwithstanding any law to the contrary, at the beginning of the state fiscal year, the state comptroller is hereby authorized and directed to receive for deposit to the credit of a fund and/or an account such monies as are identified by the director of the budget as having been intended for such deposit to support disbursements from such fund and/or account made in pursuance of an appropriation by law. As soon as practicable upon enactment of the budget, the director of the budget shall, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee, file with the state comptroller an identification of specific monies to be so deposited. Any subsequent change regarding the monies to be so deposited shall be filed by the director of the budget, as soon as practicable, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee.

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

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

§ 26. Subdivision 4 of section 40 of the state finance law, as amended by section 25 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

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

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

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

interest paid to the holders of such agency's mental services facilities improvement revenue bonds. Annually on or before each June 30th, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

§ 28. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 27 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~nine billion eight hundred sixty-five million eight hundred fifty-nine thousand dollars $9,865,859,000~~] **ten billion two hundred ninety-nine million three hundred fifty-nine thousand dollars $10,299,359,000**, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~nine billion eight hundred sixty-five million eight hundred fifty-nine thousand dollars $9,865,859,000~~] **ten billion two hundred ninety-nine million three hundred fifty-nine thousand dollars $10,299,359,000**, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 29. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 42 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding [~~thirteen billion six hundred thirty-five million four hundred twenty-five thousand dollars $13,635,425,000~~] fourteen billion nine hundred million dollars $14,900,000,000, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

§ 30. Paragraph (b) of subdivision 1 of section 385 of the public authorities law, as amended by section 45 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(b) The authority is hereby authorized, as additional corporate purposes thereof solely upon the request of the director of the budget: (i) to issue special emergency highway and bridge trust fund bonds and notes for a term not to exceed thirty years and to incur obligations secured by the moneys appropriated from the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law; (ii) to make available the proceeds in accordance with instructions provided by the director of the budget from the sale of such special emergency highway and bridge trust fund bonds, notes or other obligations, net of all costs to the authority in connection therewith, for the purposes of financing all or a portion of the costs of activities for which moneys in the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law are authorized to be utilized or for the financing of disbursements made by the state for the activities authorized pursuant to section eighty-nine-b of the state finance law; and (iii) to enter into agreements with the commissioner of transportation pursuant to section ten-e of the highway law with respect to financing for any activities authorized pursuant to section eighty-nine-b of the state finance law, or agreements with the commissioner of transportation pursuant to sections ten-f and ten-g of the highway law in connection with activities on state highways pursuant to these sections, and (iv) to enter into service contracts, contracts, agreements, deeds and leases with the director of the budget or the

commissioner of transportation and project sponsors and others to provide for the financing by the authority of activities authorized pursuant to section eighty-nine-b of the state finance law, and each of the director of the budget and the commissioner of transportation are hereby authorized to enter into service contracts, contracts, agreements, deeds and leases with the authority, project sponsors or others to provide for such financing. The authority shall not issue any bonds or notes in an amount in excess of [~~twenty billion six hundred forty-eight million five hundred seven thousand dollars $20,648,507,000~~] twenty-one billion four hundred fifty-eight million three hundred nine thousand dollars $21,458,309,000, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to provide capitalized interest; and, (C) to fund other costs of issuance. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the authority issued pursuant to this section, as amended by a chapter of the laws of nineteen hundred ninety-six, there shall be excluded the amount of bonds or notes issued that would constitute interest under the United States Internal Revenue Code of 1986, as amended, and the amount of indebtedness issued to refund or otherwise repay bonds or notes.

§ 31. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 32 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed [~~eleven billion three hundred fourteen million three hundred fifty-two thousand dollars $11,314,352,000~~] twelve billion four hundred eight million dollars $12,408,000,000. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 32. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 39 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. The dormitory authority is authorized to issue bonds, at the request of the commissioner of education, to finance eligible library construction projects pursuant to section two hundred seventy-three-a of the education law, in amounts certified by such commissioner not to exceed a total principal amount of [~~three hundred sixty-seven million dollars $367,000,000~~] four hundred twenty-one million dollars $421,000,000.

§ 33. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 31 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed [~~eighteen billion one hundred ten million nine hundred sixty-four thousand dollars $18,110,964,000~~] nineteen billion six hundred million dollars $19,600,000,000; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding bonds does not exceed the present value of the aggregate debt service on the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with

or for the benefit of bondholders which might in any way affect such right.

§ 34. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 33 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [~~one billion two hundred twenty-seven million ninety-five thousand dollars $1,227,095,000~~] one billion three hundred sixty-five million three hundred eight thousand dollars $1,365,308,000. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

§ 35. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by section 35 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding [~~twelve billion four hundred eighteen million three hundred thirty-seven thousand dollars $12,418,337,000~~] twelve billion nine hundred twenty-one million seven hundred fifty-six thousand dollars $12,921,756,000, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and

mental health facilities improvement notes may be greater than [~~twelve billion four hundred eighteen million three hundred thirty-seven thousand dollars $12,418,337,000~~] twelve billion nine hundred twenty-one million seven hundred fifty-six thousand dollars $12,921,756,000, only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law and the amount of bonds issued or outstanding for such purposes shall not be included for purposes of determining the amount of bonds issued pursuant to this section. The director of the budget shall allocate the aggregate principal authorized to be issued by the agency among the office of mental health, office for people with developmental disabilities, and the office of addiction services and supports, in consultation with their respective commissioners to finance bondable appropriations previously approved by the legislature.

§ 36. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 30 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~five hundred one million five hundred thousand dollars $501,500,000~~] five hundred twenty-two million five hundred thousand dollars $522,500,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds

or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~one billion seven hundred thirteen million eighty-six thousand dollars $1,713,086,000~~] **one billion eight hundred fifty-five million two hundred eighty-six thousand dollars $1,855,286,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 37. Subdivision 1 of section 47 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 44 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, department of law, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~one billion three hundred fifty-three million eight hundred fifty-two thousand dollars $1,353,852,000~~] **one billion seven hundred forty-two million seven hundred twelve thousand dollars $1,742,712,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 38. Subdivision (b) of section 11 of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, as amended by section 38 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision

(a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of [~~thirteen billion nine hundred forty-nine million two hundred thirty-four thousand dollars $13,949,234,000~~] **fourteen billion nine hundred two million five hundred eighty-seven thousand dollars $14,902,587,000** cumulatively by the end of fiscal year [~~2023-24~~] **2024-25**. For purposes of this subdivision, such projects shall be deemed to include capital grants to cities, towns and villages for the reimbursement of eligible capital costs of local highway and bridge projects within such municipality, where allocations to cities, towns and villages are based on the total number of New York or United States or interstate signed touring route miles for which such municipality has capital maintenance responsibility, and where such eligible capital costs include the costs of construction and repair of highways, bridges, highway-railroad crossings, and other transportation facilities for projects with a service life of ten years or more.

§ 39. Section 53 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 37 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

§ 53. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the acquisition of equipment, including but not limited to the creation or modernization of information technology systems and related research and development equipment, health and safety equipment, heavy equipment and machinery, the creation or improvement of security systems, and laboratory equipment and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~four hundred ninety-three million dollars $493,000,000~~] **five hundred ninety-three million dollars $593,000,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the urban development corporation in undertaking the financing for project costs for the acquisition of equipment, including but not limited to the creation or modernization of information technology systems and related research and development equipment, health and safety equipment, heavy equipment and machinery, the creation or improvement of security systems, and laboratory equipment and other state costs associated with such capital

projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the urban development corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the urban development corporation agree, so as to annually provide to the dormitory authority and the urban development corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the urban development corporation as security for its bonds and notes, as authorized by this section.

§ 40. Subdivision 3 of section 1285-p of the public authorities law, as amended by section 29 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be [~~nine billion three hundred thirty-five million seven hundred ten thousand dollars $9,335,710,000~~] **ten billion eight hundred ninety-six million seven hundred ten thousand dollars $10,896,710,000**, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 41. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 34 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~one billion fourteen million seven hundred thirty-five thousand dollars $1,014,735,000~~] **one billion sixty-six million seven hundred fifty-five thousand dollars $1,066,755,000**, which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund or the capital projects fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family

services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~one billion fourteen million seven hundred thirty-five thousand dollars $1,014,735,000~~] **one billion sixty-six million seven hundred fifty-five thousand dollars $1,066,755,000**, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 42. Subdivision 1 of section 386-b of the public authorities law, as amended by section 41 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~twelve billion three hundred eight million three hundred eleven thousand dollars $12,308,311,000~~] **sixteen billion two hundred forty-three million three hundred sixty-nine thousand dollars $16,243,369,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest

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

§ 43. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 40 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, Lake Ontario regional projects, Pennsylvania station and other transit projects, athletic facilities for professional football in Orchard Park, New York**, Rush - NY, New York AI Consortium, New York Creates UEV Tool,** and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~seventeen billion six hundred fifty-five million six hundred two thousand dollars $17,655,602,000~~] **nineteen billion nine hundred eighty-six million one hundred ninety-four thousand dollars $19,986,194,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, New York State Capital Assistance Program for Transportation, infrastructure, and economic development, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, Lake Ontario regional projects, Pennsylvania station and other transit projects, athletic facilities for professional football in Orchard Park, New York**, Rush - NY, New York AI Consortium, New York Creates UEV Tool,** and other state costs associated with such projects the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

§ 44. Subdivision (a) of section 28 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 36 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, one or more authorized issuers as defined by section 68-a of the state finance law are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~two hundred forty-seven million dollars $247,000,000~~] two hundred ninety-seven million dollars $297,000,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects for public protection facilities in the Division of Military and Naval Affairs, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 45. Subdivision 1 of section 50 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 43 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs undertaken by or on behalf of the state education department, special act school districts, state-supported schools for the blind and deaf, approved private special education schools, non-public schools, community centers, day care facilities, residential camps, day camps, Native American Indian Nation schools, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~three hundred twenty-one million seven hundred ninety-nine thousand dollars $321,799,000~~] four hundred million dollars $400,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 45-a. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant

board, as amended by section 48 of part PP of chapter 56 of the laws of 2023, are amended to read as follows:

(b) Within amounts appropriated therefor, the board is hereby authorized and directed to award matching capital grants totaling [~~three hundred eighty-five million dollars, $385,000,000~~] four hundred twenty-five million dollars $425,000,000. Each college shall be eligible for a grant award amount as determined by the calculations pursuant to subdivision five of this section. In addition, such colleges shall be eligible to compete for additional funds pursuant to paragraph (h) of subdivision four of this section.

(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [~~three hundred eighty-five million dollars, $385,000,000~~] four hundred twenty-five million dollars $425,000,000 for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.

§ 46. Subdivision 1 of section 1680-k of the public authorities law, as amended by section 47 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any provisions of law to the contrary, the dormitory authority is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~forty million nine hundred forty-five thousand dollars $40,945,000~~] forty-one million sixty thousand dollars $41,060,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing the construction of the New York state agriculture and markets food laboratory. Eligible project costs may include, but not be limited to the cost of design, financing, site investigations, site acquisition and preparation, demolition, construction, rehabilitation, acquisition of machinery and equipment, and infrastructure improvements. Such bonds and notes of such authorized issuers shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuers for debt service and related expenses pursuant to any service contract executed pursuant to subdivision two of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 47. Paragraph a of subdivision 1 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by chapter 479 of the laws of 2022, is amended to read as follows:

a. "Mental health services facility" shall mean a building, a unit within a building, a laboratory, a classroom, a housing unit, a dining hall, an activities center, a library, real property of any kind or description, or any structure on or improvement to real property of any kind or description, including fixtures and equipment which may or may not be an integral part of any such building, unit, structure or improvement, a walkway, a roadway or a parking lot, and improvements and

connections for water, sewer, gas, electrical, telephone, heating, air conditioning and other utility services, or a combination of any of the foregoing, whether for patient care and treatment or staff, staff family or service use, located at or related to any psychiatric center, any developmental center, or any state psychiatric or research institute or other facility now or hereafter established under the state department of mental hygiene. A mental health services facility shall also mean and include a residential care center for adults, a "community mental health and developmental disabilities facility", and a state or voluntary operated treatment facility for use in the conduct of an alcoholism or substance abuse treatment program as defined in the mental hygiene law, unless such residential care center for adults, community mental health and developmental disabilities facility or alcoholism or substance abuse facility is expressly excepted or the context clearly requires otherwise. The definition contained in this subdivision shall not be construed to exclude therefrom a facility, whether or not owned or leased by a voluntary agency, to be made available under lease, or sublease, from the facilities development corporation to a voluntary agency at the request of the commissioners of the offices and directors of the divisions of the department of mental hygiene having jurisdiction thereof for use in providing services in a residential care center for adults, community mental health and developmental disabilities services, or for use in the conduct of an alcoholism or substance abuse treatment program. For purposes of this section mental health services facility shall also mean mental hygiene facility as defined in subdivision ten of section three of the facilities development corporation act **and shall also include facilities for: (i) comprehensive psychiatric emergency programs and/or psychiatric inpatient programs or other similar programs under the auspice of municipalities and other public and not-for-profit agencies, dually licensed pursuant to article thirty-one of the mental hygiene law and article twenty-eight of the public health law; and (ii) housing for mentally ill persons under the auspice of municipalities and other public and not-for-profit agencies, approved by the commissioner of the office of mental health, pursuant to article forty-one of the mental hygiene law**.

§ 48. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2025 the following amounts from the following special revenue accounts or enterprise funds to the general fund, for the purposes of offsetting principal and interest costs, incurred by the state pursuant to section 386-a of the public authorities law, provided that the annual amount of the transfer shall be no more than the principal and interest that would have otherwise been due to the power authority of the state of New York, from any state agency, in a given state fiscal year. Amounts pertaining to special revenue accounts assigned to the state university of New York shall be considered interchangeable between the designated special revenue accounts as to meet the requirements of this section and section 386-a of the public authorities law:

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

2. $5,000,000 from state university dormitory income fund, state university dormitory income fund (40350).

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

§ 49. Intentionally omitted.

§ 50. Intentionally omitted.

§ 51. Subdivision 6-a of section 2 of the state finance law, as added by chapter 837 of the laws of 1983, is amended to read as follows:

6-a. "Fixed assets". **(i)** Assets of a long-term, tangible character which are intended to continue to be held or used, such as land, buildings, improvements, machinery**,** and equipment**, and (ii) assets that provide a long-term interest in land, including conservation easements**.

§ 52. Subdivision 2 of section 2976 of the public authorities law, as amended by section 1 of part FF of chapter 59 of the laws of 2009, is amended to read as follows:

2. The bond issuance charge shall be computed by multiplying the principal amount of bonds issued by the percentage set forth in the schedule below, provided that: (a) the charge applicable to the principal amount of single family mortgage revenue bonds shall be seven one-hundredths of one percent; (b) the issuance of bonds shall not include the remarketing of bonds; and (c) the issuance of bonds shall not include the [~~current~~] refunding of [~~short term~~] bonds, notes or other obligations [~~for which the bond issuance charge provided by this section has been paid, provided that such current refunding (i) occurs within one year from the issuance of the refunded obligations, or (ii) is part of a program created by a single indenture or bond resolution that provides for the periodic issuance and refunding of short term obligations~~].

SCHEDULE

Principal Amount of Bonds Issued	Percentage Charge
a. [~~$1,000,000~~] **$20,000,000** or less	[~~.168%~~] **0%**
b. [~~$1,000,001 to $5,000,000~~	~~.336%~~
~~c. $5,000,001 to $10,000,000~~	~~.504%~~
~~d. $10,000,001 to $20,000,000~~	~~.672%~~
~~e.~~] More than $20,000,000	[~~.84%~~] **.35%**

§ 53. Intentionally omitted.

§ 54. Intentionally omitted.

§ 55. Intentionally omitted.

§ 56. Subdivision 1 of section 386-a of the public authorities law, as amended by section 54 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

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

service on such bonds. Notwithstanding any other provision of law to the contrary, including the limitations contained in subdivision four of section sixty-seven-b of the state finance law, (A) any bonds and notes issued prior to April first, two thousand [~~twenty-four~~] twenty-five pursuant to this section may be issued with a maximum maturity of fifty years, provided such bonds issued pursuant to this section have substantially level or declining debt service payments, and (B) any bonds issued to refund such bonds and notes may be issued with a maximum maturity of fifty years from the respective date of original issuance of such bonds and notes, provided such refunding achieves an actual debt service savings in each year during the term to maturity and total savings on a present value basis.

§ 57. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024; provided, however, that the provisions of sections one, two, three, four, five, six, seven, eight, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four of this act shall expire March 31, 2025; and provided, further, that sections twenty-five and twenty-six of this act shall expire March 31, 2028, when upon such dates the provisions of such sections shall be deemed repealed.

PART Y

Intentionally Omitted

PART Z

Section 1. This act shall be known and may be cited as the "Doctor John L. Flateau Voting and Elections Database and Academic Center of New York Act".

§ 2. The election law is amended by adding a new section 3-112 to read as follows:

§ 3-112. State board of elections; uniform standards for processing data requests and duty to send data and information to statewide database. 1. For the purposes of this section:

(a) the term "election authority" shall mean any local government entity primarily responsible for maintaining the records listed in this section, including, but not limited to, any county or city board of election, or any county, city, town, village, school district, or other district organized pursuant to state or local law that administer their own elections or maintain their own voting and election records.

(b) the term "New York voting and elections academic center" shall mean the New York voting and elections academic center established under article one hundred seventeen of the education law.

1-a. There is hereby established within the state board of elections the New York voting and elections database. Such database shall be a central repository of certain elections and voting data available to the public from an election authority in the state. The state board of elections shall collect, host, and maintain in an electronic format records provided to the state board of elections pursuant to this section. Such records shall be maintained for at least twelve years.

1-b. The state board of elections, in consultation with the co-directors of the New York voting and elections academic center shall promulgate regulations within one hundred eighty days of the effective date of

this section on data standards for the method of processing and transmitting records required to be provided pursuant to this section. Such data standards promulgated by the state board of elections pursuant to this subdivision shall:

(a) be consistent with any relevant standards, guidelines, or guidance developed by the national institute of standards and technology, the election assistance commission, or the cybersecurity and infrastructure security agency; and

(b) apply to every election authority in the state.

2. Upon the certification of election results and the completion of the voter history file after every election, each election authority shall, by January first after such election, or within ten business days, whichever is later, transmit to the state board of elections, if such election authority is able to maintain the record, copies of: (a) election results at the election district level for every statewide election and every election in every political subdivision; (b) contemporaneous voter registration lists; (c) voter history files; (d) maps or other documentation of the configuration of districts in any format or formats as specified by the state board of elections; (e) tabulations of the number of valid and invalid affidavit ballots, the reasons for which affidavit ballots were invalid, and the quantity and disposition of affidavit ballots subject to the cure procedure prescribed by subdivision three of section 9-209 of this chapter; (f) tabulations of the number of valid and invalid absentee ballots, the reasons for which absentee ballots were invalid and the quantity of absentee ballots invalid for each such reason, and the quantity and disposition of absentee ballots subject to the cure procedure prescribed by subdivision three of section 9-209 of this chapter; (g) lists of election day poll sites and early voting sites and maps or other documentation of the configuration of districts in any format or formats as specified by the state board of elections of the election districts assigned to each election day poll site or early voting site; (h) adopted districting or redistricting plans for every election in every political subdivision; and (i) any other publicly available data as requested by the state board of elections. Nothing in this section shall be construed to require an election authority to create or otherwise provide a record it is not capable of collecting. Within sixty days of receipt of records pursuant to this section, the New York voting and elections database shall post such records to its public facing website, provided that individual voter registration records shall not be published, but only made available to the public upon request. No cost shall be charged to access such records. The state board of elections shall provide the New York voting and elections academic center with full access to such database.

3. The state board of elections shall provide the New York voting and elections academic center with read-only access to the non-confidential fields of the statewide voter database or any similar successor statewide voter registration database.

4. Every six months, the state board of elections shall determine which election authorities have failed to transmit records to the state board of elections pursuant to this section and shall publish a list of such election authorities. The attorney general, the co-directors of the New York voting and elections academic center, the state board of elections, or any person or organization who will make use of the records collected by the New York voting elections and database may file an action against any election authority to enforce compliance with the

requirements of this section. An election authority that is included in a list of noncomplying election authorities published by the state board of elections under this subdivision three times within the immediately preceding five-year period shall be considered covered entities within the meaning of subdivision three of section 17-210 of this chapter.

§ 3. The education law is amended by adding a new article 117 to read as follows:

ARTICLE 117

NEW YORK VOTING AND ELECTIONS ACADEMIC CENTER

Section 5801. Statement of objectives and legislative findings.
5802. Establishment of the New York voting and elections academic center.
5803. Function of the New York voting and elections academic center.
5804. Co-directors on voting and elections.
5805. Annual report.

§ 5801. Statement of objectives and legislative findings. New York's existing system of voting and election administration has developed over the course of two centuries and has evolved in response to changing understandings of civil rights and the importance of equitable participation in government. The legislature hereby finds that equitable, efficient, and accountable elections require transparency and reliable data to better inform the public and the legislative process in decision making regarding election administration and voting rights in the state. Therefore, the legislature finds that it is in the public interest to establish a central institution to reduce the burden on boards of elections, local governments and school districts with regard to storing and sharing election data, provide a nonpartisan and accurate set of data that the public can rely upon, encourage the enactment of evidence-based election policies and legislation, and improve transparency and allow voters to detect inequitable election policies and racial discrimination.

§ 5802. Establishment of the New York voting and elections academic center. There is hereby established jointly within the state university of New York and city university of New York the New York voting and elections academic center, referred to in this article as the center, to foster, pursue, and sponsor research on existing laws and best practices in voting and elections. For the purposes of this section, "political subdivision" shall mean a geographic area of representation created for the provision of government services, including, but not limited to, a county, city, town, village, school district, or any other district organized pursuant to state or local law. The state board of elections and its members may advise and consult but shall not interfere with the academic activities of such center. Such center shall not: (a) engage in qualifying voters; (b) distribute ballots to voters; (c) receive, record, or count votes at election; or (d) perform any other activities subject to section eight of article two of the New York state constitution.

§ 5803. Function of the New York voting and elections academic center. 1. The New York voting and elections academic center shall provide a center for research, and research methodologies for election and demographic data. The center is hereby empowered to:

(a) conduct classes both for credit and non-credit;

(b) organize interdisciplinary groups of scholars to research voting and elections in the state;

(c) conduct seminars involving voting and elections;

(d) assist in the dissemination of data from the New York voting and elections database established pursuant to section 3-112 of the election law to the public;

(e) publish such books and periodicals as it shall deem appropriate on voting and elections in the state; and

(f) provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the New York voting and elections database established pursuant to section 3-112 of the election law.

2. (a) Data to maintain. The center shall maintain in electronic format and make available to the public online at no cost at minimum the following data and records for at least the previous twelve-year period:

(i) Estimates of the total population, voting age population, and citizen voting age population by race, color, and language-minority group, broken down to the election district level on a year-by-year basis for every political subdivision in the state, based on data from the United States census bureau, American community survey, or data of comparable quality collected by a public office.

(ii) Estimates of voter turnout by race or Hispanic origin, or any other minimum reporting category as that term is defined by the United States census bureau, or age for every election conducted by an election authority in the state, including without limitation boards of elections, political subdivisions that conduct elections under the election law, political subdivisions that conduct their elections under this chapter, or any assessing units as defined by section one hundred two of the real property tax law. The center shall prioritize producing turnout estimates in elections for state or county office.

(iii) For purposes of enabling compliance with the requirements for providing assistance to language-minority groups in section 17-208 of the election law, estimates of citizens of voting age who speak a language other than English and are limited English proficient, based on data from the United States census bureau, American community survey, or data of comparable quality collected by a public office, at the political subdivision level for every political subdivision that conduct elections under the election law or political subdivisions that conduct their elections under this chapter. To the extent possible, the center shall also generate such estimates for any assessing units as defined by section one hundred two of the real property tax law.

(iv) Any other estimates or analytical data products that a director deems advisable in furtherance of the purposes of such center.

(v) The state board of elections or office of the attorney general may request additional estimates or analytical data products.

(b) Public availability of data. Except for any data, information, or estimates that identifies individual voters, the data, information, and estimates maintained by the statewide database shall be posted online and made available to the public at no cost.

(c) Data on race, color, and language-minority groups. The statewide database and center shall prepare any estimates made pursuant to this section by applying advanced, peer-reviewed, and validated methodologies.

(d) To the extent practical, the center shall provide regular updates to their estimates and analytical data products, provided that such updates shall occur no less frequently than once each year, with the exception of the estimates produced for the purpose of enabling compliance with the requirements for providing assistance to language-minority

groups in section 17-208 of the election law, which shall be first published at least six months prior to the effective date of that section and published at five year intervals thereafter.

§ 5804. Co-directors on voting and elections. 1. Two co-directors are hereby established in the New York voting and elections academic center. One co-director shall be within Binghamton University. One co-director shall be within the graduate school and university center of the city university of New York, provided that the co-director may have a primary appointment at another institution of the city university of New York. The leadership of the center shall also include two deputy directors, one from Binghamton University and one from Medgar Evers College.

2. The roles and responsibilities of each leadership position shall be as follows:

(a) The co-directors shall be responsible for overall leadership, strategic direction, and coordination of such academic center's activities. The co-director shall be appointed by the provost of their respective institutions and shall serve a term of no longer than five years, with the possibility of reappointment.

(b) The deputy directors shall support the co-directors in managing the center's programs and projects. The deputy directors shall be appointed by the provosts of their respective institutions and shall serve a term of no longer than five years. Upon the suggestion of the appointing provost, a co-director or deputy director may be removed for cause prior to the expiration of their term by a vote of at least five members of the center's advisory panel.

3. (a) There shall be an advisory panel for the center consisting of seven voting members. The co-directors of the center shall serve as ex officio members of the panel. The panel shall meet at least annually to review the progress and plans of the center and provide guidance to the co-directors. The panel shall also review and approve the proposed allocation of funds within the center.

(b) Such voting members shall be appointed as follows:

(i) The provost at Binghamton University shall appoint two members of the panel from among the faculty of the state university of New York. At least one panelist appointed by the Binghamton University provost shall have a primary appointment that is not at Binghamton University. Both panelists appointed under this provision shall hold the rank of assistant professor or higher.

(ii) The provost at the graduate school and university center of the city university of New York shall appoint two members of the panel from among the faculty of the city university of New York. At least one panelist appointed by the provost of the graduate school and university center at the city university of New York shall have a primary appointment at the Medgar Evers College. Both panelists appointed under this provision shall hold the rank of assistant professor or higher.

(iii) The state board of elections shall appoint two members of the panel, one each filled by the designees of the two political parties represented in the leadership of the state board of elections.

(iv) The attorney general shall appoint one member of the panel.

(c) Each panelist shall serve a term of three years with the possibility of reappointment. Panelists shall be eligible for reimbursements for reasonable costs incurred in performing their duties. The appointing authority for each panelist seat shall have the authority to fill vacancies or to remove a panelist for cause prior to the expiration of their term. Such vacancies shall be filled for the remainder of such term.

§ 5805. Annual report. Not later than ninety days following the end of the state fiscal year the New York voting and elections academic center shall annually submit to the governor, the temporary president of the senate and the speaker of the assembly a report on the priorities and finances of the New York voting and elections academic center. The report shall summarize the activities of the center during the preceding state fiscal year and shall address topics including, but not limited to: (a) the collection, maintenance, and dissemination of relevant records; (b) educational, scholarly, or academic activities of the center; (c) compliance by political subdivisions with the requirements of section 3-112 of the election law and any enforcement actions; and (d) any outstanding challenges to the achievement of the objectives of the center under this article.

§ 4. The civil practice law and rules is amended by adding a new rule 4551 to read as follows:

Rule 4551. New York voting and elections database and the New York voting and elections academic center. The data, information, and/or estimates maintained by the New York voting and elections database and/or New York voting and elections academic center shall be granted a rebuttable presumption of validity by any court concerning any claim brought.

§ 5. The education law is amended by adding a new section 2614 to read as follows:

§ 2614. Transmission of publicly available data to the New York voting and elections database. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds elections pursuant to this article shall transmit copies of records required to be transmitted pursuant to section 3-112 of the election law in a manner and time provided for in such section.

§ 6. Section 2038 of the education law is renumbered section 2039 and a new section 2038 is added to read as follows:

§ 2038. Transmission of publicly available data to the New York voting and elections database. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the records required to be transmitted pursuant to section 3-112 of the election law in a manner and time provided for in such section.

§ 7. Section 2553 of the education law is amended by adding a new subdivision 2-a to read as follows:

2-a. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the records required to be transmitted pursuant to section 3-112 of the election law in a manner and time provided for in such section.

§ 8. The election law is amended by adding a new section 15-140 to read as follows:

§ 15-140. Transmission of publicly available data to the New York voting and elections database. Upon the certification of election results and the completion of the voter history file after each election, each village that holds an election not conducted by a board of elections pursuant to this article shall transmit to the state board of elections copies of the records required to be transmitted pursuant

to section 3-112 of this chapter in a manner and time provided for in such section.

§ 9. The state finance law is amended by adding a new section 97-ss to read as follows:

§ 97-ss. New York voting and elections academic center 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 New York voting and elections academic center fund.

2. The New York voting and elections academic center fund shall consist of all moneys credited or transferred thereto from any other fund or source, including any federal, state, or private funds, pursuant to law for the maintenance of the voting and elections database repository and for research conducted by such center.

3. Moneys in the New York voting and elections academic center fund may be invested by the comptroller pursuant to section ninety-eight-a of this article, and any income received by the comptroller shall be used for the purposes of such fund.

4. The moneys held in or credited to the New York voting and elections academic center fund shall be expended for the purposes set forth in this section, and may not be interchanged or commingled with any other account or fund but may be commingled with any other fund or account for investment purposes.

5. Moneys in the New York voting and elections academic center fund, following appropriation by the legislature, shall be available to the New York state board of election for maintenance of the New York voting and elections database as set forth in section 3-112 of the election law and the New York voting and elections academic center for research and education programs as set forth in article one hundred seventeen of the education law.

§ 10. Section 17-208 of the election law is amended by adding three new subdivisions 6, 7, and 8 to read as follows:

6. Not later than six months before the effective date of this section and every five years thereafter, the co-directors of the New York voting and elections academic center established pursuant to article one hundred seventeen of the education law shall publish a list of:

(a) each board of elections or political subdivision that is required to provide language-related assistance in voting and elections under that section; and

(b) each language in which such assistance shall be provided in each such political subdivision.

7. The attorney general shall adopt each such list by regulation and shall provide the information contained therein to each affected board of elections or political subdivision.

8. The attorney general shall promulgate such rules and regulations as are necessary to effectuate the purposes of this section.

§ 11. This act shall take effect April 1, 2026 and shall apply to any election on or after such date. Provided, however that if section 17-208 of the election law as added by section 4 of chapter 226 of the laws of 2022 shall not have taken effect on or before such date then section ten 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. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

PART AA

Section 1. Legislative findings and intent. As the official record of all eligible voters in a state, a state's voter registration rolls are the foundation of free, fair, and accurate elections. Illegal voting is exceedingly rare but maintaining accurate voter rolls reduces the opportunity for such behavior and it helps build confidence in election outcomes. However, keeping voter rolls up to date is a challenge because, every day, voters move or die. Voters do not always remember to update their registration when they move. These challenges are especially acute in states with large and highly mobile populations. Participation in a multistate voter list maintenance organization can improve the accuracy of New York's voter registration rolls. A multistate voter list maintenance organization is a coordinating entity between states that aids them in identifying voters who may no longer be eligible to vote, who have moved, or who have died. A voter list maintenance organization may also offer other information useful to improving voter registration or enhancing the integrity of election administration.

§ 2. Article 5 of the election law is amended by adding a new title 10 to read as follows:

TITLE X

MULTISTATE VOTER LIST MAINTENANCE ORGANIZATION MEMBERSHIP AUTHORIZATION

Section 5-1000. Joining a multistate voter list maintenance organization.
5-1001. Designating a member representative.
5-1002. Authorization to share registration records with multistate voter list maintenance organization.
5-1003. Use of information from a multistate voter list maintenance organization.

§ 5-1000. Joining a multistate voter list maintenance organization. The state board of elections shall join the state as a member in one or more multistate voter list maintenance organizations including, but not limited to, the electronic registration information center or its successor. The state board of elections shall expend funds for membership fees, dues and other expenses related to such membership.

§ 5-1001. Designating a member representative. The state board of elections shall designate the chief election official of the state of New York as the representative to the board of directors of any multistate voter list maintenance organization that the state is a member of including, but not limited to, the electronic registration information center or its successor.

§ 5-1002. Authorization to share registration records with multistate voter list maintenance organization. 1. Notwithstanding any other provision of law, the member representative designated under section 5-1001 of this title may provide to the multistate voter list maintenance organization that they are a member of the following information from the statewide voter registration list as defined in section 5-614 of this article:

(a) all name fields;
(b) all address fields;
(c) date of birth;
(d) state voter identification number;
(e) voter's last registration date;
(f) activity dates as defined by the multistate voter list maintenance organization; and
(g) voter history.

2. The member representative designated under section 5-1001 of this title may also provide any information to the multistate voter list

maintenance organization provided to such member representative from the department of motor vehicles pursuant to section two hundred nineteen-a of the vehicle and traffic law.

3. The state board of elections shall not provide any information on any person in the confidential voter program pursuant to section 5-508 of this article for any purpose under this title. Nothing in this title shall be construed to require the department of motor vehicles to provide any information on any person in such program.

4. The state board of elections is authorized to promulgate any rule or regulation necessary to effectuate the provisions of this title.

§ 5-1003. Use of information from a multistate voter list maintenance organization. 1. Notwithstanding any provision of law to the contrary, the state board of elections shall use any information provided by a multistate voter list maintenance organization that the state has joined pursuant to section 5-1001 of this title, including but not limited to, the use of such information in list maintenance activities performed pursuant to section 5-614 of this article.

2. To avoid inadvertent or accidental registration of persons ineligible to register to vote, any mailing to any potentially eligible but unregistered person shall state the voter registration criteria, including but not limited to, any citizenship requirements.

§ 3. The vehicle and traffic law is amended by adding a new section 219-a to read as follows:

§ 219-a. State membership in a multistate voter list maintenance organization. 1. Notwithstanding any other provision of law to the contrary, the commissioner is authorized to provide to the state's representative to a multistate voter list maintenance organization, designated under section 5-1001 of the election law, the following information: (a) all name fields; (b) all address fields; (c) DMV ID number; (d) last four digits of the DMV ID holder's social security number; (e) date of birth; (f) current record status; (g) phone number; and (h) e-mail address, provided that the conditions and terms of membership are consistent with the provisions of this chapter and title ten of article five of the election law pertaining to such membership or reciprocal recognition of vehicle registrations.

2. The commissioner shall not provide any information pursuant to this section of persons who are not citizens.

§ 4. New York state shall join a multistate voter list maintenance organization promptly after the effective date of this act and shall complete its registration with a multistate voter list maintenance organization on or before July 31, 2025.

§ 5. This act shall take effect immediately.

PART BB

Section 1. Short title. This act shall be known and may be cited as the "New York privacy act".

§ 2. Legislative intent. 1. Privacy is a fundamental right and an essential element of freedom. Advances in technology have produced rampant growth in the amount and categories of personal data being generated, collected, stored, analyzed, and potentially shared, which presents both promise and peril. Companies collect, use and share our personal data in ways that can be difficult for ordinary consumers to understand. Opaque data processing policies make it impossible to evaluate risks and compare privacy-related protections across services, stifling competition. Algorithms quietly make decisions with critical

consequences for New York consumers, often with no human accountability. Behavioral advertising generates profits by turning people into products and their activity into assets. New York consumers deserve more notice and more control over their data and their digital privacy.

2. This act seeks to help New York consumers regain their privacy. It gives New York consumers the ability to exercise more control over their personal data and requires businesses to be responsible, thoughtful, and accountable managers of that information. To achieve this, this act provides New York consumers a number of new rights, including clear notice of how their data is being used, processed and shared; the ability to access and obtain a copy of their data in a commonly used electronic format, with the ability to transfer it between services; the ability to correct inaccurate data and to delete their data. This act also imposes obligations upon businesses to maintain reasonable data security for personal data, to notify New York consumers of foreseeable harms arising from use of their data and to obtain specific consent for that use, and to conduct regular assessments to ensure that data is not being used for unacceptable purposes. These data assessments can be obtained and evaluated by the New York State Attorney General, who is empowered to obtain penalties for violations of this act and prevent future violations.

§ 3. The general business law is amended by adding a new article 42 to read as follows:

ARTICLE 42
NEW YORK PRIVACY ACT

Section 1100. Definitions.
1101. Jurisdictional scope.
1102. Consumer rights.
1103. Controller, processor, and third party responsibilities.
1104. Data brokers.
1105. Limitations.
1106. Enforcement.
1107. Miscellaneous.

§ 1100. Definitions. The following definitions apply for the purposes of this article unless the context clearly requires otherwise:

1. "Biometric information" means any personal data generated from the measurement or specific technological processing of a natural person's biological, physical, or physiological characteristics that allows or confirms the unique identification of a natural person, including fingerprints, voice prints, iris or retina scans, facial scans or templates, and gait. "Biometric information" does not include a digital or physical photograph, an audio or video recording, or any data generated from a digital or physical photograph, or an audio or video recording, unless such data is generated to identify a specific individual.

2. "Business associate" has the same meaning as in Title 45 of the C.F.R., established pursuant to the federal Health Insurance Portability and Accountability Act of 1996.

3. "Consent" means a clear affirmative act signifying a freely given, specific, informed, and unambiguous indication of a consumer's agreement to the processing of data relating to the consumer. Consent may be withdrawn at any time, and a controller must provide clear, conspicuous, and consumer-friendly means to withdraw consent. The burden of establishing consent is on the controller. Consent does not include: (a) an agreement of general terms of use or a similar document that references unrelated information in addition to personal data processing; (b) an agreement obtained through fraud, deceit or deception; (c) any act that

does not constitute a user's intent to interact with another party such as hovering over, pausing or closing any content; or (d) a pre-checked box or similar default.

4. "Consumer" means a natural person who is a New York resident acting only in an individual or household context. It does not include a natural person known to be acting in a professional or employment context.

5. "Controller" means the person who, alone or jointly with others, determines the purposes and means of the processing of personal data.

6. "Covered entity" has the same meaning as in Title 45 of the C.F.R., established pursuant to the federal Health Insurance Portability and Accountability Act of 1996.

7. "Data broker" means a person, or unit or units of a legal entity, separately or together, that does business in the state of New York and knowingly collects, and sells to other controllers or third parties, the personal data of a consumer with whom it does not have a direct relationship. "Data broker" does not include any of the following:

(a) a consumer reporting agency to the extent that it is covered by the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.); or

(b) a financial institution to the extent that it is covered by the Gramm-Leach-Bliley Act (Public Law 106-102) and implementing regulations.

8. "Decisions that produce legal or similarly significant effects" means decisions made by the controller that result in the provision or denial by the controller of financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunities, health care services or access to essential goods or services.

9. "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to a particular consumer, household or device, provided that the processor or controller that possesses the data:

(a) implements reasonable technical safeguards to ensure that the data cannot be associated with a consumer, household or device;

(b) publicly commits to process the data only as deidentified data and not attempt to reidentify the data, except that the controller or processor may attempt to reidentify the information solely for the purpose of determining whether its deidentification processes satisfy the requirements of this subdivision; and

(c) contractually obligates any recipients of the data to comply with all provisions of this article.

10. "Device" means any physical object that is capable of connecting to the internet, directly or indirectly, or to another device and is intended for use by a natural person or household or, if used outside the home, for use by the general public.

11. "Genetic information" means any data, regardless of its format, that concerns a consumer's genetic characteristics. "Genetic data" includes but is not limited to (a) raw sequence data that result from sequencing of a consumer's complete extracted or a portion of the extracted deoxyribonucleic acid (DNA) information; (b) genotype and phenotypic information that results from analyzing the raw sequence data; and (c) self-reported health information that a consumer submits to a company regarding the consumer's health conditions and that is used for scientific research or product development and analyzed in connection with the consumer's raw sequence data.

12. "Household" means a group, however identified, of consumers who cohabitate with one another at the same residential address and may share use of common devices or services.

13. "Identified or identifiable" means a natural person who can be identified, directly or indirectly, such as by reference to an identifier such as a name, an identification number, location data, or an online or device identifier.

14. "Natural person" means a natural person acting only in an individual or household context. It does not include a natural person known to be acting in a professional or employment context.

15. "Person" means a natural person or a legal entity, including but not limited to a proprietorship, partnership, limited partnership, corporation, company, limited liability company or corporation, association, or other firm or similar body, or any unit, division, agency, department, or similar subdivision thereof.

16. "Personal data" means any data that identifies or could reasonably be linked, directly or indirectly, with a specific natural person, or household. Personal data does not include deidentified data, information that is lawfully made publicly available from federal, state or local government records, or information that a controller has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media.

17. "Precise geolocation data" means information derived from technology, including, but not limited to, global position system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of an individual with precision and accuracy within a radius of one thousand seven hundred fifty feet, except as prescribed by regulations. Precise geolocation data does not include the content of communications or any data generated by or connected to advance utility metering infrastructure systems or equipment for use by a utility.

18. "Process", "processes" or "processing" means an operation or set of operations which are performed on data or on sets of data, including but not limited to the collection, use, access, sharing, monetization, analysis, retention, creation, generation, derivation, recording, organization, structuring, storage, disclosure, transmission, analysis, disposal, licensing, destruction, deletion, modification, or deidentification of data.

19. "Processor" means a person that processes data on behalf of the controller.

20. "Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements. Profiling does not include evaluation, analysis, or prediction based solely upon a natural person's current search query or activities on, or current visit to, the controller's website or online application.

21. "Protected health information" has the same meaning as in Title 45 C.F.R., established pursuant to the federal Health Insurance Portability and Accountability Act of 1996.

22. "Sale", "sell", or "sold" means the disclosure, transfer, conveyance, sharing, licensing, making available, processing, granting of permission or authorization to process, or other exchange of personal data, or providing access to personal data for monetary or other valuable consideration by the controller to a third party. "Sale" includes

enabling, facilitating or providing access to personal data for targeted advertising. "Sale" does not include the following:

(a) the disclosure of data to a processor who processes the data on behalf of the controller and which is contractually prohibited from using it for any purpose other than as instructed by the controller;

(b) the disclosure or transfer of data as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which another entity assumes control or ownership of all or a majority of the controller's assets; or

(c) the disclosure of personal data to a third party necessary for purposes of providing a product, service, or interaction with such third party, when the consumer intentionally and unambiguously requests such disclosure.

23. "Sensitive data" means personal data that reveals:

(a) racial or ethnic origin, religious beliefs, mental or physical health condition or diagnosis, sex life, sexual orientation, or citizenship or immigration status;

(b) genetic information or biometric information for the purpose of uniquely identifying a natural person;

(c) precise geolocation data; or

(d) social security, financial account, passport or driver's license numbers.

24. "Targeted advertising" means advertising based upon profiling.

25. "Third party" means, with respect to a particular interaction or occurrence, a person, public authority, agency, or body other than the consumer, the controller, or processor of the controller. A third party may also be a controller if the third party, alone or jointly with others, determines the purposes and means of the processing of personal data.

26. "Verified request" means a request by a consumer or their agent to exercise a right authorized by this article, the authenticity of which has been ascertained by the controller in accordance with paragraph (c) of subdivision eight of section eleven hundred two of this article.

§ 1101. Jurisdictional scope. 1. This article applies to legal persons that conduct business in New York or produce products or services that are targeted to residents of New York, and that satisfy one or more of the following thresholds:

(a) have annual gross revenue of twenty-five million dollars or more;

(b) controls or processes personal data of fifty thousand consumers or more; or

(c) derives over fifty percent of gross revenue from the sale of personal data.

2. This article does not apply to:

(a) personal data processed by state and local governments, and municipal corporations, for processes other than sale (filing and processing fees are not sale);

(b) a national securities association registered pursuant to section 15A of the Securities Exchange Act of 1934, as amended, or regulations adopted thereunder or a registered futures association so designated pursuant to section 17 of the Commodity Exchange Act, as amended, or any regulations adopted thereunder;

(c) any nonprofit entity identified in section four hundred five of the financial services law to the extent such organization collects, processes, uses, or shares data solely in relation to identifying, investigating, or assisting (i) law enforcement agencies in connection

with suspected insurance-related criminal or fraudulent acts; or (ii) first responders in connection with catastrophic events;

(d) information that meets the following criteria:

(i) personal data collected, processed, sold, or disclosed pursuant to and in compliance with the federal Gramm-Leach-Bliley act (P.L. 106-102), and implementing regulations;

(ii) personal data collected, processed, sold, or disclosed pursuant to the federal Driver's Privacy Protection Act of 1994 (18 U.S.C. Sec. 2721 et seq.), if the collection, processing, sale, or disclosure is in compliance with that law;

(iii) personal data regulated by the federal Family Educational Rights and Privacy Act, U.S.C. Sec. 1232g and its implementing regulations;

(iv) personal data collected, processed, sold, or disclosed pursuant to the federal Farm Credit Act of 1971 (as amended in 12 U.S.C. Sec. 2001-2279cc) and its implementing regulations (12 C.F.R. Part 600 et seq.) if the collection, processing, sale, or disclosure is in compliance with that law;

(v) personal data regulated by section two-d of the education law;

(vi) data maintained as employment records, for purposes other than sale;

(vii) protected health information that is lawfully collected by a covered entity or business associate and is governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act (Public Law 111-5);

(viii) patient identifying information for purposes of 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2, as long as such data is not sold in violation of HIPAA or any state or federal law;

(ix) information and documents lawfully created for purposes of the federal Health Care Quality Improvement Act of 1986, and related regulations;

(x) patient safety work product created for purposes of 42 C.F.R. Part 3, established pursuant to 42 U.S.C. Sec. 299b-21 through 299b-26;

(xi) information that is treated in the same manner as information exempt under subparagraph (vii) of this paragraph that is maintained by a covered entity or business associate as defined by HIPAA or a program or a qualified service organization as defined by 42 U.S.C. § 290dd-2, as long as such data is not sold in violation of HIPAA or any state or federal law;

(xii) deidentified health information that meets all of the following conditions:

(A) it is deidentified in accordance with the requirements for deidentification set forth in Section 164.514 of Part 164 of Title 45 of the Code of Federal Regulations;

(B) it is derived from protected health information, individually identifiable health information, or identifiable private information compliant with the Federal Policy for the Protection of Human Subjects, also known as the Common Rule; and

(C) a covered entity or business associate does not attempt to reidentify the information nor do they actually reidentify the information except as otherwise allowed under state or federal law;

(xiii) information maintained by a covered entity or business associate governed by the privacy, security, and breach notification rules

issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), to the extent the covered entity or business associate maintains the information in the same manner as protected health information as described in subparagraph (vii) of this paragraph;

(xiv) data collected as part of human subjects research, including a clinical trial, conducted in accordance with the Federal Policy for the Protection of Human Subjects, also known as the Common Rule, pursuant to good clinical practice guidelines issued by the International Council for Harmonisation or pursuant to human subject protection requirements of the United States Food and Drug Administration;

(xv) personal data processed only for one or more of the following purposes:

(A) product registration and tracking consistent with applicable United States Food and Drug Administration regulations and guidance;

(B) public health activities and purposes as described in Section 164.512 of Title 45 of the Code of Federal Regulations; and/or

(C) activities related to quality, safety, or effectiveness regulated by the United States Food and Drug Administration; or

(xvi) personal data collected, processed, or disclosed pursuant to and in compliance with any opt-out program authorized by the public service commission or any other opt-out community distributed generation programs authorized in law; or

(e) (i) an activity involving the collection, maintenance, disclosure, sale, communication, or use of any personal data bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, as defined in Title 15 U.S.C. Sec. 1681a(f), by a furnisher of information, as set forth in Title 15 U.S.C. Sec. 1681s-2, who provides information for use in a consumer report, as defined in Title 15 U.S.C. Sec. 1861a(d), and by a user of a consumer report, as set forth in Title 15 U.S.C. Sec. 1681b.; and

(ii) this paragraph shall apply only to the extent that such activity involving the collection, maintenance, disclosure, sale, communication, or use of such data by that agency, furnisher, or user is subject to regulation under the Fair Credit Reporting Act, Title 15 U.S.C. Sec. 1681 et seq., and the data is not collected, maintained, used, communicated, disclosed, or sold except as authorized by the Fair Credit Reporting Act.

§ 1102. Consumer rights. 1. Right to notice. (a) Notice. Each controller that processes a consumer's personal data must make publicly and consistently available, in a conspicuous and readily accessible manner, a notice containing the following:

(i) a description of the consumer's rights under subdivisions two through seven of this section and how a consumer may exercise those rights, including how to withdraw consent;

(ii) the categories of personal data processed by the controller and by any processor who processes personal data on behalf of the controller;

(iii) the sources from which personal data is collected;

(iv) the purposes for processing personal data;

(v) the categories of third parties to whom the controller disclosed, shared, transferred or sold personal data and, for each category of third party, (A) the categories of personal data being shared,

disclosed, transferred, or sold to the third party, (B) the purposes for which personal data is being shared, disclosed, transferred, or sold to the third party, (C) any applicable retention periods for each category of personal data processed by the third parties or processed on their behalf, or if that is not possible, the criteria used to determine the period, and (D) whether the third parties may use the personal data for targeted advertising; and

(vi) the controller's retention period for each category of personal data that they process or is processed on their behalf, or if that is not possible, the criteria used to determine that period.

(b) Notice requirements.

(i) The notice must be written in easy-to-understand language and format at an eighth grade reading level or below and in at least twelve point font.

(ii) The categories of personal data processed and purposes for which each category of personal data is processed must be described in a clear and conspicuous manner, at a level specific enough to enable a consumer to exercise meaningful control over their personal data but not so specific as to render the notice unhelpful to a consumer.

(iii) The notice must be dated with its effective date and updated at least annually. When the information required to be disclosed to a consumer pursuant to paragraph (a) of this subdivision has not changed since the immediately previous notice (whether initial, annual, or revised) provided to the consumer, a controller may issue a statement that no changes have been made.

(iv) The notice, as well as each version of the notice in effect in the preceding six years, must be easily accessible to consumers and capable of being viewed by consumers at any time.

2. Right to opt out. (a) A controller must allow consumers the right to opt out, at any time, of processing personal data concerning the consumer for the purposes of:

(i) targeted advertising;

(ii) the sale of personal data; and

(iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer.

(b) A controller must provide clear and conspicuous means for the consumer or their agent to opt out of processing and clearly present as the most conspicuous choice an option to simultaneously opt out of all processing purposes set forth in paragraph (a) of this subdivision.

(c) A controller must not process personal data for any purpose from which the consumer has opted out.

(d) A controller must not request that a consumer who has opted out of certain purposes of processing personal data opt back in, unless those purposes subsequently become necessary to provide the services or goods requested by a consumer. Targeted advertising and sale of personal data shall not be considered processing purposes that are necessary to provide service or goods requested by a consumer.

(e) Controllers must treat user-enabled privacy controls in a browser, browser plug-in, smartphone application, operating system, device setting, or other mechanism that communicates or signals the consumer's choice not to opt out of the processing of personal data in furtherance of targeted advertising, the sale of their personal data, or profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer as an opt out under this article. To the extent that the privacy control conflicts with a consumer's consent, the controller shall comply with the privacy control but may notify the

consumer of such conflict and provide to such consumer the choice to give controller specific consent to such processing.

3. Sensitive data. (a) A controller must obtain freely given, specific, informed, and unambiguous opt-in consent from a consumer to:

(i) process the consumer's sensitive data related to that consumer for any purpose other than those in subdivision two of section eleven hundred five of this article; or

(ii) make any changes to the existing processing or processing purpose, including those regarding the method and scope of collection, of the consumer's sensitive data that may be less protective of the consumer's sensitive data than the processing to which the consumer has previously given their freely given, specific, informed, and unambiguous opt-in consent.

(b) Any request for consent to process sensitive data must be provided to the consumer, prior to processing their sensitive data, in a stand-alone disclosure that is separate and apart from any contract or privacy policy. The request for consent must:

(i) be written in a twelve point font or greater and include a clear and conspicuous description of each category of data and processing purpose for which consent is sought;

(ii) clearly identify and distinguish between categories of data and processing purposes that are necessary to provide the services or goods requested by the consumer and categories of data and processing purposes that are not necessary to provide the services or goods requested by the consumer;

(iii) enable a reasonable consumer to easily identify the categories of data and processing purposes for which consent is sought;

(iv) clearly present as the most conspicuous choice an option to provide only the consent necessary to provide the services or goods requested by the consumer;

(v) clearly present an option to deny consent; and

(vi) where the request seeks consent to sharing, disclosure, transfer, or sale of sensitive data to third parties, identify the categories of such third parties, the categories of data sold or shared with them, the processing purposes, the retention period, or if that is not possible, the criteria used to determine the period, and state if such sharing, disclosure, transfer, or sale enables or involves targeted advertising. The details of the categories of such third parties, and the categories of data, processing purposes, and the retention period, may be set forth in a different disclosure, provided that the request for consent contains a conspicuous and directly accessible link to that disclosure.

(c) Targeted advertising and sale of personal data shall not be considered processing purposes that are necessary to provide services or goods requested by a consumer.

(d) Once a consumer has provided freely given, specific, informed, and unambiguous opt-in consent to process their sensitive data for a processing purpose, a controller may rely on such consent until it is withdrawn.

(e) A controller must provide a mechanism for a consumer to withdraw previously given consent at any time. Such mechanism shall make it as easy for a consumer to withdraw their consent as it is for such consumer to provide consent.

(f) A controller must not infer that a consumer has provided freely given, specific, informed, and unambiguous opt-in consent from the consumer's inaction or the consumer's continued use of a service or product provided by the controller.

(g) Controllers must not request consent from a consumer who has previously withheld or denied consent to process sensitive data, until at least twelve months after a denial, unless consent is necessary to provide the services or goods requested by the consumer.

(h) Controllers must treat user-enabled privacy controllers in a browser, browser plug-in, smartphone application, operating system, device setting, or other mechanism that communicates or signals the consumer's choices to opt out of the processing of personal data in furtherance of targeted advertising, the sale of their personal data, or profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer as a denial of consent to process sensitive data under this article. To the extent that the privacy control conflicts with a consumer's consent, the privacy control settings govern, unless the consumer provides freely given, specific, informed, and unambiguous opt-in consent to override the privacy control, however, the controller may notify such consumer of such conflict and provide to the consumer the choice to give controller-specific consent to such processing.

(i) (i) A controller must not discriminate against a consumer for withholding or denying consent, including, but not limited to, by:

(A) denying services or goods to the consumer, unless the consumer does not consent to processing necessary to provide the services or goods requested by the consumer;

(B) charging different prices for goods or services, including through the use of discounts or other benefits, imposing penalties, or providing a different level or quality of services or goods to the consumer; or

(C) suggesting that the consumer will receive a different price or rate for goods or services or a different level or quality of services or goods.

(ii) A controller shall not be prohibited from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the offering is in connection with a consumer's voluntary participation in bona fide loyalty, rewards, premium features, discounts, or club card program. If a consumer exercises their right pursuant to paragraph (a) of subdivision two of this section, a controller may not sell personal data to a third party controller as part of such a program unless: (A) the sale is reasonably necessary to enable the third party to provide a benefit to which the consumer is entitled; (B) the sale of personal data to third parties is clearly disclosed in the terms of the program; and (C) the third party uses the personal data only for purposes of facilitating such a benefit to which the consumer is entitled and does not retain or otherwise use or disclose the personal data for any other purpose.

(j) A controller may, with the consumer's freely given, specific, informed, and unambiguous opt-in consent given pursuant to this section, operate a program in which information, products, or services sold to the consumer are discounted based solely on such consumer's prior purchases from the controller, provided that any sensitive data used to operate such program is processed solely for the purpose of operating such program.

(k) In the event of a merger, acquisition, bankruptcy, or other transaction in which another entity assumes control or ownership of all or majority of the controller's assets, any consent provided to the controller by a consumer relating to sensitive data prior to such trans-

action other than consent to processing necessary to provide services or goods requested by the consumer, shall be deemed withdrawn.

4. Right to access. Upon the verified request of a consumer, a controller shall:

(a) confirm whether or not the controller is processing or has processed personal data of that consumer, and provide access to a copy of any such personal data in a manner understandable to a reasonable consumer when requested; and

(b) provide the category of each processor or third party to whom the controller disclosed, transferred, or sold the consumer's personal data and, for each category of processor or third party, (i) the categories of the consumer's personal data disclosed, transferred, or sold to each processor or third party and (ii) the purposes for which each category of the consumer's personal data was disclosed, transferred, or sold to each processor or third party.

5. Right to portable data. Upon a verified request, and to the extent technically feasible, the controller must: (a) provide to the consumer a copy of all of, or a portion of, as designated in a verified request, the consumer's personal data in a structured, commonly used and machine-readable format and (b) transmit the data to another person of the consumer's or their agent's designation without hindrance.

6. Right to correct. (a) Upon the verified request of a consumer or their agent, a controller must conduct a reasonable investigation to determine whether personal data, the accuracy of which is disputed by the consumer, is inaccurate, with such investigation to be concluded within the time period set forth in paragraph (a) of subdivision eight of this section.

(b) Notwithstanding paragraph (a) of this subdivision, a controller may terminate an investigation initiated pursuant to such paragraph if the controller reasonably and in good faith determines that the dispute by the consumer is wholly without merit, including by reason of a failure by a consumer to provide sufficient information to investigate the disputed personal data. Upon making any determination in accordance with this paragraph that a dispute is wholly without merit, a controller must, within the time period set forth in paragraph (a) of subdivision eight of this section, provide the affected consumer a statement in writing that includes, at a minimum, the specific reasons for the determination, and identification of any information required to investigate the disputed personal data, which may consist of a standardized form describing the general nature of such information.

(c) If, after any investigation under paragraph (a) of this subdivision of any personal data disputed by a consumer, an item of the personal data is found to be inaccurate or incomplete, or cannot be verified, the controller must:

(i) correct the inaccurate or incomplete personal data of the consumer; and

(ii) unless it proves impossible or involves disproportionate effort, communicate such request to each processor or third party to whom the controller disclosed, transferred, or sold the personal data within one year preceding the consumer's request, and to require those processors or third parties to do the same for any further processors or third parties they disclosed, transferred, or sold the personal data to.

(d) If the investigation does not resolve the dispute, the consumer may file with the controller a brief statement setting forth the nature of the dispute. Whenever a statement of a dispute is filed, unless there exists reasonable grounds to believe that it is wholly without merit,

the controller must note that it is disputed by the consumer and include either the consumer's statement or a clear and accurate codification or summary thereof with the disputed personal data whenever it is disclosed, transferred, or sold to any processor or third party.

7. Right to delete. (a) Upon the verified request of a consumer, a controller must:

(i) within forty-five days after receiving the verified request, delete any or all of the consumer's personal data, as directed by the consumer or their agent, that the controller possesses or controls; and

(ii) unless it proves impossible or involves disproportionate effort that is documented in writing by the controller, communicate such request to each processor or third party to whom the controller disclosed, transferred or sold the personal data within one year preceding the consumer's request and to require those processors or third parties to do the same for any further processors or third parties they disclosed, transferred, or sold the personal data to.

(b) For personal data that is not possessed by the controller but by a processor of the controller, the controller may choose to (i) communicate the consumer's request for deletion to the processor, or (ii) request that the processor return to the controller the personal data that is the subject of the consumer's request and delete such personal data upon receipt of the request.

(c) A consumer's deletion of their online account must be treated as a request to the controller to delete all of that consumer's personal data directly related to that account.

(d) A controller must maintain reasonable procedures designed to prevent the reappearance in its systems, and in any data it discloses, transfers, or sells to any processor or third party, the personal data that is deleted pursuant to this subdivision.

(e) A controller is not required to comply with a consumer's request to delete personal data if:

(i) complying with the request would prevent the controller from performing accounting functions, processing refunds, effectuating a product recall pursuant to federal or state law, or fulfilling warranty claims, provided that the personal data that is the subject of the request is not processed for any purpose other than such specific activities; or

(ii) it is necessary for the controller to maintain the consumer's personal data to engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the controller's deletion of the information is likely to render impossible or seriously impair the achievement of such research, provided that the consumer has given informed consent and the personal data is not processed for any purpose other than such research.

(f) Where a consumer's request for deletion is denied, the controller shall provide the consumer with a written justification for such denial.

8. Responding to requests. (a) A controller must take action under subdivisions four through seven of this section and inform the consumer of any actions taken without undue delay and in any event within forty-five days of receipt of the request. That period may be extended once by forty-five additional days where reasonably necessary, taking into account the complexity and number of the requests. The controller must inform the consumer of any such extension within forty-five days of receipt of the request, together with the reasons for the delay. When a controller denies any such request, it must within this period disclose

to the consumer a statement in writing of the specific reasons for the denial and instructions for how to appeal the decision.

(b) A controller shall permit the exercise of rights and carry out its obligations set forth in subdivisions four through seven of this section free of charge, at least twice annually to the consumer. Where requests from a consumer are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either (i) charge a reasonable fee to cover the administrative costs of complying with the request or (ii) refuse to act on the request and notify the consumer of the reason for refusing the request. The controller bears the burden of demonstrating the manifestly unfounded or excessive character of the request.

(c) (i) A controller shall promptly attempt, using commercially reasonable efforts, to verify that all requests to exercise any rights set forth in any section of this article requiring a verified request were made by the consumer who is the subject of the data, or by a person lawfully exercising the right on behalf of the consumer who is the subject of the data. Commercially reasonable efforts shall be determined based on the totality of the circumstances, including the nature of the data implicated by the request.

(ii) A controller may require the consumer to provide additional information only if the request cannot reasonably be verified without the provision of such additional information. A controller must not transfer or process any such additional information provided pursuant to this section for any other purpose and must delete any such additional information without undue delay and in any event within forty-five days after the controller has notified the consumer that it has taken action on a request under subdivisions four through seven of this section as described in paragraph (a) of this subdivision.

(iii) If a controller discloses this additional information to any processor or third party for the purpose of verifying a consumer request, it must notify the receiving processor or third party at the time of such disclosure, or as close in time to the disclosure as is reasonably practicable, that such information was provided by the consumer for the sole purpose of verification and cannot be processed for any purpose other than verification.

9. Implementation of rights. Controllers must provide easily accessible and convenient means for consumers to exercise their rights under this article.

10. Non-waiver of rights. Any provision of a contract or agreement of any kind that purports to waive or limit in any way a consumer's rights under this article is contrary to public policy and is void and unenforceable.

§ 1103. Controller, processor, and third party responsibilities. 1. Controller responsibilities. (a) Data protection assessments. (i) A controller shall regularly conduct and document a data protection assessment for each of the controller's processing activities that presents a heightened risk of harm to a consumer. For the purposes of this section, processing that presents a heightened risk of harm to a consumer includes: (A) the processing of personal data for the purposes of targeting advertising, (B) the sale of personal data, (C) the processing of personal data for the purposes of profiling, where such profiling presents a reasonably foreseeable risk of (I) unfair or deceptive treatment of, or unlawful disparate impact on consumers, (II) financial, physical or reputational injury to consumers, (III) a physical or other intrusion upon the solitude or seclusion, or the private

affairs or concerns of consumers where such intrusion would be offensive to a reasonable person, or (IV) other substantial injury to consumers; and (D) the processing of sensitive data.

(ii) Data protection assessments conducted pursuant to subparagraph (i) of this paragraph shall identify and weigh the benefits that may flow, directly and indirectly, from the processing to the controller, the consumer, other stakeholders and the public against the potential risks to the rights of the consumer associated with such processing, as mitigated by safeguards that can be employed by the controller to reduce such risks. The controller shall factor into any such data protection assessment that use of deidentified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed.

(iii) The attorney general may require that a controller disclose any data protection assessment that is relevant to an investigation conducted by the attorney general, and the controller shall make the data protection assessment available to the attorney general. The attorney general may evaluate the data protection assessment to assess compliance with the provisions of this article. Data protection assessments shall be confidential and shall be exempt from disclosure under the freedom of information law. To the extent any information contained in a data protection assessment disclosure to the attorney general includes information subject to attorney-client privilege or work product protection, such disclosure shall not constitute a waiver of such privilege or protection.

(iv) A single data protection assessment may address a comparable set of processing operations that include similar activities.

(v) If a controller conducts a data protection assessment for the purpose of complying with another applicable law or regulation, the data protection assessment shall be deemed to satisfy the requirements established in this section if such data protection assessment is reasonably similar in scope and effect to the data protection assessment that would otherwise be conducted pursuant to this section.

(vi) Data protection assessment requirements shall apply to processing activities created or generated after the effective date of this article.

(b) Controllers must not engage in unfair, deceptive, or abusive acts or practices with respect to obtaining consumer consent, the processing of personal data, and a consumer's exercise of any rights under this article, including without limitation:

(i) designing a user interface with the purpose or substantial effect of deceiving consumers, obscuring consumers' rights under this article, or subverting or impairing user autonomy, decision-making, or choice; or

(ii) obtaining consent in a manner designed to overpower a consumer's resistance; for example, by making excessive requests for consent.

(c) Controllers must develop, implement, and maintain reasonable safeguards to protect the security, confidentiality and integrity of the personal data of consumers including adopting reasonable administrative, technical and physical safeguards appropriate to the volume and nature of the personal data at issue.

(d) (i) A controller shall limit the use and retention of a consumer's personal data to what is (A) necessary to provide the services or goods requested by the consumer, (B) necessary for the internal business operations of the controller and consistent with the disclosures made to the

consumer pursuant to section eleven hundred two of this article, or (C) necessary to comply with the legal obligations of the controller.

(ii) At least annually, a controller shall review its retention practices for the purpose of ensuring that it is maintaining the minimum amount of personal data as is necessary for the operation of its business. A controller must securely dispose of all personal data that is no longer (A) necessary to provide the services or goods requested by the consumer, (B) necessary for the internal business operations of the controller and consistent with the disclosures made to the consumer pursuant to section eleven hundred two of this article, or (C) necessary to comply with the legal obligations of the controller.

(e) Non-discrimination. (i) (A) A controller must not discriminate against a consumer for exercising rights under this article, including but not limited to, by:

(I) denying services or goods to consumers;

(II) charging different prices for services or goods, including through the use of discounts or other benefits; imposing penalties; or providing a different level or quality of services or goods to the consumer; or

(III) suggesting that the consumer will receive a different price or rate for services or goods or a different level or quality of services or goods.

(B) A controller shall not be prohibited from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the offering is in connection with a consumer's voluntary participation in bona fide loyalty, rewards, premium features, discounts, or club card program. If a consumer exercises their right pursuant to paragraph (a) of subdivision two of section eleven hundred two of this article, a controller may not sell personal data to a third party controller as part of such a program unless: (I) the sale is reasonably necessary to enable the third party to provide a benefit to which the consumer is entitled; (II) the sale of personal data to third parties is clearly disclosed in the terms of the program; and (III) the third party uses the personal data only for purposes of facilitating such a benefit to which the consumer is entitled and does not retain or otherwise use or disclose the personal data for any other purpose.

(ii) This paragraph does not apply to a controller's conduct with respect to opt-in consent, in which case paragraph (j) of subdivision three of section eleven hundred two of this article governs.

(f) Agreements with processors. (i) Before making any disclosure, transfer, or sale of personal data to any processor, the controller must enter into a written, signed contract with that processor. Such contract must be binding and clearly set forth instructions for processing data, the nature and purpose of processing, the type of data subject to processing, the duration of processing, and the rights and obligations of both parties. The contract must also include requirements that the processor must:

(A) ensure that each person processing personal data is subject to a duty of confidentiality with respect to the data;

(B) protect the data in a manner consistent with the requirements of this article and at least equal to the security requirements of the controller set forth in their publicly available policies, notices, or similar statements;

(C) process the data only when and to the extent necessary to comply with its legal obligations to the controller unless otherwise explicitly authorized by the controller;

(D) not combine the personal data which the processor receives from or on behalf of the controller with personal data which the processor receives from or on behalf of another person or collects from its own interaction with consumers;

(E) comply with any exercises of a consumer's rights under section eleven hundred two of this article upon the request of the controller, subject to the limitations set forth in section eleven hundred five of this article;

(F) at the controller's direction, delete or return all personal data to the controller as requested at the end of the provision of services, unless retention of the personal data is required by law;

(G) upon the reasonable request of the controller, make available to the controller all data in its possession necessary to demonstrate the processor's compliance with the obligations in this article;

(H) allow, and cooperate with, reasonable assessments by the controller or the controller's designated assessor; alternatively, the processor may arrange for a qualified and independent assessor to conduct an assessment of the processor's policies and technical and organizational measures in support of the obligations under this article using an appropriate and accepted control standard or framework and assessment procedure for such assessments. The processor shall provide a report of such assessment to the controller upon request;

(I) a reasonable time in advance before disclosing or transferring the data to any further processors, notify the controller of such a proposed disclosure or transfer and provide the controller an opportunity to approve or reject the proposal; and

(J) engage any further processor pursuant to a written, signed contract that includes the contractual requirements provided in this paragraph, containing at minimum the same obligations that the processor has entered into with regard to the data.

(ii) A controller must not agree to indemnify, defend, or hold a processor harmless, or agree to a provision that has the effect of indemnifying, defending, or holding the processor harmless, from claims or liability arising from the processor's breach of the contract required by clause (A) of subparagraph (i) of this paragraph or a violation of this article. Any provision of an agreement that violates this subparagraph is contrary to public policy and is void and unenforceable.

(iii) Nothing in this paragraph relieves a controller or a processor from the liabilities imposed on it by virtue of its role in the processing relationship as defined by this article.

(iv) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal data is to be processed. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor.

(g) Third parties. (i) A controller must not share, disclose, transfer, or sell personal data, or facilitate or enable the processing, disclosure, transfer, or sale to a third party of personal data for which a consumer has exercised their opt-out rights pursuant to subdivision two of section eleven hundred two of this article, or for which consent of the consumer pursuant to subdivision three of section eleven

hundred two of this article, has not been obtained or is not currently in effect. Any request for consent to share, disclose, transfer, or sell personal data, or to facilitate or enable the processing, disclosure, transfer, or sale of personal data to a third party of personal data to a third party must clearly include the category of the third party and the processing purposes for which the third party may use the personal data.

(ii) A controller must not share, disclose, transfer, or sell personal data, or facilitate or enable the processing, disclosure, transfer, or sale to a third party of personal data if it can reasonably expect the personal data of a consumer to be used for purposes for which a consumer has exercised their opt-out rights pursuant to subdivision two of section eleven hundred two of this article, or for which the consumer has not consented to pursuant to subdivision three of section eleven hundred two of this article, or if it can reasonably expect that any rights of the consumer provided in this article would be compromised as a result of such transaction.

(iii) Before making any disclosure, transfer, or sale of personal data to any third party, the controller must enter into a written, signed contract. Such contract must be binding and the scope, nature, and purpose of processing, the type of data subject to processing, the duration of processing, and the rights and obligations of both parties. Such contract must include requirements that the third party:

(A) Process that data only to the extent permitted by the agreement entered into with the controller; and

(B) Provide a mechanism to comply with any exercises of a consumer's rights under section eleven hundred two of this article upon the request of the controller, subject to any limitations thereon as authorized by this article; and

(C) To the extent the disclosure, transfer, or sale of the personal data causes the third party to become a controller, comply with all obligations imposed on controllers under this article.

2. Processor responsibilities. (a) For any personal data that is obtained, received, purchased, or otherwise acquired by a processor, whether directly from a controller or indirectly from another processor, the processor must comply with the requirements set forth in clauses (A) through (J) of subparagraph (i) of paragraph (f) of subdivision one of this section.

(b) A processor is not required to comply with a request submitted pursuant to this article if (i) the consumer submits the request directly to the processor; and (ii) the processor has processed the consumer's personal data solely in its role as a processor for a controller.

(c) Processors shall be under a continuing obligation to engage in reasonable measures to review their activities for circumstances that may have altered their ability to identify a specific natural person and to update their classifications of data as identified or identifiable accordingly.

(d) A processor shall not engage in any sale of personal data other than on behalf of the controller pursuant to any agreement entered into with the controller.

3. Third party responsibilities. For any personal data that is obtained, received, purchased, or otherwise acquired or accessed by a third party from a controller or processor, the third party must:

(a) Process that data only to the extent permitted by any agreements entered into with the controller;

(b) Comply with any exercises of a consumer's rights under section eleven hundred two of this article upon the request of the controller or processor, subject to any limitations thereon as authorized by this article; and

(c) To the extent the third party becomes a controller for personal data, comply with all obligations imposed on controllers under this article.

4. Exceptions. The requirements of this section shall not apply where:

(a) The processing is required by law;

(b) The processing is made pursuant to a request by a federal, state, or local government or government entity; or

(c) The processing significantly advances protection against criminal or tortious activity.

§ 1104. Data brokers. 1. A data broker, as defined under this article, must annually, on or before January thirty-first following a year in which a person meets the definition of data broker in this article:

(a) Register with the attorney general;

(b) Pay a registration fee of one hundred dollars or as otherwise determined by the attorney general pursuant to the regulatory authority granted to the attorney general under this article, not to exceed the reasonable cost of establishing and maintaining the database and informational website described in this section; and

(c) Provide the following information:

(i) the name and primary physical, email, and internet website address of the data broker;

(ii) the name and business address of an officer or registered agent of the data broker authorized to accept legal process on behalf of the data broker;

(iii) a statement describing the method for exercising consumers rights under section eleven hundred two of this article;

(iv) a statement whether the data broker implements a purchaser credentialing process; and

(v) any additional information or explanation the data broker chooses to provide concerning its data collection practices.

2. Notwithstanding any other provision of this article, any controller that conducts business in the state of New York must:

(a) annually, on or before January thirty-first following a year in which a person meets the definition of controller in this act, provide to the attorney general a list of all data brokers or persons reasonably believed to be data brokers to which the controller provided personal data in the preceding year; and

(b) not sell a consumer's personal data to an entity reasonably believed to be a data broker that is not registered with the attorney general.

3. The attorney general shall establish, manage and maintain a statewide registry on its internet website, which shall list all registered data brokers and make accessible to the public all the information provided by data brokers pursuant to this section. Printed hard copies of such registry shall be made available upon request and payment of a reasonable fee to be determined by the attorney general.

4. A data broker that fails to register as required by this section or submits false information in its registration is, in addition to any other injunction, penalty, or liability that may be imposed under this article, liable for civil penalties, fees, and costs in an action brought by the attorney general as follows: (a) a civil penalty of one thousand dollars for each day the data broker fails to register as

required by this section or fails to correct false information, (b) an amount equal to the fees that were due during the period it failed to register, and (c) expenses incurred by the attorney general in the investigation and prosecution of the action as the court deems appropriate.

§ 1105. Limitations. 1. This article does not require a controller or processor to do any of the following solely for purposes of complying with this article:

(a) Reidentify deidentified data;

(b) Comply with a verified consumer request to access, correct, or delete personal data pursuant to this article if all of the following are true:

(i) The controller is not reasonably capable of associating the request with the personal data;

(ii) The controller does not associate the personal data with other personal data about the same specific consumer as part of its normal business practice; and

(iii) The controller does not sell the personal data to any third party or otherwise voluntarily disclose or transfer the personal data to any processor or third party, except as otherwise permitted in this article; or

(c) Maintain personal data in identifiable form, or collect, obtain, retain, or access any personal data or technology, in order to be capable of associating a verified consumer request with personal data.

2. The obligations imposed on controllers and processors under this article do not restrict a controller's or processor's ability to do any of the following, to the extent that the use of the consumer's personal data is reasonably necessary and proportionate for these purposes:

(a) Comply with federal, state, or local laws, rules, or regulations, provided that no law enforcement agency or officer thereof shall access personal data without a subpoena or a lawfully executed search warrant, except for the attorney general for the purposes of enforcing this article, except where otherwise provided specifically in federal law;

(b) Investigate, establish, exercise, prepare for, or defend legal claims;

(c) Process personal data necessary to provide the services or goods requested by a consumer; perform a contract to which the consumer is a party; or take steps at the request of the consumer prior to entering into a contract;

(d) Take immediate steps to protect the life or physical safety of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis;

(e) Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for any such action;

(f) Identify and repair technical errors that impair existing or intended functionality; or

(g) Process business contact information, including a natural person's name, position name or title, business telephone number, business address, business electronic mail address, business fax number, or qualifications and any other similar information about the natural person.

3. The obligations imposed on controllers or processors under this article do not apply where compliance by the controller or processor with this article would violate an evidentiary privilege under New York

law and do not prevent a controller or processor from providing personal data concerning a consumer to a person covered by an evidentiary privilege under New York law as part of a privileged communication.

4. A controller that receives a request pursuant to subdivisions four through seven of section eleven hundred two of this article, or a processor or third party to whom a controller communicates such a request, may decline to fulfill the relevant part of such request if:

(a) the controller, processor, or third party is unable to verify the request using commercially reasonable efforts, as described in paragraph (c) of subdivision eight of section eleven hundred two of this article;

(b) complying with the request would be demonstrably impossible (for purposes of this paragraph, the receipt of a large number of verified requests, on its own, is not sufficient to render compliance with a request demonstrably impossible);

(c) complying with the request would impair the privacy of another individual or the rights of another to exercise free speech; or

(d) the personal data was created by a natural person other than the consumer making the request and is being processed for the purpose of facilitating interpersonal relationships or public discussion.

§ 1106. Enforcement. 1. Whenever it appears to the attorney general, either upon complaint or otherwise, that any person or persons has engaged in or is about to engage in any of the acts or practices stated to be unlawful under this article, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the state of New York to enjoin any violation of this article, to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, to obtain disgorgement of any profits obtained directly or indirectly by any such violation, to obtain civil penalties of not more than twenty thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief.

(a) Any action or special proceeding brought by the attorney general pursuant to this section must be commenced within six years.

(b) Each instance of unlawful processing counts as a separate violation. Unlawful processing of the personal data of more than one consumer counts as a separate violation as to each consumer. Each provision of this article that is violated counts as a separate violation.

(c) In assessing the amount of penalties, the court must consider any one or more of the relevant circumstances presented by any of the parties, including, but not limited to, the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the violator's misconduct, and the violator's financial condition.

2. In connection with any proposed action or special proceeding under this section, the attorney general is authorized to take proof and make a determination of the relevant facts, and to issue subpoenas in accordance with the civil practice law and rules. The attorney general may also require such other data and information as he or she may deem relevant and may require written responses to questions under oath. Such power of subpoena and examination shall not abate or terminate by reason of any action or special proceeding brought by the attorney general under this article.

3. Any person, within or outside the state, who the attorney general believes may be in possession, custody, or control of any books, papers,

or other things, or may have information, relevant to acts or practices stated to be unlawful in this article is subject to the service of a subpoena issued by the attorney general pursuant to this section. Service may be made in any manner that is authorized for service of a subpoena or a summons by the state in which service is made.

4. (a) Failure to comply with a subpoena issued pursuant to this section without reasonable cause tolls the applicable statutes of limitations in any action or special proceeding brought by the attorney general against the noncompliant person that arises out of the attorney general's investigation.

(b) If a person fails to comply with a subpoena issued pursuant to this section, the attorney general may move in the supreme court to compel compliance. If the court finds that the subpoena was authorized, it shall order compliance and may impose a civil penalty of up to one thousand dollars per day of noncompliance.

(c) Such tolling and civil penalty shall be in addition to any other penalties or remedies provided by law for noncompliance with a subpoena.

5. This section shall apply to all acts declared to be unlawful under this article, whether or not subject to any other law of this state, and shall not supersede, amend or repeal any other law of this state under which the attorney general is authorized to take any action or conduct any inquiry.

§ 1107. Miscellaneous. 1. Preemption: This article does not annul, alter, or affect the laws, ordinances, regulations, or the equivalent adopted by any local entity regarding the processing, collection, transfer, disclosure, and sale of consumers' personal data by a controller or processor subject to this article, except to the extent those laws, ordinances, regulations, or the equivalent create requirements or obligations that conflict with or reduce the protections afforded to consumers under this article.

2. Impact report: The attorney general shall issue a report evaluating this article, its scope, any complaints from consumers or persons, the liability and enforcement provisions of this article including, but not limited to, the effectiveness of its efforts to enforce this article, and any recommendations for changes to such provisions. The attorney general shall submit the report to the governor, the temporary president of the senate, the speaker of the assembly, and the appropriate committees of the legislature within two years of the effective date of this section.

3. Regulatory authority: (a) The attorney general is hereby authorized and empowered to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this article, including rules governing the form and content of any disclosures or communications required by this article.

(b) The attorney general may request, and shall receive, data and information from controllers conducting business in New York state, other New York state government entities administering notice and consent regimes, consumer protection and privacy advocates and researchers, internet standards setting bodies, such as the internet engineering taskforce and the institute of electrical and electronics engineers, and other relevant sources, to conduct studies to inform suitable rules and regulations. The attorney general shall receive, upon request, data from other New York state governmental entities.

4. Exercise of rights: Any consumer right set forth in this article may be exercised at any time by the consumer who is the subject of the data or by a parent or guardian authorized by law to take actions of

legal consequence on behalf of the consumer who is the subject of the data. An agent authorized by a consumer may exercise the consumer rights set forth in subdivisions four through seven of section eleven hundred two of this article on the consumers behalf.

§ 4. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

§ 5. This act shall take effect immediately; provided, however, that sections 1101, 1102, 1103, 1105, 1106 and 1107 of the general business law, as added by section three of this act, shall take effect one year after it shall have become a law.

PART CC

Section 1. This act shall be known and may be cited as the "secure our data act".

§ 2. Legislative intent. The legislature finds that ransomware and other malware attacks have affected the electronically stored personal information relating to thousands of people statewide and millions of people nationwide. The legislature also finds that state entities receive such personal information from various sources, including the data subjects themselves, other state entities, and the federal government. In addition, the legislature finds that state entities use such personal information to make determinations regarding the data subjects. The legislature further finds that New Yorkers deserve to have their personal information that is in the possession of a state entity stored in a manner that will withstand any attempt by ransomware and other malware to alter, change, or encrypt such information.

Therefore, the legislature enacts the secure our data act which will guarantee that state entities will employ the proper technology to protect the personal information stored as backup information from any unauthorized alteration or change.

§ 3. The state technology law is amended by adding a new section 210 to read as follows:

§ 210. Ransomware and other malware protection. 1. Definitions. For purposes of this section, the following terms shall have the following meanings:

(a) "Data subject" shall mean the person who is the subject of the personal information.

(b) "Immutable" means data that is stored unchanged over time or unable to be changed. For the purposes of backups, "immutable" shall mean that, once ingested, no external or internal operation can modify the data and must never be available in a read/write state to the client. "Immutable" shall specifically apply to the characteristics and attributes of a backup system's file system and may not be applied to temporary systems state, time-bound or expiring configurations, or temporary conditions created by a physical air gap as is implemented in most legacy systems. An immutable file system must demonstrate characteristics that do not permit the editing or changing of any data backed up to provide agencies with complete recovery capabilities.

(c) "Information system" shall mean any good, service or a combination thereof, used by any computer, cloud service, or interconnected system that is maintained for or used by a state entity in the acquisition,

storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or voice including, but not limited to, hardware, software, information appliances, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically and electronically collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, coverage, interface, switch, or disseminate data of any kind or form.

(d) "Maintained" shall mean personal information stored by a state entity that was provided to the state entity by the data subject, a state entity, or a federal governmental entity. Such term shall also include personal information provided by an adverse party in the course of litigation or other adversarial proceeding.

(e) "Malware" shall mean malicious code included in any application, digital content, document, executable, firmware, payload, or software for the purpose of performing or executing one or more unauthorized processes designed to have an adverse impact on the availability, confidentiality, or integrity of data stored in an information system.

(f) "Ransomware" shall mean any type of malware that uses encryption technology to prevent users from accessing an information system or data stored by such information system until a ransom is paid.

(g) "State entity" shall mean any state board, bureau, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the state of New York, except:

(i) the judiciary; and

(ii) all cities, counties, municipalities, villages, towns, and other local agencies.

2. Data protection standards. (a) No later than one year after the effective date of this section, the director, in consultation with stakeholders and other interested parties, which shall include at least one public hearing, shall promulgate regulations that design and develop standards for:

(i) malware and ransomware protection for mission critical information systems and for personal information used by such information systems;

(ii) data backup that includes the creation of immutable backups of personal information maintained by the state entity and storage of such backups in a segmented environment, including a segmented device;

(iii) information system recovery that includes creating an identical copy of an immutable personal information backup maintained by or for the state entity that was stored in a segmented environment or on a segmented device for use when an information system has been adversely affected by rent somewhere or other malware and requires restoration from one or more backups; and

(iv) annual workforce training regarding protection from ransomware and other malware, as well as processes and procedures that should be followed in the event of a data incident involving ransomware or other malware.

(b) Such regulations may be adopted on an emergency basis. If such regulations are adopted on an emergency basis, the office shall engage in the formal rulemaking procedure no later than the day immediately following the date that the office promulgated such regulations on an emergency basis. Provided that the office has commenced the formal rulemaking process, the regulations adopted on an emergency basis may be renewed no more than two times.

3. Vulnerability assessments. Notwithstanding any provision of law to the contrary, each state entity shall engage in vulnerability testing of its information systems as follows:

(a) Beginning January first, two thousand twenty-five and on a monthly basis thereafter, each state entity shall perform, or cause to be performed, a vulnerability assessment of at least one mission critical information system ensuring that each mission critical system has undergone a vulnerability assessment during the past year. A report detailing the vulnerability assessment methodology and findings shall be made available to the office for review no later than forty-five days after the testing has been completed.

(b) Beginning December first, two thousand twenty-five, each state entity's entire information system shall undergo vulnerability testing. A report detailing the vulnerability assessment methodology and findings shall be made available to the office for review no later than forty-five days after such testing has been completed.

(c) The office shall assist state entities in complying with the provisions of this section.

4. Data and information system inventory. (a) No later than one year after the effective date of this section, each state entity shall create an inventory of the data maintained by the state entity and the purpose or purposes for which such data is maintained and used. The inventory shall include a listing of all personal information maintained by the state entity, along with the source and age of such information.

(b) No later than one year after the effective date of this section, each state entity shall create an inventory of the information systems maintained by or on behalf of the state entity and the purpose or purposes for which each such information system is maintained and used. The inventory shall denote those information systems that are mission critical and those that use personal information, and whether the information system is protected by immutable backups.

(c) Notwithstanding paragraphs (a) and (b) of this subdivision, if a state entity has already completed a data inventory or information systems inventory, such state entity shall update the previously completed data inventory or information system inventory no later than one year after the effective date of this section.

(d) Upon written request from the office, a state entity shall provide the office with either or both of the inventories required to be created or updated pursuant to this subdivision.

5. Incident management and recovery. (a) No later than eighteen months after the effective date of this section, each state entity shall have created an incident response plan for incidents involving ransomware or other malware that renders an information system or its data unavailable, and incidents involving ransomware or other malware that result in the alteration or deletion of or unauthorized access to, personal information.

(b) Such incident response plan shall include a procedure for situations where production and non-segmented information systems have been adversely affected by a data incident, as well as a procedure for the storage of personal information and mission critical backups on a segmented device or segmented portion of the state entity's information system to ensure that such personal information and mission critical systems are protected by immutable backups.

(c) Beginning January first, two thousand twenty-seven and on an annual basis thereafter, each state entity shall complete at least one exercise of its incident response plan that includes copying the immutable

personal information and mission critical applications from the segmented portion of the state entity's information system and using such copies in the state entity's restoration and recovery process. Upon completion of such exercise, the state entity shall document the incident response plan's successes and shortcomings.

6. No private right of action. Nothing set forth in this section shall be construed as creating or establishing a private cause of action.

§ 4. Severability. The provisions of this act shall be severable and if any portion thereof or the applicability thereof to any person or circumstances shall be held to be invalid, the remainder of this act and the application thereof shall not be affected thereby.

§ 5. This act shall take effect immediately.

PART DD

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

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

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

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

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

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

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

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

8. Every special on-premises licensee shall regularly keep food available for sale to its customers for consumption on the premises. The

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

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

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

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

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

PART EE

Section 1. The alcoholic beverage control law is amended by adding two new sections 59-b and 59-c to read as follows:

§ 59-b. Direct interstate cider shipments. 1. Authorization. Notwithstanding any provision of law, rule or regulation to the contrary, any holder of a license to manufacture cider in any other state who obtains an out-of-state direct shipper's license, as provided in this section, may ship no more than thirty-six cases (no more than nine liters each case) of cider produced by such license holder per year directly to a resident of New York who is at least twenty-one years of age, for such resident's personal use and not for resale, provided the state in which such person is so licensed affords lawful means for shipments of cider to be received by a resident thereof who is at least twenty-one years of age, for such resident's personal use and not for resale, from a person licensed in this state as a manufacturer and, provided further, that the state in which such out-of-state cider producer is located affords to New York state cider producer, farm cidery, farm winery and farm brewery licensees reciprocal cider shipping privileges, meaning shipping privileges that are substantially similar to the requirements in this section. No person shall place an order for shipment of cider unless they are twenty-one years of age or older. Any common carrier with a permit issued pursuant to this chapter to whom such out-of-state shipper's license is presented is authorized to make delivery of shipments provided for hereunder in this state in compliance with this section.

2. License. Before sending any shipment hereunder to a resident in this state, the out-of-state shipper shall first obtain a license from the authority under procedures prescribed by rules and regulations of

the authority and after providing the authority with a true copy of its current license to manufacture cider in the applicant's state of domicile along with a copy of the applicant's federal basic permit after payment of an annual fee of one hundred twenty-five dollars. Notwithstanding the provisions of section one hundred ten of this chapter, the authority in its discretion, may excuse an out-of-state cider producer from the submission of such information.

3. Licensee's responsibilities. The holder of an out-of-state direct shipper's license shall:

(a) ship no more than thirty-six cases (no more than nine liters each case) per year of cider produced by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

(b) ensure that the outside of each shipping container used to ship cider directly to a New York resident is conspicuously labeled with the words: "CONTAINS HARD CIDER--SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY--NOT FOR RESALE", or with other language specifically approved by the New York state liquor authority;

(c) maintain records in such manner and form as the authority may direct, showing the total amount of cider shipped into the state each calendar year; the names and addresses of the purchasers to whom the cider was shipped, the date purchased, the name of the common carrier used to deliver the cider, and the quantity and value of each shipment;

(d) in connection with the acceptance of an order for a delivery of cider to a New York resident, require the prospective customer to represent that he or she has attained the age of twenty-one years or more and that the cider being purchased will not be resold or introduced into commerce;

(e) require common carriers to:

(i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this chapter;

(ii) require a recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the authority; and

(iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by subparagraph (i) of this paragraph;

(f) file returns with and pay to the New York state department of taxation and finance all state and local sales taxes and excise taxes due on sales into this state in accordance with the applicable provisions of the tax law relating to such taxes, the amount of such taxes to be determined on the basis that each sale in this state was at the location where delivery is made;

(g) keep all records required by this section for three years and provide copies of such records, upon written request, to the authority or the department of taxation and finance;

(h) permit the authority or the department of taxation and finance to perform an audit of such out-of-state shipper upon request;

(i) execute a written consent to the jurisdiction of this state, its agencies and instrumentalities and the courts of this state concerning enforcement of this section and any related laws, rules, or regulations, including tax laws, rules or regulations; and

(j) prior to obtaining an out-of-state direct shipper's license, obtain a certificate of authority pursuant to section eleven hundred thirty-four of the tax law and a registration as a distributor pursuant

to sections four hundred twenty-one and four hundred twenty-two of the tax law.

4. Situs. Delivery of a shipment in this state by the holder of an out-of-state direct shipper's license shall be deemed to constitute a sale in this state at the place of delivery and shall be subject to all excise taxes levied pursuant to section four hundred twenty-four of the tax law and all sales taxes levied pursuant to articles twenty-eight and twenty-nine of such law.

5. Renewal. The out-of-state shipper may annually renew its license with the authority by paying a one hundred twenty-five dollar renewal fee, providing the authority with a true copy of its current license in such other state as an alcoholic beverage manufacturer and by complying with such other procedures as are prescribed by rule of the authority.

6. Rules and regulations. The authority and the department of taxation and finance may promulgate rules and regulations to effectuate the purposes of this section.

7. Enforcement. The authority may enforce the requirements of this section including the requirements imposed on the common carrier, by administrative proceedings to suspend or revoke an out-of-state shipper's license and the authority may accept payment of an administrative fine in lieu of suspension, such payments to be determined by rules or regulations promulgated by the authority. In addition, the authority or the attorney general of the state of New York shall report violations of this section, where appropriate, to the United States department of the treasury, tax and trade bureau, for administrative action to suspend or revoke the federal basic permit.

8. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

§ 59-c. Direct intrastate cider shipments. Any person having applied for and received a license as a cider producer or farm cidery under section fifty-eight or fifty-eight-c of this article, a farm winery under section seventy-six-a or seventy-six-d of this chapter, or a farm brewery under section fifty-one-a of this chapter may ship no more than thirty-six cases (no more than nine liters per case) of cider produced by such cider producer, farm cidery, farm winery or farm brewery per year directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale.

1. Licensee's shipping responsibilities. Notwithstanding any provision to the contrary contained in this chapter, any above referred licensee shall:

(a) ship no more than thirty-six cases (no more than nine liters) per year of cider produced by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

(b) ensure that the outside of each shipping container used to ship cider directly to a New York state resident is conspicuously labeled with the words: "CONTAINS HARD CIDER -- SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY -- NOT FOR RESALE", or with other language specifically approved by the New York state liquor authority;

(c) maintain records in such manner and form as the authority may direct showing the total amount of cider shipped in the state each calendar year, the names and addresses of the purchasers to whom the cider was shipped, the date purchased, the name of the common carrier used to deliver the cider, and the quantity and value of each shipment.

Such records shall be kept for three years and, upon written request, be provided to the authority or the department of taxation and finance;

(d) in connection with the acceptance of an order for a delivery of cider to a New York resident, require the prospective customer to represent that he or she has attained the age of twenty-one years or more and that the cider being purchased will not be resold or introduced into commerce; and

(e) require common carriers to:

(i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this chapter;

(ii) require a recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the authority; and

(iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by subparagraph (i) of this paragraph.

2. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

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

PART FF

Section 1. Section 532 of the real property tax law is amended by adding two new subdivisions (m) and (n) to read as follows:

(m) All state lands located within the boundaries of the Sojourner Truth state park in the county of Ulster, exclusive of the improvements thereon.

(n) All state lands located within the boundaries of the Franny Reese state park in the county of Ulster, exclusive of the improvements thereon.

§ 2. This act shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on and after the date on which this act shall have become a law.

PART GG

Section 1. Section 170-e of the executive law, as amended by chapter 123 of the laws of 2022, is amended to read as follows:

§ 170-e. Collection of demographic information. 1. Every state agency, board, department, or commission that directly collects demographic data as to the ancestry or ethnic origin of residents of the state of New York shall use separate collection categories and tabulations for the following Asian and Pacific Islander groups in New York state:

(a) each major Asian group shall include Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Bangladeshi, Pakistani, and all of the ten most populous Asian groups in the most recent five-year American community survey published by the United States Census Bureau; and

(b) each major Pacific Islander group shall include Native Hawaiian, Guamanian and Chamorro, and Samoan; or

(c) collection categories shall include a category for other Asian or Pacific Island group.

2. Every state agency, board, department, or commission that directly collects demographic data as to the ancestry or ethnic origin of resi-

dents of the state of New York shall use separate collection categories and tabulations for the White group in New York state.

3. Every state agency, board, department, or commission that directly collects demographic data as to the ancestry or ethnic origin of residents of the state of New York shall use separate collection categories and tabulations for the following Middle Eastern or North African groups in New York state:

(a) Each major North African (NA) group, including, but not limited to, Egyptian, Moroccan, Algerian, Tunisian, and Libyan; and

(b) Each major Middle Eastern (ME) group, including, but not limited to, Yemeni, Iranian, Palestinian, Iraqi, Lebanese, Israeli, Syrian, Armenian, and Saudi; and

(c) Other Middle Eastern and North African (MENA) groups, including, but not limited to, transnational indigenous MENA communities like Amazigh and Syriac people.

4. Every state agency, board, department, or commission that directly collects demographic data as to the ancestry or ethnic origin of residents of the state of New York shall use separate collection categories and tabulations for the following:

(a) the primary language spoken at home; and

(b) the ethnic group or ancestry.

[~~3.~~] 5. Upon the release of a new five-year American community survey published by the United States Census Bureau, every state agency, board, department or commission shall update their data collection and reporting practices as required by this section and shall continue to collect and report on any demographic group no longer included in the ten most populous groups until the release of the following five-year American community survey, at which time state agencies, boards, departments or commissions may cease to collect and report on such demographic groups provided they remain outside the ten most populous groups.

6. Every state agency, board, department, or commission that directly collects demographic data as to the ancestry or ethnic origin of residents of the state of New York shall allow multiple collection categories to be selected.

[~~4.~~] 7. The data collected pursuant to the different collection categories and tabulations described in subdivision one of this section, to the degree that the data quality is sufficient, shall be included in every demographic report on ancestry or ethnic origins of residents of the state of New York by the state agency, board, department, or commission published or released on or after December first, two thousand [~~twenty-three~~] twenty-four; provided, however, that for the department of labor, division of criminal justice services, office of mental health and office of temporary and disability assistance such requirements shall be effective July first, two thousand [~~twenty-four~~] twenty-five. The data shall be made available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential, by posting the data on the internet web site of the agency, board, department, or commission on or before December first, two thousand [~~twenty-three~~] twenty-four, and annually thereafter; provided, however, that for the department of labor, division of criminal justice services, office of mental health and office of temporary and disability assistance such requirements shall be effective July first, two thousand [~~twenty-four~~] twenty-five. If the data quality is determined to be insufficient for publication, an explanation of the problem with the data quality shall be included in any report or publication made available to the public. This subdivision shall not be

construed to prevent any other state agency from posting data collected pursuant to subdivision one of this section on the agency's internet web site, in the manner prescribed by this section.

[~~5.~~] 8. The requirements of this section shall not apply to the department of labor, the division of criminal justice services, the office of mental health or the office of temporary and disability assistance until two years after this section shall have become a law.

§ 2. 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 are authorized to be made and completed on or before such effective date.

PART HH

Section 1. Short title. This act shall be known and may be cited as the "Renewable Capitol Act".

§ 2. The executive law is amended by adding a new section 204 to read as follows:

§ 204. Renewable capitol project. 1. For the purpose of this section, the following terms shall have the following meanings:

(a) The "advisory committee" shall mean the committee established pursuant to paragraph (a) of subdivision three of this section.

(b) The "CLCPA" shall mean the New York state climate leadership and community protection act enacted as chapter one hundred six of the laws of two thousand nineteen, as it shall from time to time be amended.

(c) "Co-pollutants" shall have the same meaning as set forth in subdivision three of section 75-0101 of the environmental conservation law.

(d) "Emergency generator" shall mean the set of diesel generators located on Sheridan Avenue in Albany, New York as of the effective date of this section, that are intended to power the empire state plaza complex during an emergency fault condition causing an interruption to normal electricity service from the grid.

(e) "Empire state plaza complex" or the "complex" shall mean the complex of state-owned buildings and the land thereon in Albany, New York that utilize the steam distribution network of the Sheridan Avenue steam plant, including what are popularly known as Empire State Plaza, the State Capitol Building, the State Museum, the Alfred E. Smith Building, the State Education Building, the Sheridan Avenue steam plant, and the former Albany New York Solid Waste Energy Recovery System incinerator building.

(f) "Greenhouse gas" shall have the same meaning as set forth in subdivision seven of section 75-0101 of the environmental conservation law.

(g) The "local community" shall mean the portion of Albany, New York designated as the local community under the plan, which shall include, at a minimum, the Albany Sheridan Hollow, Arbor Hill, Center Square, Mansion, Washington Park, West Hill and South End neighborhoods.

(h) "NYSERDA" shall mean the New York state energy research and development authority created under section eighteen hundred fifty-two of the public authorities law.

(i) The "office of general services" or the "office" shall mean the agency created under section two hundred of this article.

(j) The "empire state plaza decarbonization plan" or "plan" shall mean the plan set forth in subdivision three of this section, and mandated by this section and section ninety-one of the public buildings law.

(k) The "project" shall mean the work on the empire state plaza complex mandated by this section and section ninety-one of the public buildings law.

(l) A "power purchase agreement" shall mean an agreement between two parties, the seller and the buyer, to enter into a contractual obligation for the purchase of electricity.

(m) "Renewable energy systems" means systems that entirely generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity or thermal energy.

(n) "Sheridan Avenue steam plant" shall mean the steam plant facility owned by New York state located as of the time of the effective date of this section at 79 Sheridan Avenue in Albany, New York.

2. (a) Within three years after the effective date of this section, the office of general services, in consultation with the power authority of the state of New York, shall ensure that all operations that power, heat or cool the empire state plaza complex shall entirely use renewable energy systems. In satisfying this requirement, the office may demonstrate that the amount of electrical energy credited to the complex annually from renewable sources through a power purchase agreement or similar instrument is not less than the amount of electrical energy consumed annually by the complex. Notwithstanding this mandate, the emergency generator shall be permitted to utilize non-renewable energy, but the office shall be empowered to retire or convert the emergency generator to wholly or entirely utilize renewables if possible.

(b) The project and the empire state plaza complex shall comply with the CLCPA, and any rules and regulations issued thereunder, and, in particular, section seven of such law; the statewide greenhouse gas emissions limits set forth in section 75-0107 of the environmental conservation law; and the targets established in subdivision two of section sixty-six-p of the public service law. Nothing in this paragraph shall preclude the office from mandating lower greenhouse gas emissions limits or compliance with greenhouse gas emissions limits in a shorter timeframe than set forth in section 75-0107 of the environmental conservation law, or in mandating a higher percentage of renewables or in a shorter timeframe than in subdivision two of section sixty-six-p of the public service law. Except in regard to the provision regarding to the emergency generator as set forth in paragraph (a) of this subdivision, any action taken in furtherance of the project that leads to any increase in the emissions of greenhouse gases shall be deemed inconsistent with and in interference with the attainment of the statewide greenhouse gas emissions limits established in article seventy-five of the environmental conservation law and therefore shall trigger the process set forth in subdivision two of section seven of the CLCPA.

3. (a) Within sixty days of the effective date of this section, the office shall establish an advisory committee to advise it on the preparation, design and content of the plan. Such plan shall be completed no later than January thirty-first, two thousand twenty-six. The advisory committee shall consist of the commissioner of the department of environmental conservation and the chief executive officer of NYSERDA, or their designees, and additional members which shall be appointed by such commissioner in consultation with such chief executive officer, as follows: three representatives of Albany community organizations, at least two of which are from organizations whose mission, in whole or in

part, is to represent the interests of the Arbor Hill and/or Sheridan Hollow neighborhoods in Albany; two additional representatives of local environmental justice organizations; one individual not employed by New York state with recognized expertise in renewable energy; a representative of labor organizations; a scientist with expertise in energy and climate policy; an engineer with expertise in energy (including geothermal) and climate policy; and the mayor of Albany or his or her designee. The advisory committee shall meet at least three times annually, or additional times as the committee shall by majority vote determine. At such meetings, which shall be open to the public, the office, among other things, shall report on the progress made in completing the project and otherwise implementing this section. The advisory committee members shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. All agencies of the state or subdivisions thereof may, at the request of the advisory panel or the office, provide the advisory panel with such facilities, assistance and data as will enable the advisory panel to carry out its powers and duties.

(b) Each member of the advisory committee shall be entitled to one vote. No action may be taken by the advisory committee unless there is a quorum, which shall at all times be a majority of the members of the committee.

(c) The office shall retain a third party to perform an engineering study to be completed within one hundred eighty days after the effective date of this section, which shall consider the matters set forth in paragraph (f) of this subdivision and any other matters consistent with this section that the office shall direct. For the purposes of this paragraph, the term "third party" shall mean a professional engineer, not employed by the state of New York, or an engineering firm, provided that none of the engineers employed by such firm shall also be employed by the state of New York.

(d) The office shall be transparent in its work to develop the plan and shall maintain a website where a draft plan and other documents relevant to its development shall be posted for public review at least fourteen days prior to the first of the public hearings mandated by this paragraph. The advisory committee shall hold at least two public hearings at least sixty days prior to the release of the final plan, of which one shall be held in the Arbor Hill or Sheridan Hollow neighborhoods and one shall be held during the evening or weekend hours. The advisory committee shall make provisions for online and telephonic attendance and participation. At such public hearings, the draft plan shall be made available in written form for those physically attending. Provisions shall also be made for written comments on the draft plan.

(e) The plan shall contain recommendations on regulatory measures and other state actions to ensure that the mandates in subdivisions two and three of this section and section ninety-one of the public buildings law are met. The measures and actions set forth in the plan shall include:

i. a timeline for planned steps toward the completion of the project, including, but not limited to construction of the project and obtaining the necessary permits to begin operation. The timeline should maximize the potential for achieving, and if feasible making greater emissions reductions than the statewide greenhouse gas emissions limits set forth in section 75-0107 of the environmental conservation law and meeting the other mandates of the CLCPA;

ii. measures to maximize the benefits to the local community, including prioritizing the reduction of greenhouse gases and co-pollutants and improving public health in the local community;

iii. measures to optimize thermal load sharing, energy efficiency, demand response, and energy conservation;

iv. comprehensive consideration of renewable heat exchange systems or a combination of such systems to meet the heating and cooling needs of the empire state plaza complex, including but not limited to: geothermal heat exchange with the earth, geothermal heat exchange with the Hudson River, open-loop and closed-loop geothermal heat exchange with the aquifer, heat exchange with potable water supplies, heat recovery from wastewater sources, air-source heat pump technology, and thermal storage, provided that such systems do not use combustion-based or fossil fuel energy;

v. prioritization of electricity procurement from renewable sources within New York Independent System Operator (NYISO) Zone F, especially sources most capable of providing electricity serving real-time load conditions of the empire state plaza complex. This shall include, but not be limited to, consideration of projects that expand electricity generation from ecologically-responsible, run-of-the-river hydroelectric facilities within the region; and

vi. electricity service upgrades for the empire state plaza complex necessary to support measures identified in this section.

(f) In designing the plan, the office shall be guided by any recommendations contained in the engineering study mandated by paragraph (c) of this subdivision, and any comments or recommendations made by the advisory committee, including as to such engineering study. Such advisory committee shall also be entitled to reject or modify any recommendation upon a finding that such recommendation would be inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits established in article seventy-five of the environmental conservation law, the climate justice provisions of the CLCPA, any rules or regulations issued thereunder, or this section. If the advisory committee rejects or modifies any recommendation, the original version of the recommendations as set forth in the engineering study shall presumptively not be considered by the office, unless substantial evidence exists to support the study's initial recommendations.

(g) The plan shall designate the geographic boundaries of the local community. In designating such boundaries, which shall include the Albany Sheridan Hollow, Arbor Hill, Center Square, Mansion, Washington Park, West Hill, and South End neighborhoods, the office shall consider including in its designation any other communities that experience impacts on their water, air quality, noise and traffic from the empire state plaza complex.

(h) Any project that may be funded as a result of the renewable capitol project completed pursuant to this section shall: i. be deemed a public work project subject to article eight of the labor law; ii. require that the component parts of any renewable capitol project are produced or made in whole or substantial part in the United States, its territories or possessions, subject to a waiver provision similar to the one contained in subdivision two of section sixty-six-s of the public service law; iii. contain a requirement that any public owner or third party acting on behalf of a public owner enter into a project labor agreement as defined by section two hundred twenty-two of the labor law for all construction work; and iv. require the payment of prevailing wage standards consistent with article nine of the labor law for

building services work. Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing public employees and the work jurisdiction, covered job titles, and work assignments, set forth in the civil service law and collective bargaining agreements with labor organizations representing public employees shall be preserved and protected. Any such project shall not result in the: (A) displacement of any currently employed worker or loss of position (including partial displacement as such a reduction in the hours of non-overtime work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; (B) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (C) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(i) In the case of any conflict as to the requirements of this section and section ninety-one of the public buildings law in regard to the project, this section shall prevail.

§ 3. The tenth undesignated paragraph of section 1005 of the public authorities law, as added by chapter 55 of the laws of 1992, is amended to read as follows:

The authority is further authorized, as deemed feasible and advisable by the trustees, to acquire, maintain, manage, operate, improve and reconstruct as a project or projects of the authority one or both of the steam generation facilities owned by the state known as the Sheridan [~~avenue~~] Avenue steam [~~generating~~] plant [~~on Sheridan avenue in the city of Albany and used to supply steam to state facilities~~], together with any properties, buildings and equipment at the sites thereof or ancillary thereto, for the generation and sale of thermal energy and the cogeneration and sale of electricity for use by facilities of the state within the county of Albany. All the authority's costs, including its acquisition, capital, operating and maintenance costs, shall be recovered fully from the customers receiving service from such project or projects. Thermal energy and electricity not required by the state may be sold by the authority to others. The authority is not authorized to use refuse or refuse-derived fuel in operating the project or projects. As of the time period specified in paragraph (a) of subdivision two of section two hundred four of the executive law, all of the energy, including but not limited to heat, cooling and electricity, produced at the Sheridan Avenue steam plant shall utilize renewable energy systems. Any agreement for such acquisition shall insure that the authority is not liable or otherwise responsible for circumstances arising from the prior operation of such facilities. The acquisition and purchase of such land, buildings and equipment by the authority, and any actions taken to effect such acquisition and purchase, are hereby exempt from the provisions of article eight of the environmental conservation law. The application of such exemption shall be strictly limited to the acquisition and purchase of such land, buildings and equipment by the authority and such agreements with the state. Nothing herein shall exempt the authority from otherwise applicable laws respecting the expansion, conversion, operation and maintenance of such land, buildings and equipment. For the purposes of this subdivision, the terms "renewable energy systems" and "Sheridan Avenue steam plant" shall have the same meanings as in subdivision one of section two hundred four of the executive law.

§ 4. Subdivisions 2 and 3 of section 90 of the public buildings law, as added by section 5 of part RR of chapter 56 of the laws of 2023, are amended to read as follows:

2. "Decarbonization" and "decarbonize" means eliminating all on-site combustion of fossil-fuels and associated co-pollutants with the exception of back-up emergency generators and redundant systems needed to address public health, safety and security, providing heating and cooling through thermal energy, and thermal energy networks, from non-combustion sources, and to the greatest extent feasible producing on-site electricity that is one hundred percent renewable. **Notwithstanding the provisions of this subdivision, for purposes of the empire state plaza complex, such term shall mean meeting the requirements of subdivisions two and three of section two hundred four of the executive law, and section ninety-one of this article, as such requirements are applicable to the empire state plaza complex.**

3. "Highest-emitting facilities" means state-owned facilities that are among the highest producers of greenhouse gas emissions and collectively account for at least thirty percent of the greenhouse gas emissions as recorded by the authority's Build Smart NY program established pursuant to Executive Order 88 of 2012. **Notwithstanding the provisions of this subdivision, one of such facilities shall be the empire state plaza complex. For purposes of this article, the "empire state plaza complex" shall have the same meaning as defined in paragraph (e) of subdivision one of section two hundred four of the executive law.**

§ 5. The opening paragraph and paragraph (g) of subdivision 1 and subdivision 2 of section 91 of the public buildings law, as added by section 5 of part RR of chapter 56 of the laws of 2023, are amended and a new paragraph (l) is added to subdivision 1 to read as follows:

The authority is hereby authorized and directed to establish decarbonization action plans for fifteen of the highest-emitting facilities that will serve as a basis for decarbonizing the facilities to the maximum extent practicable, and subject to any needed redundant systems and back-up systems needed for public safety and security. [~~Decarbonization~~] **Except as provided in paragraph (h) of subdivision three of section two hundred four of the executive law, decarbonization** action plans shall address the following matters at a minimum:

(g) [~~Identification~~] **Except for the empire state plaza decarbonization plan, identification** of any parts of the facilities that cannot be decarbonized, with explanations.

(l) In the case of the empire state plaza complex decarbonization action plan, the items listed in paragraph (f) of subdivision three of section two hundred four of the executive law.

2. [~~The~~] **Except for the decarbonization plan for the empire state plaza complex, the** authority shall complete the decarbonization action plans no later than January thirty-first, two thousand twenty-six, provided that such date shall be extended for justifiable delay outside the control of the authority, including, but not limited to, previously planned or current major renovations or replacements to the facilities, delayed permitting or approval by building owners, local authorities, or other essential parties, external resource bottlenecks, pending or unresolved investigations into utility grid capacity or similar circumstances where crucial information is not yet available or determined. Such extension shall be limited to the time necessary to address the factors causing such delay. **The empire state decarbonization plan shall be completed by January thirty-first, two thousand twenty-six, and no exclusions for justifiable delays shall be permitted.**

§ 6. Subdivisions 5, 6 and 7 of section 91 of the public buildings law are renumbered subdivisions 6, 7 and 8, and a new subdivision 5 is added to read as follows:

5. The authority shall be authorized to use the funding provided in subdivision four of this section to prepare the decarbonization action plan for the empire state plaza complex, to update or modify any study or plan undertaken, with the goal, in whole or in part of reducing greenhouse gas emissions applicable to such complex, or to perform the engineering study mandated by paragraph (d) of subdivision three of section two hundred four of the executive law, provided that such plan or study in the view of the authority would provide information useful for achieving the purposes of such section.

§ 7. This act shall take effect immediately.

PART II

Section 1. Subdivision b of section 448 of the retirement and social security law is amended by adding a new paragraph 3 to read as follows:

3. Provided further, notwithstanding any other provision of this article to the contrary, where the member is in a title as defined in subdivision i of section eighty-nine of this chapter, and would have been entitled to a service retirement benefit at the time of such member's death and where such member's death occurs on or after July first, two thousand twenty-four, the beneficiary or beneficiaries nominated for the purposes of this subdivision 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 such member's death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

§ 2. Subdivision b of section 508 of the retirement and social security law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

b. A member of a retirement system subject to the provisions of this article who is a police officer, firefighter, correction officer, investigator revised plan member or sanitation worker and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age or who is subject to the provisions of section five hundred four or five hundred five of this article, shall upon completion of ninety days of service be covered for financial protection in the event of death in service pursuant to this subdivision.

1. Such death benefit shall be equal to three times the member's salary raised to the next highest multiple of one thousand dollars, but in no event shall it exceed three times the maximum salary specified in section one hundred thirty of the civil service law or, in the case of a member of a retirement system other than the New York city employees' retirement system, or in the case of a member of the New York city employees' retirement system who is a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member, the specific limitations specified for age of entrance into service contained in subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision a of this section.

2. Provided further, notwithstanding any other provision of this article to the contrary, where the member is in a title as defined in subdivision i of section eighty-nine of this chapter, and would have been entitled to a service retirement benefit at the time of such member's

death and where such member's death occurs on or after July first, two thousand twenty-four, the beneficiary or beneficiaries nominated for the purposes of this subdivision 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 such member's death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

§ 3. 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 New York State as correction officers and security hospital treatment assistants. 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 2024 Legislative Session, we anticipate that there will be an increase of approximately $1.7 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2025. In future years this cost will vary but is expected to average 0.1% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $10.4 million which will be borne by the State of New York as a one-time payment. This estimate assumes that payment will be made on March 1, 2025.

These estimated costs are based on 17,000 affected members employed by the State of New York, with annual salary of approximately $1.6 billion as of March 31, 2023.

Summary of relevant resources:

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

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

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

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

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

This estimate, dated January 25, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-97, prepared by the Actuary for the New York State and Local Retirement System.

PART JJ

Section 1. Subdivisions a and b of section 512 of the retirement and social security law, subdivision a as amended by chapter 298 of the laws of 2016, and subdivision b as amended by chapter 18 of the laws of 2012, are amended to read as follows:

a. A member's final average salary shall be the average wages earned by such a member during any three consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous two years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. [~~Notwithstanding the preceding provisions of this subdivision to the contrary, for a member who first becomes a member of the New York state and local employees' retirement system on or after April first, two thousand twelve, or for a New York city police/fire revised plan member, a New York city enhanced plan member who receives the ordinary disability benefit provided for in subdivision c-1 of section five hundred six of this article or the accidental disability benefit provided for in paragraph three of subdivision c of section five hundred seven of this article, a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member, a member's final average salary shall be the average wages earned by such a member during any five consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous four years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.~~] In determining final average salary pursuant to any provision of this subdivision, where the period used to determine final average salary is the period which immediately precedes the date of retirement, any month or months (not in excess of twelve) which would otherwise be included in computing final average salary but during which the member was on authorized leave of absence at partial pay or without pay shall be excluded from the computation of final average salary and the month or an equal number of months immediately preceding such period shall be substituted in lieu thereof.

b. Notwithstanding the provisions of subdivision a of this section, with respect to members of the New York state employees' retirement system [~~who first become members of the New York state and local employees' retirement system before April first, two thousand twelve~~], the New York state and local police and fire retirement system and the New York city teachers' retirement system, a member's final average salary shall be equal to one-third of the highest total wages earned during any continuous period of employment for which the member was credited with three years of service credit; provided, however, if the wages earned during any year of credited service included the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. [~~For members who first become a member of the New York state and local employees' retirement system on or after April first, two thousand twelve, with respect to members of the New York state and local employees' retirement system, a member's final average salary shall be equal to one-fifth of the highest total wages earned during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount~~

~~in excess of ten percent shall be excluded from the computation of final average salary.~~]

§ 2. Subdivisions a and b of section 608 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, are amended to read as follows:

a. [~~For members who first become members of a public retirement system of the state before April first, two thousand twelve, a~~] **A** member's final average salary shall be the average wages earned by such a member during any three consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous two years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. [~~For members who first become members of the New York state and local employees' retirement system or the New York state teachers' retirement system on or after April first, two thousand twelve, a member's final average salary shall be the average wages earned by such member during any five consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous four years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.~~] Where the period used to determine final average salary is the period which immediately precedes the date of retirement, any month or months (not in excess of twelve) which would otherwise be included in computing final average salary but during which the member was on authorized leave of absence at partial pay or without pay shall be excluded from the computation of final average salary and the month or an equal number of months immediately preceding such period shall be substituted in lieu thereof.

b. Notwithstanding the provisions of subdivision a of this section, with respect to members [~~who first became members~~] of the New York state and local employees' retirement system and the New York city teachers' retirement system [~~before April first, two thousand twelve~~], a member's final average salary shall be equal to one-third of the highest total wages earned by such member during any continuous period of employment for which the member was credited with three years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. [~~With respect to members who first become members of the New York state and local employees' retirement system and the New York city teachers' retirement system on or after April first, two thousand twelve, a member's final average salary shall be equal to one-fifth of the highest total wages earned by such member during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.~~]

§ 3. Subparagraph (ii) of paragraph 14 of subdivision e of section 13-638.4 of the administrative code of the city of New York, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

(ii) Subject to the provisions of subdivision f of this section where those provisions are applicable, and notwithstanding the provisions of subdivisions a and c of section six hundred eight of the RSSL, for a tier IV member of NYCERS who is a New York city revised plan member (as defined in subdivision m of section six hundred one of the RSSL) or a tier IV member of BERS who is a New York city revised plan member, the term "final average salary", as used in article fifteen of the RSSL, shall be equal to [~~one-fifth~~] **one-third** of the highest total wages earned by such member during any continuous period of employment for which the member was credited with [~~five~~] **three** years of service credit; provided that if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary, provided further that "wages", as used in this paragraph, shall mean the applicable provisions and limitations of the term "wages", as defined in subdivision l of section six hundred one of the RSSL.

§ 4. Subdivision a of section 1209 of the retirement and social security law, as amended by chapter 705 of the laws of 2023, is amended to read as follows:

a. For members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve, a member's final average salary shall be equal to one-fifth of the highest total wages earned by such member during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. **Provided, however, beginning on or after April first, two thousand twenty-four, a member's final average salary shall be equal to one-third of the highest total wages earned by such member during any continuous period of employment for which the member was credited with three years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.** Wages in excess of the annual salary paid to the governor pursuant to section three of article four of the state constitution shall be excluded from the computation of final average salary for members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve.

§ 5. 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.

§ 6. This act shall take effect immediately.

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

This bill would provide Tier 6 members in the New York State and Local Retirement System a final average salary based on their highest salary earned over three consecutive years, where the salary earned in any year cannot exceed the average of the previous two years by more than 10%. Currently, final average salary for these members is based on their

highest salary earned over five consecutive years, where the salary earned in any year cannot exceed the average of the previous four years by more than 10%. The provisions of Section 25 of the Retirement and Social Security Law shall not apply.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), the increased costs would be shared by the State of New York and the local participating employers in the NYSLERS. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately $1.17 billion.

NYSLERS	Increase in present value benefits	Increase in required contributions
Tiers 1 - 5	$0	$220 million
Tier 6	$1.17 billion	$950 million
Total	$1.17 billion	$1.17 billion

In the NYSLERS, this benefit improvement will be funded by increasing the billing rates charged annually to cover both retrospective and prospective benefit increases. The annual contribution required of all participating employers in NYSLERS is 0.4% of billable salary, or approximately $51 million to the State of New York and approximately $76 million to the local participating employers. **This permanent annual cost will increase** as Tier 6 salary grows and will vary by employer based upon the plan coverage and salary reported in Tier 6.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), the increased costs would be shared by the State of New York and the local participating employers in the NYSLPFRS. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately $341 million.

NYSLPFRS	Increase in present value benefits	Increase in required contributions
Tiers 1 - 5	$0	$33 million
Tier 6	$341 million	$308 million
Total	$341 million	$341 million

In the NYSLPFRS, this benefit improvement will be funded by increasing the billing rates charged annually to cover both retrospective and prospective benefit increases. The annual contribution required of all participating employers in the NYSLPFRS is 0.70% of billable salary, or approximately $6.0 million to the State of New York and approximately $25 million to the local participating employers. **The permanent annual cost will increase** as Tier 6 salary grows and will vary by employer based upon the plan coverage and salary reported in Tier 6.

These estimated costs are based on 265,533 Tier 6 members in the NYSLERS and 16,599 Tier 6 members in the NYSLPFRS, with annual salary of approximately $12 billion and $1.5 billion, respectively, as of March 31, 2023.

Summary of relevant resources:

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

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the

Codes, Rules and Regulations of the State of New York: Audit and Control.

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

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

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

This estimate, dated February 2, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-118, prepared by the Actuary for the New York State and Local Retirement System.

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

As it relates to the New York State Teacher's Retirement System, this bill would amend subdivisions a and b of Section 608 of the Retirement and Social Security Law to change the definition of final average salary for Tier 6 members to be the same as that for Tier 3, 4 and 5 members. The final average salary for Tier 6 members would be based on any three consecutive years which produce the highest average salary. Currently, the final average salary for Tier 6 members is based on the salaries earned during any five consecutive years which provide the highest average salary. Additionally, under the bill, as in Tier 3, 4 and 5, if the salary for any year used in the period exceeds that of the average of the prior two years by more than 10%, the amount in excess of 10% shall be excluded from the computation. Currently, under Tier 6, if the salary for any year used in the period exceeds that of the average of the prior four years by more than 10%, the amount in excess of 10% is excluded from the computation.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be $23.1 million or 0.12% of payroll if this bill is enacted.

The System's "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 5.31% of pay under the current Tier 6 benefit structure. This can be thought of as the long-term expected employer cost of Tier 6, based on current actuarial assumptions. For the proposed change to the Tier 6 benefit structure under this bill, this new entrant rate is estimated to increase to 5.55% of pay, an increase of 0.24% of pay.

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

The source of this estimate is Fiscal Note 2024-17 dated February 2, 2024 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2024 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

SUMMARY: This proposed legislation, as it relates to the New York City Retirement Systems and Pension Funds (NYCRS), would increase the Final Average Salary used to calculate pension benefits for certain Tier 3 and Tier 6 members of NYCRS by reducing the number of years included in the average from five years to three years.

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

Year	NYCERS	TRS	BERS	POLICE	FIRE	TOTAL
2025	67.2	56.2	5.7	47.8	19.4	196.3
2026	63.9	54.9	5.9	44.2	21.3	190.2
2027	68.0	57.8	6.2	49.2	23.3	204.5
2028	72.2	60.9	6.5	54.8	25.5	219.9
2029	76.5	64.2	6.9	60.2	27.8	235.6
2030	80.8	67.7	7.2	66.0	30.2	251.9
2031	85.2	71.4	7.6	71.4	32.7	268.3
2032	89.5	75.4	7.9	76.0	35.3	284.1
2033	93.9	79.6	8.3	80.5	38.0	300.3
2034	98.5	84.1	8.7	85.0	40.8	317.1
2035	103.0	88.9	9.0	89.4	43.7	334.0
2036	107.6	93.9	9.4	93.8	46.7	351.4
2037	112.2	99.2	9.8	98.4	49.8	369.4
2038	116.9	104.8	8.0	103.4	53.1	386.2
2039	121.7	110.8	8.5	108.5	56.3	405.8
2040	103.5	116.9	8.9	113.4	59.6	402.3
2041	108.2	123.3	9.3	107.4	63.0	411.2
2042	113.0	129.7	9.7	112.3	66.4	431.1
2043	117.8	136.1	10.2	117.3	64.2	445.6
2044	122.7	123.8	10.6	122.3	67.6	447.0
2045	127.6	130.1	11.1	127.4	70.9	467.1
2046	132.6	136.4	11.5	132.5	74.2	487.2
2047	137.7	142.5	12.0	137.6	77.4	507.2
2048	142.9	148.6	12.5	142.9	80.7	527.6
2049	148.1	154.8	13.0	148.4	83.9	548.2

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

The initial increase in employer contributions of $196.3 million is estimated to be $163.2 million for New York City and $33.1 million for the other obligors of NYCRS.

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

Present Value (PV)	NYCERS	TRS	BERS	POLICE	FIRE
PV of Benefits:	633.8	666.9	53.3	570.7	279.6
PV of Employee Contributions:	0.0	0.0	0.0	0.0	0.0
PV of Employer Contributions:	633.8	666.9	53.3	570.7	279.6
Unfunded Accrued Liabilities:	207.9	189.6	17.8	105.3	53.8

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS	TRS	BERS	POLICE	FIRE
Number of Payments:	15	19	13	16	18
Fiscal Year of Last Payment:	2039	2043	2037	2040	2042
Amortization Payment:	22.9 M	18.6 M	2.2 M	10.8 M	5.5 M
Additional One-time Payment:	7.0 M	4.0 M	0.0 M	7.5 M	0.0 M

Unfunded Accrued Liability (UAL) increases for active members were amortized over the expected remaining working lifetime of those impacted by the benefit changes using level dollar payments. UAL attributable to terminated vested members was recognized in the first year.

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

	NYCERS	TRS	BERS	POLICE	FIRE
Active Members					
- Number Count:	92,737	60,663	12,932	20,089	5,030
- Average Age:	42.1	38.1	46.9	32.7	33.5
- Average Service:	4.6	5.0	4.0	6.1	5.5
- Average Salary:	80,600	80,000	56,200	107,400	112,400
Term. Vested Members					
- Number Count:	4,274	3,999	397	887	9
- Average Age:	41.5	37.9	44.6	34.6	37.6

IMPACT ON MEMBER BENEFITS: Currently, Final Average Salary (FAS) is based on a five-year average, with each year's salary limited to 110% of the average of the prior four year's salaries for the following groups:

* Tier 3 and Tier 6 members who joined NYCRS on or after April 1, 2012, and

* Tier 3 enhanced members of POLICE and FIRE who retire for disability.

Under the proposed legislation, the FAS for such members would be based on a three-year average, with each year's salary limited to 110% of the average of the prior two year's salaries (prior four year's salaries for NYCERS and BERS).

The five-year FAS for enhanced disability benefits for Corrections and Sanitation members of NYCERS is provided as part of an agreement under Retirement and Social Security Law Article 25 and is assumed to remain unchanged by this proposed legislation.

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

* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

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

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

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

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2024-10 dated February 2, 2024 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2024 Legislative Session.

PART KK

Section 1. Short title. This act shall be known and may be cited as the "legislative oversight of automated decision-making in government act (LOADinG Act)".

§ 2. The state technology law is amended by adding a new article 4 to read as follows:

ARTICLE IV

AUTOMATED DECISION-MAKING IN STATE GOVERNMENT

Section 401. Definitions.

402. Use of automated decision-making systems by agencies.

403. Impact assessments.

§ 401. Definitions. For the purpose of this article:

1. "Automated decision-making system" shall mean any software that uses algorithms, computational models, or artificial intelligence techniques, or a combination thereof, to automate, support, or replace human decision-making and shall include, without limitation, systems that process data, and apply predefined rules or machine learning algorithms to analyze such data, and generate conclusions, recommendations, outcomes, assumptions, projections, or predictions without meaningful human review and discretion. "Automated decision-making system" shall not include any software used primarily for basic computerized processes, such as calculators, spellcheck tools, autocorrect functions, spreadsheets, electronic communications, or any tool that relates only to internal management affairs such as ordering office supplies or processing payments, and that do not materially affect the rights, liberties, benefits, safety or welfare of any individual within the state.

2. "State agency" shall mean any department, public authority, board, bureau, commission, division, office, council, committee or officer of the state. Such terms shall not include the legislature or judiciary.

3. "Public assistance benefit" shall mean any service or program within the control of the state, or benefit provided by the state to individuals or households, including but not limited to public assistance, cash assistance, grants, child care assistance, housing assistance, unemployment benefits, transportation benefits, education assistance, domestic violence services, and any other assistance or benefit within the authority of the state to grant to individuals within the state. This shall not include any federal program that is administered by the federal government or the state.

§ 402. Use of automated decision-making systems by agencies. 1. Any state agency, or any entity acting on behalf of such agency, shall be prohibited from, directly or indirectly, utilizing or applying any auto-

mated decision-making system in performing any function that: (a) is related to the delivery of any public assistance benefit; (b) will have a material impact on the rights, civil liberties, safety or welfare of any individual within the state; or (c) affects any statutorily or constitutionally provided right of an individual; unless such utilization or application of the automated decision-making system is specifically authorized in law.

2. No state agency shall authorize any procurement, purchase or acquisition of any service or system utilizing, or relying on, automated decision-making systems prohibited in subdivision one of this section, except where the use of such system is specifically authorized in law.

§ 403. Impact assessments. 1. No state agency shall utilize or apply any automated decision-making system unless the state agency, or an entity acting on behalf of such state agency, shall have conducted an impact assessment for the application and use of such automated decision-making system. Following the first impact assessment, an impact assessment shall be conducted at least once every two years. An impact assessment shall be conducted prior to any material change to the automated decision-making system that may change the outcome or effect of such system. Such impact assessments shall include:

(a) a description of the objectives of the automated decision-making system;

(b) an evaluation of the ability of the automated decision-making system to achieve its stated objectives;

(c) a description and evaluation of the objectives and development of the automated decision-making including:

(i) a summary of the underlying algorithms, computational modes, and artificial intelligence tools that are used within the automated decision-making system; and

(ii) the design and training data used to develop the automated decision-making system process;

(d) testing for:

(i) accuracy, fairness, bias and discrimination, and an assessment of whether the use of the automated decision-making system produces discriminatory results on the basis of a consumer's or a class of consumers' actual or perceived race, color, ethnicity, religion, national origin, sex, gender, gender identity, sexual orientation, familial status, biometric information, lawful source of income, or disability and outlines mitigations for any identified performance differences in outcomes across relevant groups impacted by such use;

(ii) any cybersecurity vulnerabilities and privacy risks resulting from the deployment and use of the automated decision-making system, and the development or existence of safeguards to mitigate the risks;

(iii) any public health or safety risks resulting from the deployment and use of the automated decision-making system;

(iv) any reasonably foreseeable misuse of the automated decision-making system and the development or existence of safeguards against such misuse;

(e) the extent to which the deployment and use of the automated decision-making system requires input of sensitive and personal data, how that data is used and stored, and any control users may have over their data; and

(f) the notification mechanism or procedure, if any, by which individuals impacted by the utilization of the automated decision-making system may be notified of the use of such automated decision-making system and

of the individual's personal data, and informed of their rights and options relating to such use.

2. Notwithstanding the provisions of this article or any other law, if an impact assessment finds that the automated decision-making system produces discriminatory or biased outcomes, the state agency shall cease any utilization, application, or function of such automated decision-making system, and of any information produced using such system.

3. Any impact assessment conducted pursuant to this subdivision shall be submitted to the governor, the temporary president of the senate, and the speaker of the assembly at least thirty days prior to the implementation of the automated decision-making system that is the subject of such assessment. The impact statement of an automated decision-making system that is approved and utilized, shall be published on the website of the relevant agency. If the state agency makes a determination that the disclosure of any information required in the impact assessment would result in a substantial negative impact on health or safety of the public, infringe upon the privacy rights of individuals, or significantly impair the state agency's ability to protect its information technology or operational assets, it may redact such information, provided that an explanatory statement on the process by which the state agency made such determination is published along with the redacted impact assessment.

§ 3. Disclosure of existing automated decision-making systems. Any state agency, that directly or indirectly, utilizes an automated decision-making system, as defined in section 401 of the state technology law, shall submit to the legislature a disclosure on the use of such system, no later than one year after the effective date of this section. Such disclosure shall include:

(a) a description of the automated decision-making system utilized by such agency;

(b) a list of any software vendors related to such automated decision-making system;

(c) the date that the use of such system began;

(d) a summary of the purpose and use of such system, including a description of human decision-making and discretion supported or replaced by the automated decision-making system;

(e) whether any impact assessments for the automated decision-making system were conducted and the dates and summaries of the results of such assessments where applicable; and

(f) any other information deemed relevant by the agency.

§ 4. Section 101 of the state technology law is amended by adding a new subdivision 6 to read as follows:

6. "Artificial intelligence" or "AI" shall mean: (a) a machine-based system that operates with varying levels of autonomy and that may exhibit adaptiveness after deployment and that, for explicit or implicit objectives, infers, from the input the system receives, how to generate outputs such as predictions, content, recommendations, or decisions that may influence physical or virtual environments. This includes, but is not limited to, systems, applications, software, or devices designed to:

(i) Sense, interpret, process, analyze, or otherwise comprehend data, text, speech, voice, images, video, sensor inputs, or other forms of information from the physical and virtual world.

(ii) Abstract concepts, detect patterns, extract features, develop explanatory and predictive data models, or otherwise derive higher-order insights through analysis of data and information.

(iii) Apply reasoning, decision logic, knowledge representation, prediction models, data model inferences, or other structured and unstructured techniques and capabilities to generate options, recommendations, forecasts, determinations, conclusions, actions, or other outputs that influence physical or virtual environments, systems, applications, devices, or decision-making.

(iv) Operate autonomously once deployed, regardless of whether designed to allow human monitoring, oversight, intervention, or override.

(b) This definition shall not include any software used primarily for basic computerized processes, such as calculators, spell check tools, autocorrect functions, spreadsheets, electronic communications, or any tool that relates only to internal management affairs such as ordering office supplies or processing payments, and that do not materially affect the rights, liberties, safety or welfare of any human.

§ 5. The state technology law is amended by adding a new section 102-a to read as follows:

§ 102-a. Chief artificial intelligence officer; functions, powers and duties. 1. There is hereby established the office of artificial intelligence within the office. The head of such office shall be the chief artificial intelligence officer and shall be appointed by the governor with the advice and consent of the senate. The chief artificial intelligence officer shall be in sole charge of the administration of the office, and shall report to the executive department. The chief artificial intelligence officer shall be designated as management confidential in the noncompetitive class in accordance with the civil service law. The chief artificial intelligence officer shall have expertise in artificial intelligence, data privacy, and the technology industry.

2. The office of artificial intelligence shall have the following functions, powers and duties:

(a) Develop statewide artificial intelligence policies and governance, including but not limited to:

(i) Developing and updating state policy and guidelines on the use, procurement, development, and deployment of artificial intelligence in a manner consistent with state laws;

(ii) Developing and updating a handbook regarding the use, study, development, evaluation, and procurement of systems that use artificial intelligence, in a manner consistent with state and federal laws, and national and international standards for use by the state's departments, boards, commissions, agencies and authorities;

(iii) Developing a risk management plan, including procedures for assessing and classifying risk levels, including, but not limited to, pertaining to the operations of the state, data security and privacy, and the rights, liberties, safety and welfare of any human for use of artificial intelligence and automated decision-making systems by the state's departments, boards, commissions, agencies and authorities; and

(iv) Setting governance standards for oversight of artificial intelligence and automated systems, and determining resource requirements for responsible adoption, including, but not limited to developing and deploying employee training programs for safe and responsible use of artificial intelligence; and

(v) Ensuring public access requirements are established for the publication of information related to each state agency use of the automated systems and artificial intelligence.

(b) Coordinate the activities of any and all state departments, boards, commissions, agencies and authorities performing any functions using artificial intelligence tools.

(c) Coordinate and track state department, board, commission, agency and authority procurement and planning in state programs.

(d) Investigate and assess what resources, monetary or otherwise, if any, a department, board, commission, authority or agency requires to adapt to the changes that artificial intelligence will bring to the regulatory landscape and to adequately adopt and oversee the use of artificial intelligence across its operations.

(e) Provide guidance to governmental entities in developing, designing and deploying standards, mission, regulations, investments, practices, systems pertaining to the use of artificial intelligence tools, in a manner that protects the rights and safety of individuals, including but not limited to employee training, protecting privacy and data security, safeguarding against discrimination based on race, gender, ethnicity, religion, disability, sexual orientation, or socioeconomic status, mitigating risks of misinformation and manipulation, and impact on the human workforce.

(f) Recommend the replacement, disconnection or deactivation of any application that utilizes artificial intelligence and that demonstrates that deployment and use is inconsistent with provisions of law or is otherwise harmful to the operations of the state, data security and privacy, or the rights, liberties, safety, and welfare of any human.

(g) Study the implications of the usage of artificial intelligence for data collection to inform testing and evaluation, verification and validation of artificial intelligence to ensure that artificial intelligence will perform as intended, including when interacting with humans and other systems, develop common metrics to assess trustworthiness that artificial intelligence systems will perform as intended, and minimize performance problems and unanticipated outcomes, protect against risks to data security and privacy, and address the possibility of intentional misuse of an artificial intelligence system.

(h) Submit a report annually to the temporary president of the senate and the speaker of the assembly on progress, findings, studies and recommendations regarding the use of artificial intelligence in the various government agencies. Such report shall also be made publicly available on the office of information technology website. Where the chief artificial intelligence officer makes a determination that such disclosure would result in a substantial negative impact on health or safety of the public, infringe upon the privacy rights of individuals, or significantly impair the state's ability to protect its information technology or operational assets, the officer may redact such information, provided an explanatory statement by which such determination was made is published along with the redacted report. The provisions of this subdivision shall not be deemed to require or authorize the disclosure of confidential information or trade secrets.

(i) Investigate and conduct periodic audits any department's, board's, commission's, agency's or authority's use of artificial intelligence tools to ensure:

(i) departments, boards, commissions, agencies and authorities develop, acquire and use automated systems that comply with the constitution, state and federal laws;

(ii) ensure that any benefit a department, board, commission, agency or authority receives by using an automated system outweighs any risk in using that automated system;

(iii) ensure that each automated system is secure, protected and resistant to circumstances in which that automated system faces any systematic vulnerability, manipulation or malicious exploitation; and

(iv) nothing in this section shall be construed as restricting the artificial intelligence officer's or any state department's, board's, commission's, authority's or agency's access to:

(1) conduct any internal investigation aimed at developing, improving or repairing any product, service or technology,

(2) prevent, detect, protect, respond, investigate, report to any person responsible for any security incident, identity theft, fraud, harassment, malicious or misleading activity or illegal activity, or

(3) preserve the integrity or security of any system.

3. To effectuate the purposes of this section, the chief artificial intelligence officer may request and receive from any department, division, board, bureau, commission or other agency of the state or any political subdivision thereof or any public authority, staff and other assistance, information, and resources as will enable the office of artificial intelligence to properly carry out its functions, powers and duties.

§ 6. The state technology law is amended by adding a new section 104-a to read as follows:

§ 104-a. Advisory committee for state artificial intelligence policy. 1. There is hereby created in the division of broadband access an advisory committee for state artificial intelligence policy. The chief artificial intelligence officer shall serve as chair of the committee. The committee shall be composed of a minimum of seven representatives or their equivalent selected from state agencies and appointed by the governor, provided that no more than one member shall be appointed from a single agency, and provided further that the director shall serve as an ex-officio member of the committee. In addition, one member shall be appointed by the speaker of the assembly, one by the temporary president of the senate, and two members to be appointed by the governor at the recommendation of the two largest organizations in the state representing municipal leadership.

2. All members of the advisory committee shall serve at the pleasure of their appointing authority. The members of the committee shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

3. No member of the advisory committee shall be disqualified from holding any other public office, nor forfeit any such office by reason of appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter, provided however that members appointed by the governor, speaker of the assembly, or temporary president of the senate shall be considered state officers and subject to the provisions of paragraph (a) of subdivision eight of section seventy-three of the public officers law.

4. The advisory committee shall, at minimum, meet twice in each calendar year, provided that additional meetings of the advisory committee may be called by the chairperson at any time.

5. The advisory committee shall:

(a) Advise the chief artificial intelligence officer on best practices for the use of artificial intelligence and automated systems in agencies;

(b) Advise the chief artificial intelligence officer on state policy for artificial intelligence and automated systems;

(c) Advise the chief artificial intelligence officer on the current state of the state in relation to competitiveness in artificial intelligence, including the scope and scale of New York's investments in artificial intelligence research and development;

(d) Advise the chief artificial intelligence officer on improving the workforce, including use in training, education and worker assistance in relation to the use of artificial intelligence;

(e) Advise the chief artificial intelligence officer on leveraging local resources to optimize and improve operations in various areas of government operations, including but not limited to medical services, cyber security, infrastructure, and recovery from natural disasters;

(f) Advise the chief artificial intelligence officer on opportunities for local, regional, interstate, federal, and international cooperation in artificial intelligence research activities, standards development and regulations;

(g) Advise the chief artificial intelligence officer on strategies to prevent and mitigate artificial intelligence-assisted misinformation campaigns and the potentially harmful effects of artificial intelligence;

(h) Advise the chief artificial intelligence officer on how the state can leverage the substantial and growing expertise of the emerging technologies, such as artificial intelligence, in the long-term development of public policies that affect the privacy, rights, and the use of artificial intelligence online;

(i) Advise the chief artificial intelligence officer on strategies for the development of inter-governmental cooperation among agencies of the federal, state, and local governments and cooperation; and

(j) Make periodic recommendations to the legislature on legislative or regulatory changes.

§ 7. Subdivisions 2 and 3 of section 102 of the state technology law, as added by chapter 430 of the laws of 1997 and as renumbered by chapter 437 of the laws of 2004, are amended to read as follows:

2. The head of the office shall be the director of the office, who shall serve as the chief technology officer for the state of New York and shall be designated as management confidential in the noncompetitive class in accordance with the civil service law. The director shall be the chief executive officer of and in sole charge of the administration of the office, with exception to the office established pursuant to section one hundred two-a of this article and the committee established pursuant to section one hundred four-a of this article. The director shall be entitled to receive reimbursement for expenses actually and necessarily incurred by [~~him or her~~] such director in the performance of [~~his or her~~] such director's duties.

3. The director may, from time to time, create, abolish, transfer and consolidate bureaus and other units within the office not expressly established by law as [~~he or she~~] such director may determine necessary for the efficient operation of the office, subject to the approval of the director of the budget, with exception to the office established pursuant to section one hundred two-a of this article and the committee established pursuant to section one hundred four-a of this article.

§ 8. This act shall take effect on the ninetieth day after it shall have become a law, provided that section two of this act shall take effect one year after it shall have become a law.

PART LL

Section 1. 1. New York state aid and incentives for municipalities redesign task force. There is hereby created the aid and incentives for municipalities redesign task force whose membership shall consist of 7 members: the director of the division of the budget or such director's designee as chair; the comptroller or such comptroller's designee; the executive director of the New York State Conference of Mayors or such director's designee; the executive director of the New York State Association of Counties or such director's designee; the executive director of the New York State Association of Towns or such director's designee; one member appointed by the temporary president of the senate; and one member appointed by the speaker of the assembly. The task force shall report to the governor, the speaker of the assembly and the temporary president of the senate no later than one year after the effective date of this act. Such report shall include, but not be limited to:

(a) A review and analysis of the current aid and incentives for municipalities formula and allocations;

(b) An analysis of available alternatives to the current aid and incentives for municipalities formula and allocations, including models from other states; provided however, that such alternatives shall include the allocation of funds to any municipality which is not currently receiving aid and incentives for municipalities funding;

(c) Recommendations concerning such alternatives to the formula used to determine future aid and incentives to municipalities funding allocations; provided however, that such recommendations shall include the allocation of funds to any municipality which is not currently receiving aid and incentives for municipalities funding; and

(d) Any other information the task force deems necessary or relevant.

2. All appointments to the task force shall be made no later than sixty days after the effective date of this act. Any vacancy shall be filled by the appointing authority. The task force shall meet as frequently as it deems necessary prior to issuing its findings and recommendations. The members of the task force shall serve without compensation, except that members shall be allowed their necessary and actual expenses incurred in the performance of their duties under this section. The department of taxation and finance and the division of the budget shall provide the task force with such data as the task force may request to carry out its powers and duties. To the extent practicable, such data shall be provided in a format in accordance with the standards outlined in the New York State Open Data Handbook pursuant to executive order 95 of the laws of 2013. The task force may consult with any public or private entity it deems necessary in order to assist the task force with information gathering, analysis, and formulating its conclusions and recommendations.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2025.

PART MM

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

3. As used in this section, the terms "firefighter" and "police officer" mean any member who is performing police or fire service, as the phrase police or fire service is defined in paragraphs a, b, c, d, f (as added by chapter six hundred seventy-four of the laws of nineteen eighty-six), f (as added by chapter six hundred seventy-seven of the laws of

nineteen eighty-six), g, h, i and j of subdivision eleven of section three hundred two of this article, and who, prior to entry into service as a firefighter or police officer, successfully passed a physical examination which failed to disclose evidence of any disease or other impairment of the heart.

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

§ 3. This act shall take effect immediately.

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

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

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

PART NN

Section 1. Subdivision a of section 503 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

a. The normal service retirement benefit specified in section five hundred four of this article shall be payable to general members, other than elective members, who have met the minimum service requirements upon retirement and attainment of age sixty-two, provided, however, a general member who is a peace officer employed by the unified court system or a member of a teachers' retirement system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service. For members who become members of the New York state and local employees' retirement system on or after April first, two thousand twelve, the normal service retirement benefits specified in section five hundred four of this article shall be payable to general members, other than elective members, who have met the minimum service requirements upon retirement and attainment of age sixty-three**; provided that, a member who is a peace officer employed by the unified court system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service**.

§ 2. Subdivisions a and a-1 of section 603 of the retirement and social security law, subdivision a as amended and subdivision a-1 as added by chapter 18 of the laws of 2012, are amended to read as follows:

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

a-1. For members who first become a member of a public retirement system of the state on or after April first, two thousand twelve, **except**

for uniformed court officers or peace officers employed by the unified court system, the service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and have attained age sixty-three.

§ 3. Subdivisions a and b-1 of section 604 of the retirement and social security law, subdivision a as amended and subdivision b-1 as added by chapter 18 of the laws of 2012, are amended to read as follows:

a. The service retirement benefit at normal retirement age for a member with less than twenty years of credited service, or less than twenty-five years credited service for a member who joins the New York state teachers' retirement system on or after January first, two thousand ten, shall be a retirement allowance equal to one-sixtieth of final average salary times years of credited service. Normal retirement age for members who first become members of a public retirement system of the state on or after April first, two thousand twelve shall be age sixty-three**; except that the normal retirement age shall be sixty-two for a member who is a peace officer or uniformed court officer employed by the unified court system**.

b-1. Notwithstanding any other provision of law to the contrary, the service retirement benefit for members with twenty or more years of [~~credit~~] **credited** service who first become a member of a public retirement system of the state on or after April first, two thousand twelve at age sixty-three**, or at age sixty-two for uniformed court officers or peace officers employed by the unified court system,** shall be a pension equal to the sum of thirty-five per centum and one-fiftieth of final average salary for each year of service in excess of twenty times final average salary times years of credited service. In no event shall any retirement benefit payable without optional modification be less than the actuarially equivalent annuitized value of the member's contributions accumulated with interest at five percent per annum compounded annually to the date of retirement.

§ 4. Paragraph 3 of subdivision i of section 603 of the retirement and social security law, as added by chapter 18 of the laws of 2012, is amended to read as follows:

3. A member of a public retirement system of the state who has met the minimum service requirement, but who is not a New York city transit authority member, as defined in paragraph one of subdivision a of section six hundred four-b of this article, may retire prior to normal retirement age, but no earlier than attainment of age fifty-five, in which event, the amount of his or her retirement benefit computed without optional modification shall be reduced by six and one-half per centum for each year by which early retirement precedes age sixty-three**; provided, however, that for a member who is a uniformed court officer or peace officer employed by the unified court system, the retirement benefit computed without optional modification shall be reduced in accordance with paragraph one of this subdivision**.

§ 5. 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.

§ 6. This act shall take effect immediately; provided that the amendments to subdivision a of section 603 of the retirement and social security law made by section two of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

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

This bill would allow any Tier 6 member who is a uniformed court officer or peace officer employed by the unified court system to retire without early age reduction upon attaining 30 years of creditable service and age 55. It would also reduce the normal retirement age from 63 to 62 and lessen the reductions in benefits for those who retire prior to normal retirement age.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), the increased costs would be borne entirely by the State of New York. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately $34.2 million.

In the NYSLERS, this benefit improvement will be funded by (1) billing a past service cost to cover retrospective benefit increases and (2) increasing the billing rates charged annually to cover prospective benefit increases, as follows:

(1) To fund retrospective costs, the State of New York will be required to pay $18.9 million as of March 1, 2025.

(2) To fund prospective costs, the annual contribution required of the State of New York will include a separate itemized charge equal to 1.0% of billable salary reported to the NYSLERS for the affected members, or approximately $2.2 million beginning in fiscal year ending March 31, 2025. This **permanent annual cost will increase** as Tier 6 salary grows and will vary in subsequent billing cycles with changes in the billing rate.

These estimated costs are based on 2,207 affected members employed by New York State, with annual salary of approximately $166 million as of March 31, 2023.

Summary of relevant resources:

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

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

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

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

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

This estimate, dated March 8, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-92, prepared by the Actuary for the New York State and Local Retirement System.

PART OO

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

§ 604-j. Twenty-five year retirement program for fire protection inspector members. a. Definitions. The following words and phrases as

used in this section shall have the following meanings unless a different meaning is plainly required by the context.

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

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

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

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

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

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

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

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

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

3. Each fire protection inspector member, other than a fire protection inspector member subject to paragraph one or two of this subdivision, who becomes subject to the provisions of this article on or after the starting date of the twenty-five year retirement program shall become a participant in the twenty-five year retirement program on the date they become such a fire protection inspector member. Provided, however, a person subject to this paragraph, and who has exceeded age twenty-five upon employment as a fire protection inspector member, shall be exempt

from participation in the improved twenty-five year retirement program if such person elects not to participate by filing a duly executed form with the retirement system within one hundred eighty days of becoming a fire protection inspector member.

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

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

6. Where any participant in the twenty-five year retirement program terminates service as a fire protection inspector member and returns to such service as a fire protection inspector member at a later date, they shall again become such a participant on that date.

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) who does not withdraw in whole or in part their accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen; shall be entitled to receive a deferred vested benefit as provided in this subdivision.

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

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

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

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

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

4. (i) Each participant in the twenty-five year retirement program shall be charged with a contribution deficiency consisting of the total amounts of additional member contributions such person is required to make pursuant to paragraphs one and two of this subdivision which are not deducted from their compensation pursuant to paragraph three of this subdivision, if any, together with interest thereon, compounded annually, and computed in accordance with the provisions of subparagraphs (ii) and (iii) of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. (i) The city of New York shall, in the case of a fire protection inspector member (as defined in paragraph one of subdivision a of section six hundred four-j of this article) who is a participant in the twenty-five year retirement program (as defined in paragraph four of subdivision a of such section six hundred four-j), pick up and pay to the retirement system of which such participant is a member all addi-

tional member contributions which otherwise would be required to be deducted from such member's compensation pursuant to paragraphs one and two of subdivision e of such section six hundred four-j of this article (not including any additional member contributions due for any period prior to the first full payroll period referred to in such paragraph three of such subdivision e), and shall effect such pick up in each and every payroll of such participant for each and every payroll period with respect to which such paragraph three would otherwise require such deductions.

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

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

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

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

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

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article [~~or~~] subdivision c of section six hundred four-i of this article, or subdivision c of section six hundred four-j of this article, provided, however, a member of a teachers' retirement system or the New York state and local employees' retirement system who first joins such system before January first, two thousand ten or a member who is a uniformed court officer or peace officer employed by the unified court

system who first becomes a member of the New York state and local employees' retirement system before April first, two thousand twelve may retire without reduction of [~~his or her~~] **their** retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, provided, however, that a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system on or after January first, two thousand ten and retires without reduction of [~~his or her~~] **their** retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service pursuant to this section shall be required to make the member contributions required by subdivision f of section six hundred thirteen of this article for all years of credited and creditable service, provided further that the [~~the~~] preceding provisions of this subdivision shall not apply to a New York city revised plan member.

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

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

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

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

PART PP

Section 1. Section 212 of the retirement and social security law is amended by adding a new subdivision 2-a to read as follows:

2-a. Notwithstanding the provisions of subdivision two of this section, the earning limitations for retired persons in positions of public service shall be increased to fifty thousand dollars from the year two thousand twenty-four and thereafter.

§ 2. This act shall take effect immediately.

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

This bill would allow a retired person of the New York State and Local Retirement System who returns to public employment with an annual salary of $50,000 or less to continue to receive their full retirement benefit. Currently, the salary limit is $35,000.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), if this bill were enacted during the 2024 Legislative Session, the direct cost incurred would be the retiree's

pension benefit paid while post-retirement earnings are between $35,000 and $50,000 each calendar year. The pension benefit expected to be paid by the NYSLERS during that 2.5-month period is estimated to be $9,000 per person.

In addition to the direct cost quoted above, there would be additional costs in the form of lost employer contributions due to non-billable post-retirement earnings, which is estimated to be $2,250 per person.

In the NYSLERS, pursuant to Section 25 of the Retirement and Social Security Law, the increased costs would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision. For each retiree rehired pursuant to this proposal, an annual cost of $11,250 is expected.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), if this bill were enacted during the 2024 Legislative Session, the direct cost incurred would be the retiree's pension benefit paid while post-retirement earnings are between $35,000 and $50,000 each calendar year. The pension benefit expected to be paid by the NYSLPFRS during that 1-month period is estimated to be $7,500 per person.

In addition to the direct cost quoted above, there would be additional costs in the form of lost employer contributions due to non-billable post-retirement earnings, which is estimated to be $4,500 per person.

In the NYSLPFRS, all costs will be shared by the State of New York and all participating employers in the NYSLPFRS and spread over future billing cycles. For each retiree rehired pursuant to this proposal, an annual cost of $12,000 is expected.

In addition to the direct costs quoted above, insofar as this proposal disrupts the usual pattern and timing of employee turnover (that is, if members retire earlier than assumed and participating employers hire a retiree instead of a new billable member), shifts in member behavior could generate losses that increase the average billing rate in 20-year and 25-year service-based plans from 31.2% to 40.8%. In age-based plans, average billing rates could increase from 15.2% to 18.7%. The actual increase in billing rates will depend upon member and employer utilization, with the rates above representing an upper maximum.

Since this proposal exclusively benefits retirees, the increased costs are primarily attributable to retirees from Tiers 1 -- 3. 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, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

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

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

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

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

This estimate, dated March 7, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-143, prepared by the Actuary for the New York State and Local Retirement System.

PART QQ

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

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

§ 2. This act shall take effect immediately.

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

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

Pursuant to Section 25 of the Retirement and Social Security Law, the increased costs would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision.

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

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

In the NYSLERS, this benefit improvement will be funded by including a separate itemized charge on the New York State annual invoice, equal to the costs quoted above, plus interest.

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

Summary of relevant resources:

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

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

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

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

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

This estimate, dated March 6, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-140, prepared by the Actuary for the New York State and Local Retirement System.

PART RR

Section 1. The executive law is amended by adding a new article 15-D to read as follows:

ARTICLE 15-D
OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

Section 328-e. Definitions.
328-f. Office of racial equity and social justice; director, organization and employees.
328-g. Functions, powers and duties of the office.
328-h. Reporting.

§ 328-e. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Office" means the office of racial equity and social justice.

2. "Director" means the director of the office of racial equity and social justice.

3. "Equity" means fair and just opportunities and outcomes for all individuals.

4. "Social justice" means every individual deserves to benefit from the same economic, political and social rights and opportunities, free from health disparities, regardless of race; socioeconomic status; age; sex, including on the basis of gender identity or orientation; religion; disability; or other characteristics.

5. "Race" means a social construct that artificially divides people into distinct groups based on characteristics such as physical appearance, including color; ancestral heritage; cultural affiliation; cultural history; ethnic classification; and the social, economic and political needs of a society at a given period.

6. "Inequity" means systematic and patterned differences in well-being that disadvantage one group in favor of another caused by past and current decisions, systems of power and privilege, and policies.

7. "Individual racism" means explicit or implicit pre-judgment bias or discrimination by an individual based on race.

8. "Institutional racism" means policies, practices, and procedures that work better for some members of a community than others based on race.

9. "Racial equity and social justice" means changes in policy, practice and allocation of state resources so that race or social justice constructs do not predict an individual's success, while also improving opportunities and outcomes for all people.

§ 328-f. Office of racial equity and social justice; director, organization and employees. 1. The office of racial equity and social justice is hereby created within the executive department to have and exercise the functions, powers and duties provided by the provisions of this article and any other provision of law.

2. The head of the office shall be the director, who shall serve as the chief equity officer for the state of New York. The director shall be appointed by the governor with the consent and approval of the senate and receive a salary to be fixed by the governor within the amounts appropriated therefor.

3. The director may, from time to time, create, abolish, transfer and consolidate bureaus and other units within the office not expressly established by law as the director may determine necessary for the efficient operation of the office, subject to the approval of the director of the budget.

4. The director may appoint assistants, and other officers and employees, committees and consultants as the director may deem necessary, prescribe their powers and duties, fix their compensation within the amounts appropriated therefor.

5. The director may request and receive from any department, division, board, bureau, commission or other agency of the state any information and resources that will enable the office to properly carry out its functions, powers and duties.

§ 328-g. Functions, powers and duties of the office. The office shall have the following functions, powers and duties:

1. To act as the official state planning and coordinating office for changes in policy, practice and allocation of state resources so that race or social justice constructs do not predict an individual's success, while also improving opportunities and outcomes for all people, and performing all necessary and appropriate services required to fulfill these duties.

2. To establish, oversee, manage, coordinate and facilitate the planning, design and implementation of the state's racial equity and social justice action plan, such plan shall incorporate and embed racial equity and social justice principles and strategies into operations, programs, service policies and community engagement to eliminate inequity, institutional racism and individual racism in the state, and shall include racial equity and social justice training for all state employees.

3. To advise and assist the state agencies in developing policies, plans and programs for eliminating institutional racism and improving racial equity and social justice.

4. To perform racial equity and social justice reviews and make recommendations for improving management and program effectiveness pertaining to racial equity and social justice, including, but not limited to, an annual racial equity and social justice impact statement which shall accompany the executive budget.

5. To establish, oversee, manage a racial equity and social justice advisory committee, the composition and duties of such committee as determined by the director.

§ 328-h. Reporting. The office shall submit a report to the governor, the speaker of the assembly and the temporary president of the senate no later than one year after the effective date of this article and annually thereafter. Such report shall contain, at minimum, information related to policy recommendations of the office and the activities of the racial equity and social justice advisory committee. Such report shall also be published on the website of the office of the governor.

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

PART SS

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

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

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

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

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

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

Notwithstanding the foregoing, during each of the first three plan years (July first to June thirtieth) in which such member has established membership in the New York state teachers' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. Notwithstanding the foregoing, when determining the contribution rate at which a member of the New York state teachers' retirement system with a date of membership on or after April first, two thousand twelve shall contribute for plan years (July first to June thirtieth) between July first, two thousand twenty-two and July first, two thousand [~~twenty-four~~] twenty-six, such rate shall be determined by reference to the member's annual base wages in the second plan year (July first to June thirtieth) preceding such current plan year. Annual base wages shall not include compensation earned for extracurricular programs or any other pensionable earnings paid in addition to the annual base wages.

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

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

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

PART TT

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

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

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

3. If the member subsequently retires on an age-based retirement plan in the New York state and local police and fire retirement system instead of a twenty year or twenty-five year plan, the full amount of

service credit earned, as a police officer employed by the division of law enforcement in the department of environmental protection in the city of New York shall be granted.

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

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

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

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

PART UU

Section 1. The retirement and social security law is amended by adding a new section 383-e to read as follows:

§ 383-e. Retirement of officers of state law enforcement; twenty year retirement plan. a. Membership. Every non-seasonally appointed sworn member or officer of the division of law enforcement in the department of environmental conservation, a forest ranger in the service of the department of environmental conservation, which shall mean a person who serves on a full-time basis in the title of forest ranger I, forest ranger II, forest ranger III, assistant superintendent of forest fire control, superintendent of forest fire control or any successor titles or new titles in the forest ranger title series in the department of environmental conservation, a police officer in the department of environmental conservation, the regional state park police, and university police officers who enter or re-enter service in any such title shall be covered by the provisions of this section, and every member described in this subdivision in such service on or before one year prior to the effective date of this section may elect to be covered by the provisions of this section by filing an election therefor with the comptroller. To be effective, such election must be duly executed and acknowledged on a form prepared by the comptroller for that purpose.

b. Retirement allowance. A member, covered by the provisions of this section at the time of retirement, shall be entitled to retire upon completion of twenty years of total creditable service in such titles, and shall retire upon the attainment of the mandatory retirement age prescribed by this section, by filing an application therefor in a manner similar to that provided in section three hundred seventy of this article.

1. Upon completion of twenty years of such service and upon retirement, each such member shall receive a pension which, together with an annuity for such years of service as provided in paragraph four of this subdivision, shall be sufficient to provide him or her with a retirement allowance of one-half of his or her final average salary.

2. Upon completion of more than twenty years of such service and upon retirement, each such member shall receive, for each year of service in excess of twenty, an additional pension which, together with an annuity

for each such year as provided in paragraph four of this subdivision, shall be equal to one-sixtieth of his or her final average salary, provided, however, that the pension payable pursuant to this section shall not exceed three-quarters of final average salary.

3. Upon attainment of the mandatory retirement age without completion of twenty years of such service, each such member shall receive a pension which, together with an annuity for such years of service as provided in paragraph four of this subdivision, shall be equal to one-fortieth of his or her final average salary for each year of creditable service in such titles. Every such member shall also be entitled to an additional pension equal to the pension for any creditable service rendered while not an employee in such titles as provided under paragraphs three and four of subdivision a of section three hundred seventy-five of this article. This latter pension shall not increase the total allowance to more than one-half of his or her final average salary.

4. The annuity provided under paragraphs one, two and three of this subdivision shall be the actuarial equivalent, at the time of retirement, of the member's accumulated contributions based upon the rate of contribution fixed under section three hundred eighty-three of this title and upon the salaries earned while in such service. Such annuity shall be computed as it would be if it were not reduced by the actuarial equivalent of any outstanding loan nor by reason of the member's election to decrease his or her contributions toward retirement in order to apply the resulting amount toward payment of contributions for old age and survivor's insurance. Any accumulated contributions in excess of the amount required to provide the annuity computed pursuant to this paragraph shall be used to increase the member's retirement allowance.

c. Credit for previous service. In computing the years of total creditable service for each member described herein, full credit shall be given and full allowance shall be made for service rendered as a police officer or state university peace officer or member of a police force or department of a state park authority or commission or an organized police force or department of a county, city, town, village, police district, authority or other participating employer or member of the capital police force in the office of general services while a member of the New York state and local police and fire retirement system, of the New York state and local employees' retirement system or of the New York city police pension fund and for all service for which full credit has been given and full allowance made pursuant to the provisions of section three hundred seventy-five-h of this article provided, however, that full credit pursuant to the provisions of such section shall mean only such service as would be creditable service pursuant to the provisions of section three hundred eighty-three, three hundred eighty-three-a, three hundred eighty-three-b, as added by chapter six hundred seventy-four of the laws of nineteen hundred eighty-six, three hundred eighty-three-b, as added by chapter six hundred seventy-seven of the laws of nineteen hundred eighty-six, three hundred eighty-three-c or three hundred eighty-three-d of this title or pursuant to the provisions of title thirteen of the administrative code of the city of New York for any member contributing pursuant to this section who transferred to the jurisdiction of the department of environmental conservation including but not limited to environmental conservation officers and forest rangers, regional state park police or state university of New York peace officers.

d. Retirement for cause. Upon receipt of a certificate from the head of the entity where such member is employed or his or her designee, a member as described in subdivision a of this section, who has accrued twenty-five or more years of service credit under this section shall be retired on the first day of the second month next succeeding the date such certificate was filed with the comptroller.

e. Credit for military service. In computing the years of total creditable service full credit shall be given and full allowance shall be made for service of such member in war after world war I as defined in section three hundred two of this article, provided such member at the time of his or her entrance into the armed forces was in police service as defined in subdivision eleven of section three hundred two of this article.

f. Transfer of membership to employees' retirement system. Any member currently enrolled pursuant to this section and who previously transferred service credit from the New York state and local employees' retirement system to the New York state and local police and fire retirement system, may elect to transfer such previously transferred service credit back to the New York state and local employees' retirement system, and such member shall have the option to retroactively transfer his or her membership into such employees' retirement system.

g. The provisions of this section shall be controlling, notwithstanding any provision of this article to the contrary.

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the state of New York and may be amortized over a period of ten years.

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

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

This bill would allow any non-seasonally appointed sworn member or officer of the division of law enforcement, police officer, or forest ranger in the department of environmental conservation; any regional state park police officer; or any university police officer to become covered by the provisions of a special 20-year retirement plan, which will provide a benefit of one-half of final average salary upon retirement and an additional benefit of one-sixtieth of final average salary for each year of creditable service in excess of 20 years, not to exceed 12 years.

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase of approximately $6.6 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2025. In future years this cost will vary but is expected to average 3.9% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $70.3 million which will be borne by the State of New York as a one-time payment. This estimate assumes that payment will be made on March 1, 2025. If the State of New York elects to amortize this cost over a 10-year period, the cost for each year including interest would be $8.98 million.

These estimated costs are based on 1,228 affected members employed by the State of New York, with annual salary of approximately $131 million as of March 31, 2023.

Summary of relevant resources:

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

2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

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

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

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

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

This estimate, dated January 22, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-90, prepared by the Actuary for the New York State and Local Retirement System.

PART VV

Section 1. The executive law is amended by adding a new article 15-D to read as follows:

ARTICLE 15-D

OFFICE OF NATIVE AMERICAN AFFAIRS

Section 328-d. Office of Native American affairs.

328-e. General functions, powers and duties.

§ 328-d. Office of Native American affairs. 1. There is hereby created in the executive department an office of Native American affairs. The head of the office shall be the commissioner of Native American affairs who shall be appointed by the governor and who shall hold office at the pleasure of the governor.

2. The commissioner shall receive an annual salary to be fixed by the governor within the amount made available therefor by an appropriation and shall be allowed their actual and necessary expenses in the performance of their duties.

3. The commissioner shall direct the work of the office and shall be the chief executive officer of the office. The commissioner may appoint such officers and employees as such commissioner may deem necessary, prescribe their duties, fix their compensation, and provide for the reimbursement of their expenses, all within amounts made available therefor by appropriation.

§ 328-e. General functions, powers and duties. The office of Native American affairs by and through the commissioner or such commissioner's duly authorized officers and employees, shall:

1. Act as a centralized office for Native American nations to access information on state programs that are provided to Native Americans.

2. Develop and maintain cooperative relationships between New York state's Native nations, Native organization, Native American citizens, and the state.

3. Establish, manage, coordinate, and facilitate Native American-related policies, positions, and programs.

4. Advise and assist state agencies in developing policies, plans, and programs for Native Americans.

5. Serve as a connector for New York state's Native nations to other state agencies and programs.

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

PART WW

Section 1. Subdivision 1 of section 155.20 of the penal law is amended to read as follows:

1. Except as otherwise specified in this section, value means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime. **In the event of multiple or successive incidents of theft committed by one or more individuals as part of a continuing course of conduct over a period of time, the value of the goods taken shall be determined by the aggregate value of all property stolen during such period of time. For the purposes of this subdivision, "course of conduct" means a pattern of conduct involving two or more thefts or larcenous incidents over a period of ninety days, evidencing a continuity of purpose, plan, or common scheme.**

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART XX

Section 1. Section 216 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. (a) There shall be within the bureau of criminal investigation an organized retail crime task force. The superintendent shall assign to it such personnel as may be required for the purpose of assisting local law enforcement in preventing, investigating, and detecting retail theft crimes.

(b) The organized retail crime task force shall have the power to:

(i) Conduct investigations of organized retail crime activities carried out between two or more counties or jurisdictions of this state;

(ii) Cooperate with and, when necessary, assist local law enforcement agencies or any district attorney's office requesting assistance in the investigation or prosecution of organized retail crime or local retail crime cases;

(iii) Provide local law enforcement agencies with logistical support and other law enforcement resources, including, but not limited to, intelligence, personnel, technology, and equipment, as determined to be appropriate by the superintendent;

(iv) Establish a centralized information-sharing system for local law enforcement and district attorney's offices to facilitate the exchange of real-time data on retail theft incidents, organized retail crime incidents and trends, or to request assistance and coordinate on retail crime-related matters; and

(v) Foster collaboration between various state agencies, local law enforcement, district attorneys, and the judicial system to ensure a coordinated response to retail crime.

(c) The organized retail crime task force shall issue an annual report that includes an analysis of retail crime statistics, including the number of retail crime incidents where state police provided response assistance, identification of trends and hotspots, and the most common

types of retail crimes throughout the state; the type of state law enforcement assistance provided to counties or localities, and a list of the counties or localities where state police resources were requested, allocated, and utilized. The superintendent shall provide such report to the governor, the temporary president of the senate and the speaker of the assembly no later than one year after the effective date of this subdivision.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART YY

Section 1. Subdivision 2 of section 19 of the public officers law, as amended by chapter 769 of the laws of 1985, is amended to read as follows:

2. (a) Upon compliance by the employee with the provisions of subdivision three of this section, and subject to the restrictions set forth in paragraph (b) of this subdivision and the conditions set forth in paragraph [~~(b)~~] (c) of this subdivision, it shall be the duty of the state to pay reasonable attorneys' fees and litigation expenses incurred by or on behalf of an employee in [~~his or her~~] such employee's defense of a criminal proceeding in a state or federal court arising out of any act which occurred while such employee was acting within the scope of [~~his~~] such employee's public employment or duties upon [~~his~~] such employee's acquittal or upon the dismissal of the criminal charges against [~~him~~] such employee or reasonable attorneys' fees incurred in connection with an appearance before a grand jury which returns no true bill against the employee where such appearance was required as a result of any act which occurred while such employee was acting within the scope of [~~his~~] such employee's public employment or duties unless such appearance occurs in the normal course of the public employment or duties of such employee.

(b) No reimbursement shall be paid pursuant to this section to any campaign or political committee, or legal defense fund which pays all or any portion of an employee's reasonable attorneys' fees and/or litigation expenses. Furthermore, an employee on whose behalf a legal defense fund or legal defense funds have been established, shall not be eligible for reimbursement pursuant to this section until all moneys in such fund or funds have been expended for the employee's reasonable attorneys' fees and/or litigation expenses.

(c) Upon the application for reimbursement for reasonable attorneys' fees or litigation expenses or both made by or on behalf of an employee as provided in subdivision three of this section, the attorney general shall determine, based upon [~~his~~] the attorney general's investigation and [~~his~~] the attorney general's review of the facts and circumstances, whether such reimbursement shall be paid. The attorney general shall notify the employee in writing of such determination. Upon determining that such reimbursement should be provided, the attorney general shall so certify to the comptroller. Upon such certification, reimbursement shall be made for such fees or expenses or both upon the audit and warrant of the comptroller. On or before January fifteenth the comptroller, in consultation with the department of law and other agencies as may be appropriate, shall submit to the governor and the legislature an annual accounting of judgments, settlements, fees, and litigation

expenses paid pursuant to this section during the preceding and current fiscal years. Such accounting shall include, but not be limited to the number, type and amount of claims so paid, as well as an estimate of claims to be paid during the remainder of the current fiscal year and during the following fiscal year. Any dispute with regard to entitlement to reimbursement or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by a court of competent jurisdiction upon appropriate motion or by way of a special proceeding.

§ 2. This act shall take effect immediately.

PART ZZ

Section 1. Paragraph 4 of subdivision (a) of section 1-e of the legislative law, as amended by chapter 1 of the laws of 2005, is amended to read as follows:

(4) Such biennial filings shall be completed on or before January first of the first year of a biennial cycle commencing in calendar year two thousand five and thereafter, by those persons who have been retained, employed or designated as lobbyist on or before December fifteenth of the previous calendar year and who reasonably anticipate that in the coming year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of two thousand dollars in years prior to calendar year two thousand six and five thousand dollars commencing in two thousand six **or, where such lobbyist is qualified as an exempt organization or entity by the United States department of the treasury under section 501(c)(3) of the internal revenue code, ten thousand dollars commencing in two thousand twenty-five**; for those lobbyists retained, employed or designated after the previous December fifteenth, and for those lobbyists who subsequent to their retainer, employment or designation reasonably anticipate combined reportable compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter, but in no event later than ten days after the actual incurring or receiving of such reportable compensation and expenses.

§ 2. Paragraphs (iii) and (iv) of subdivision (e) of section 1-e of the legislative law, as amended by section 1 of part S of chapter 62 of the laws of 2003, are amended to read as follows:

(iii) The first statement of registration filed biennially by each lobbyist for the first biennial registration requirements for calendar years **between** two thousand five and two thousand [~~**six and thereafter**~~] **twenty-four**, shall be accompanied by a registration fee of two hundred dollars except that no registration fee shall be required from any lobbyist who in any year does not expend, incur or receive an amount in excess of five thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying or of a public corporation. A fee of two hundred dollars shall be required for any subsequent statement of registration filed by a lobbyist during the same biennial period; (iv) **The first statement of registration filed biennially by each lobbyist for the first biennial registration requirements for calendar year two thousand twenty-five and thereafter, shall be accompanied by a registration fee of two hundred dollars except that no registration fee shall be required from any lobbyist who is qualified as an exempt organization or entity by the United States department of the treasury under section 501(c)(3) of the internal revenue code and in any year does not expend, incur or receive an amount in excess of ten thousand dollars of**

reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying or of a public corporation. A fee of two hundred dollars shall be required for any subsequent statement of registration filed by a lobbyist during the same biennial period; (v) The statement of registration filed after the due date of a biennial registration shall be accompanied by a registration fee that is prorated to one hundred dollars for any registration filed after January first of the second calendar year covered by the biennial reporting requirement. In addition to the fees authorized by this section, the commission may impose a fee for late filing of a registration statement required by this section not to exceed twenty-five dollars for each day that the statement required to be filed is late, except that if the lobbyist making a late filing has not previously been required by statute to file such a statement, the fee for late filing shall not exceed ten dollars for each day that the statement required to be filed is late.

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

(a) Any lobbyist required to file a statement of registration pursuant to section one-e of this article who in any lobbying year reasonably anticipates that during the year such lobbyist will expend, incur or receive combined reportable compensation and expenses in an amount in excess of [~~five~~] ten thousand dollars, or ten thousand dollars where such lobbyist is qualified as an exempt organization or entity by the United States department of the treasury under section 501(c)(3) of the internal revenue code as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the commission a bi-monthly written report, on forms supplied by the commission, by the fifteenth day next succeeding the end of the reporting period in which the lobbyist was first required to file a statement of registration. Such reporting periods shall be the period of January first to the last day of February, March first to April thirtieth, May first to June thirtieth, July first to August thirty-first, September first to October thirty-first and November first to December thirty-first.

§ 4. Subdivision (a) of section 1-j of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(a) Semi-annual reports shall be filed by any client retaining, employing or designating a lobbyist or lobbyists, whether or not any such lobbyist was required to file a bi-monthly report, if such client reasonably anticipates that during the year such client will expend or incur an amount in excess of five thousand dollars, or ten thousand dollars where such lobbyist is qualified as an exempt organization or entity by the United States department of the treasury under section 501(c)(3) of the internal revenue code of combined reportable compensation and expenses, as provided in paragraph five of subdivision [~~(c)~~] (b) of this section, for the purposes of lobbying.

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

PART AAA

Section 1. The correction law is amended by adding a new section 138-b to read as follows:

§ 138-b. Visitor transportation. In conjunction with the incarcerated individual visiting program, the department shall provide transportation

for visitors to correctional facilities on a regular basis, but no less than bimonthly, at no cost to visitors. Transportation shall be provided from the city of New York, Rochester, Syracuse, Buffalo and Albany to correctional facilities, as determined by the commissioner. Information concerning transportation shall be posted on the department's public website, and shall be available from the telephone number designated, pursuant to section one hundred thirty-eight-a of this article. Notice of available transportation shall be provided to incarcerated individuals upon reception and upon transfer to a new correctional facility.

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

PART BBB

Section 1. The criminal procedure law is amended by adding two new sections 440.00 and 440.11 to read as follows:

§ 440.00 Definition.

As used in this article, the term "applicant" means a person previously convicted of a crime who is applying for relief under this article.

§ 440.11 Motion to vacate judgment; change in the law.

1. At any time after the entry of a judgment obtained at trial or by plea, the court in which it was entered may, upon motion of the applicant, vacate such conviction upon the ground that the applicant was convicted of any offense in the state of New York which has been subsequently decriminalized and is thus a legal nullity.

2. If the court grants a motion under this section, it shall vacate the conviction on the merits, dismiss the accusatory instrument, seal the conviction, and may take such additional action as is appropriate in the circumstances.

§ 2. Section 440.10 of the criminal procedure law, paragraph (g-1) of subdivision 1 as added by chapter 19 of the laws of 2012, paragraph (h) of subdivision 1, paragraph (a) of subdivision 3 and subdivision 4 as amended and subdivisions 7 and 8 as renumbered by chapter 332 of the laws of 2010, paragraph (i) of subdivision 1 and subdivision 6 as amended by chapter 629 of the laws of 2021, paragraph (j) of subdivision 1 as amended by chapter 131 of the laws of 2019, paragraph (k) of subdivision 1 as amended by chapter 92 of the laws of 2021, paragraphs (b) and (c) of subdivision 2 as amended by chapter 501 of the laws of 2021, and subdivision 9 as added by section 4 of part OO of chapter 55 of the laws of 2019, is amended to read as follows:

§ 440.10 Motion to vacate judgment.

1. At any time after the entry of a judgment obtained at trial or by plea, the court in which it was entered may, upon motion of the [~~defendant~~] applicant, vacate such judgment upon the ground that:

(a) The court did not have jurisdiction of the action or of the person of the [~~defendant~~] applicant; or

(b) The judgment was procured by duress, misrepresentation or fraud on the part of the court or a prosecutor or a person acting for or in behalf of a court or a prosecutor; or

(c) [~~Material evidence adduced at a trial~~] Evidence that was likely relied upon by a fact finder resulting in the judgment at trial or that was likely relied upon by any party as a basis for a plea agreement was false [~~and was, prior to the entry of the judgment, known by the prosecutor or by the court to be false~~]; or

(d) [~~Material evidence adduced by the people at a trial~~] Evidence that was likely relied upon by a fact finder resulting in the judgment at

trial or that was likely relied upon by any party as a basis for a plea agreement was procured in violation of the [~~defendant's~~] applicant's rights under the constitution of this state or of the United States; or

(e) During the proceedings resulting in the judgment, the [~~defendant~~] applicant, by reason of mental disease or defect, was incapable of understanding or participating in such proceedings; or

(f) Improper [~~and prejudicial~~] conduct not appearing in the record occurred during a trial resulting in the judgment which conduct, if it had appeared in the record, would have [~~required~~] made possible a reversal of the judgment upon an appeal therefrom; or

(g) New evidence has been discovered [~~since the entry of a judgment based upon a verdict of guilty after trial, which could not have been produced by the defendant at the trial even with due diligence on his part and which~~] or become available that, when viewed alone or with other evidence, is of such character as to create a reasonable probability that had such evidence been received at the trial or discovered prior to trial or plea agreement that the verdict or plea would have been more favorable to the [~~defendant; provided that a motion based upon such ground must be made with due diligence after the discovery of such alleged new evidence~~] applicant. Types of new evidence shall include, but not be limited to newly available forensic evidence or evidence that has either been repudiated by the expert who originally provided the opinion at a hearing or trial or that has been undermined by later scientific research or technological advances; or

(g-1) [~~Forensic DNA~~] In cases involving the forensic testing of evidence performed since the entry of a judgment, [~~(1) in the case of a defendant convicted after a guilty plea, the court has determined that the defendant has demonstrated a substantial probability that the defendant was actually innocent of the offense of which he or she was convicted, or (2) in the case of a defendant convicted after a trial,~~] the court has determined that there exists a reasonable probability that the verdict or plea offer would have been more favorable to the [~~defendant~~] applicant, or the applicant would have rejected the plea offer.

(h) The judgment was obtained in violation of a right of the [~~defendant~~] applicant under the constitution of this state or of the United States, including, but not limited to, a judgment entered, whether upon trial or guilty plea, against an applicant who is actually innocent. An applicant is actually innocent where the applicant proves by a preponderance of the evidence that no reasonable jury of the applicant's peers would have found the applicant guilty beyond a reasonable doubt; or

(i) The judgment is a conviction where the [~~defendant's~~] applicant's participation in the offense was a result of having been a victim of sex trafficking under section 230.34 of the penal law, sex trafficking of a child under section 230.34-a of the penal law, labor trafficking under section 135.35 of the penal law, aggravated labor trafficking under section 135.37 of the penal law, compelling prostitution under section 230.33 of the penal law, or trafficking in persons under the Trafficking Victims Protection Act (United States Code, title 22, chapter 78); provided that

(i) official documentation of the [~~defendant's~~] applicant's status as a victim of sex trafficking, labor trafficking, aggravated labor trafficking, compelling prostitution, or trafficking in persons at the time of the offense from a federal, state or local government agency shall create a presumption that the [~~defendant's~~] applicant's participation in the offense was a result of having been a victim of sex trafficking, labor trafficking, aggravated labor trafficking, compelling prostitution

or trafficking in persons, but shall not be required for granting a motion under this paragraph;

(ii) a motion under this paragraph, and all pertinent papers and documents, shall be confidential and may not be made available to any person or public or private [~~entity~~] agency except [~~where~~] when specifically authorized by the court; and

(iii) when a motion is filed under this paragraph, the court may, upon the consent of the petitioner and all of the involved state [~~and~~] or local prosecutorial agencies [~~that prosecuted each matter~~], consolidate into one proceeding a motion to vacate judgments imposed by distinct or multiple criminal courts; or

(j) The judgment is a conviction for [~~a class A or unclassified~~] any misdemeanor entered prior to the effective date of this paragraph and satisfies the ground prescribed in paragraph (h) of this subdivision. There shall be a rebuttable presumption that a conviction by plea to such an offense was not knowing, voluntary and intelligent, based on ongoing collateral consequences, including potential or actual immigration consequences, and there shall be a rebuttable presumption that a conviction by verdict constitutes cruel and unusual punishment under section five of article one of the state constitution based on such consequences; or

(k) The judgment occurred prior to the effective date of the laws of two thousand [~~twenty-one~~] twenty-three that amended this paragraph and is a conviction for an offense as defined in [~~subparagraphs~~] subparagraph (i), (ii), (iii) or (iv) of paragraph (k) of subdivision three of section 160.50 of this part, or a misdemeanor under the former article two hundred twenty-one of the penal law, in which case the court shall presume that a conviction by plea for the aforementioned offenses was not knowing, voluntary and intelligent if it has severe or ongoing consequences, including but not limited to potential or actual immigration consequences, and shall presume that a conviction by verdict for the aforementioned offenses constitutes cruel and unusual punishment under section five of article one of the state constitution, based on those consequences. The people may rebut these presumptions[~~.~~]; or

(l) Any offense in the state of New York that an intermediate appellate court, court of appeals, or United States federal court with jurisdiction over New York state law issues has deemed in violation of the constitution of this state or of the United States, or any other right under state or federal law.

2. Notwithstanding the provisions of subdivision one, the court [~~must~~] may deny a motion to vacate a judgment when:

(a) The ground or issue raised upon the motion was previously determined on the merits upon an appeal from the judgment, unless since the time of such appellate determination there has been a retroactively effective change in the law controlling such issue. However, if all of the evidence currently before the court was not duly considered previously by the court, the court shall grant the motion or order the hearing; or

(b) The judgment is, at the time of the motion, appealable or pending on appeal, and sufficient facts appear on the record with respect to the ground or issue raised upon the motion to permit adequate review thereof upon such an appeal unless the issue raised upon such motion is ineffective assistance of counsel. This paragraph shall not apply to a motion under paragraph (i), (j), (k) or (l) of subdivision one of this section; or

(c) [~~Although sufficient facts appear on the record of the proceedings underlying the judgment to have permitted, upon appeal from such judgment, adequate review of the ground or issue raised upon the motion, no such appellate review or determination occurred owing to the defendant's unjustifiable failure to take or perfect an appeal during the prescribed period or to his or her unjustifiable failure to raise such ground or issue upon an appeal actually perfected by him or her unless the issue raised upon such motion is ineffective assistance of counsel; or~~

~~(d)~~] The ground or issue raised relates solely to the validity of the sentence and not to the validity of the conviction**. In such case, the court shall deem the motion to have been made pursuant to section 440.20 of this article**.

[~~3. Notwithstanding the provisions of subdivision one, the court may deny a motion to vacate a judgment when:~~

~~(a) Although facts in support of the ground or issue raised upon the motion could with due diligence by the defendant have readily been made to appear on the record in a manner providing adequate basis for review of such ground or issue upon an appeal from the judgment, the defendant unjustifiably failed to adduce such matter prior to sentence and the ground or issue in question was not subsequently determined upon appeal. This paragraph does not apply to a motion based upon deprivation of the right to counsel at the trial or upon failure of the trial court to advise the defendant of such right, or to a motion under paragraph (i) of subdivision one of this section; or~~

~~(b) The ground or issue raised upon the motion was previously determined on the merits upon a prior motion or proceeding in a court of this state, other than an appeal from the judgment, or upon a motion or proceeding in a federal court; unless since the time of such determination there has been a retroactively effective change in the law controlling such issue; or~~

~~(c) Upon a previous motion made pursuant to this section, the defendant was in a position adequately to raise the ground or issue underlying the present motion but did not do so.~~]

(d) Although the court may deny the motion under any of the circumstances specified in this subdivision, in the interest of justice and for good cause shown it may in its discretion grant the motion if it is otherwise meritorious and vacate the judgment.

[~~4.~~] **3.** If the court grants the motion, it must, except as provided in subdivision [~~five~~] **four** or [~~six~~] **five** of this section, vacate the judgment, and must **either:**

(a) dismiss **and seal** the accusatory instrument, or

(b) order a new trial, or

(c) take such other action as is appropriate in the circumstances.

[~~5.~~] **4.** Upon granting the motion upon the ground, as prescribed in paragraph (g) of subdivision one, that newly discovered evidence creates a probability that had such evidence been received at the trial the verdict would have been more favorable to the [~~defendant~~] **applicant** in that the conviction would have been for a lesser offense than the one contained in the verdict, the court may either:

(a) Vacate the judgment and order a new trial; or

(b) With the consent of the people, modify the judgment by reducing it to one of conviction for such lesser offense. In such case, the court must re-sentence the [~~defendant~~] **applicant** accordingly.

[~~6.~~] **5.** If the court grants a motion under [~~paragraph (i) or~~] paragraph [~~(k)~~] **(h), (i), (j), (k) or (l)** of subdivision one of this section, it must vacate the judgment [~~and~~] **on the merits,** dismiss the

accusatory instrument, **seal the judgment,** and may take such additional action as is appropriate in the circumstances. [~~In the case of a motion granted under paragraph (i) of subdivision one of this section, the court must vacate the judgment on the merits because the defendant's participation in the offense was a result of having been a victim of trafficking.~~

~~7.~~] **6.** Upon a new trial resulting from an order vacating a judgment pursuant to this section, the indictment is deemed to contain all the counts and to charge all the offenses which it contained and charged at the time the previous trial was commenced, regardless of whether any count was dismissed by the court in the course of such trial, except (a) those upon or of which the [~~defendant~~] **applicant** was acquitted or deemed to have been acquitted, and (b) those dismissed by the order vacating the judgment, and (c) those previously dismissed by an appellate court upon an appeal from the judgment, or by any court upon a previous post-judgment motion.

[~~8.~~] **7.** Upon an order which vacates a judgment based upon a plea of guilty to an accusatory instrument or a part thereof, but which does not dismiss the entire accusatory instrument, the criminal action is, in the absence of an express direction to the contrary, restored to its [~~prepleading~~] **pre-pleading** status and the accusatory instrument is deemed to contain all the counts and to charge all the offenses which it contained and charged at the time of the entry of the plea, except those subsequently dismissed under circumstances specified in paragraphs (b) and (c) of subdivision six. Where the plea of guilty was entered and accepted, pursuant to subdivision three of section 220.30, upon the condition that it constituted a complete disposition not only of the accusatory instrument underlying the judgment vacated but also of one or more other accusatory instruments against the [~~defendant~~] **applicant** then pending in the same court, the order of vacation completely restores such other accusatory instruments; and such is the case even though such order dismisses the main accusatory instrument underlying the judgment.

[~~9.~~] **8.** Upon granting of a motion pursuant to paragraph (j) of subdivision one of this section, the court may either:

(a) With the consent of the people, vacate the judgment or modify the judgment by reducing it to one of conviction for a lesser offense; or

(b) Vacate the judgment and order a new trial wherein the [~~defendant~~] **applicant** enters a plea to the same offense in order to permit the court to resentence the [~~defendant~~] **applicant** in accordance with the amendatory provisions of subdivision one-a of section 70.15 of the penal law.

§ 3. Section 440.20 of the criminal procedure law, subdivision 1 as amended by chapter 1 of the laws of 1995, is amended to read as follows:

§ 440.20 Motion to set aside sentence; by [~~defendant~~] **applicant**.

1. At any time after the entry of a judgment, the court in which the judgment was entered may, upon motion of the [~~defendant~~] **applicant**, set aside the sentence upon the ground that it was unauthorized, illegally imposed**, exceeded the maximum allowed by law, obtained or imposed in violation of the defendant's constitutional rights,** or **was** otherwise invalid as a matter of law. Where the judgment includes a sentence of death, the court may also set aside the sentence upon any of the grounds set forth in paragraph (b), (c), (f), (g) or (h) of subdivision one of section 440.10 as applied to a separate sentencing proceeding under section 400.27, provided, however, that to the extent the ground or grounds asserted include one or more of the aforesaid paragraphs of subdivision one of section 440.10, the court must also apply [~~subdivisions~~] **subdivision** two [~~and three~~] of section 440.10, other than para-

graph [~~(d)~~] (c) of [~~subdivision two of~~] such [~~section~~] subdivision, in determining the motion. In the event the court enters an order granting a motion to set aside a sentence of death under this section, the court must either direct a new sentencing proceeding in accordance with section 400.27 or, to the extent that the defendant cannot be resentenced to death consistent with the laws of this state or the constitution of this state or of the United States, resentence the defendant to life imprisonment without parole or to a sentence of imprisonment for the class A-I felony of murder in the first degree other than a sentence of life imprisonment without parole. Upon granting the motion upon any of the grounds set forth in the aforesaid paragraphs of subdivision one of section 440.10 and setting aside the sentence, the court must afford the people a reasonable period of time, which shall not be less than ten days, to determine whether to take an appeal from the order setting aside the sentence of death. The taking of an appeal by the people stays the effectiveness of that portion of the court's order that directs a new sentencing proceeding.

2. Notwithstanding the provisions of subdivision one, the court [~~must~~] may deny such a motion when the ground or issue raised thereupon was previously determined on the merits upon an appeal from the judgment or sentence, unless since the time of such appellate determination there has been a retroactively effective change in the law controlling such issue. However, if all of the evidence currently before the court was not duly considered previously by the court, the court shall not deny the motion to vacate and instead shall order a hearing or grant the motion. Even if the court has already considered all of the evidence currently before the court, the court in the interest of justice and for good cause shown may grant the motion if it is otherwise meritorious.

3. [~~Notwithstanding the provisions of subdivision one, the court may deny such a motion when the ground or issue raised thereupon was previously determined on the merits upon a prior motion or proceeding in a court of this state, other than an appeal from the judgment, or upon a prior motion or proceeding in a federal court, unless since the time of such determination there has been a retroactively effective change in the law controlling such issue. Despite such determination, however, the court in the interest of justice and for good cause shown, may in its discretion grant the motion if it is otherwise meritorious.~~

~~4.~~] An order setting aside a sentence pursuant to this section does not affect the validity or status of the underlying conviction, and after entering such an order the court must resentence the [~~defendant~~] applicant in accordance with the law.

§ 4. Section 440.30 of the criminal procedure law, subdivisions 1 and 1-a as amended by chapter 19 of the laws of 2012 and the opening paragraph of paragraph (b) of subdivision 1 as amended by section 10 of part LLL of chapter 59 of the laws of 2019, is amended to read as follows:

§ 440.30 Motion to vacate judgment and to set aside sentence; procedure.

1. [~~(a) A~~] An application for assignment of counsel for a motion to vacate a judgment pursuant to section 440.10 or 440.11 of this article and a motion to set aside a sentence pursuant to section 440.20 of this article must be made in writing by a pro se applicant to the judge or justice who imposed the original sentence and upon reasonable notice to the people. [~~Upon the motion, a defendant~~]

(a) The court shall assign defense counsel in cases where there is a colorable claim of relief according to this article, in accordance with section seven hundred twenty-two of the county law. For the purpose of this section, a colorable claim is a claim that, taking the facts

alleged in the application as true and viewed in a light most favorable to the applicant, would entitle the applicant to relief.

(b) If the judge decides not to assign counsel, they shall state the reasons for denying the request for assignment of counsel in writing.

(c) If, at the time of such applicant's request for assignment of counsel, the original sentencing judge or justice no longer works in the court in which the original sentence was imposed, then the request shall be randomly assigned to another judge or justice of the court in which the original sentence was imposed.

(d) Applicants already represented by counsel, either appointed pursuant to section seven hundred twenty-two of the county law or otherwise retained, are not required to file an application for assignment of counsel.

2. Upon the request of the applicant or the applicant's defense counsel, the court shall order:

(a) The people to make available a copy of its file of the case, including any physical evidence in the people's possession and grand jury minutes;

(b) The applicant's prior trial and appellate defense counsel to make available their complete files relating to the case;

(c) Court clerks and probation departments to make available the court files or probation records relating to the case; and

(d) Any law enforcement agency involved with the case to turn over its files of the case, including police reports, witness statements, evidence vouchers, or any other relevant records or evidence at its disposal.

(e) The court shall further ensure that any disclosure of evidence or property ordered pursuant to this subdivision may be subject to a protective order as defined in section 245.70 of this part, where appropriate.

(f) Nothing in this section shall preclude the court from conducting an in camera inspection of evidence and issuing a protective order pursuant to section 245.70 of this part at the request of the prosecution or defense.

3. (a) An applicant who is in a position adequately to raise more than one ground should raise every such ground upon which [~~he or she~~] the applicant intends to challenge the judgment or sentence. If the motion is based upon the existence or occurrence of facts, the motion papers [~~must~~] may contain sworn allegations thereof, whether by the [~~defendant~~] applicant or by another person or persons. Such sworn allegations may be based upon personal knowledge of the affiant or upon information and belief, provided that in the latter event the affiant must state the sources of such information and the grounds of such belief. The [~~defendant~~] applicant may further submit documentary evidence or information supporting or tending to support the allegations of the moving papers.

(b) The people may file with the court, and in such case must serve a copy thereof upon the [~~defendant~~] applicant or [~~his or her~~] the applicant's counsel, if any, an answer denying or admitting any or all of the allegations of the motion papers, and may further submit documentary evidence or information refuting or tending to refute such allegations.

(c) After all papers of both parties have been filed, and after all documentary evidence or information, if any, has been submitted, the court must consider the same for the purpose of ascertaining whether the motion is determinable without a hearing to resolve questions of fact.

[~~(b) In conjunction with the filing or consideration of a motion to vacate a judgment pursuant to section 440.10 of this article by a~~

~~defendant convicted after a trial, in cases where the court has ordered an evidentiary hearing upon such motion, the court may order that the people produce or make available for inspection property in its possession, custody, or control that was secured in connection with the investigation or prosecution of the defendant upon credible allegations by the defendant and a finding by the court that such property, if obtained, would be probative to the determination of defendant's actual innocence, and that the request is reasonable. The court shall deny or limit such a request upon a finding that such a request, if granted, would threaten the integrity or chain of custody of property or the integrity of the processes or functions of a laboratory conducting DNA testing, pose a risk of harm, intimidation, embarrassment, reprisal, or other substantially negative consequences to any person, undermine the proper functions of law enforcement including the confidentiality of informants, or on the basis of any other factor identified by the court in the interests of justice or public safety. The court shall further ensure that any property produced pursuant to this paragraph is subject to a protective order, where appropriate. The court shall deny any request made pursuant to this paragraph where:~~

~~(i) (1) the defendant's motion pursuant to section 440.10 of this article does not seek to demonstrate his or her actual innocence of the offense or offenses of which he or she was convicted that are the subject of the motion, or (2) the defendant has not presented credible allegations and the court has not found that such property, if obtained, would be probative to the determination of the defendant's actual innocence and that the request is reasonable;~~

~~(ii) the defendant has made his or her motion after five years from the date of the judgment of conviction; provided, however, that this limitation period shall be tolled for five years if the defendant is in custody in connection with the conviction that is the subject of his or her motion, and provided further that, notwithstanding such limitation periods, the court may consider the motion if the defendant has shown: (A) that he or she has been pursuing his or her rights diligently and that some extraordinary circumstance prevented the timely filing of the motion; (B) that the facts upon which the motion is predicated were unknown to the defendant or his or her attorney and could not have been ascertained by the exercise of due diligence prior to the expiration of the statute of limitations; or (C) considering all circumstances of the case including but not limited to evidence of the defendant's guilt, the impact of granting or denying such motion upon public confidence in the criminal justice system, or upon the safety or welfare of the community, and the defendant's diligence in seeking to obtain the requested property or related relief, the interests of justice would be served by considering the motion;~~

~~(iii) the defendant is challenging a judgment convicting him or her of an offense that is not a felony defined in section 10.00 of the penal law; or~~

~~(iv) upon a finding by the court that the property requested in this motion would be available through other means through reasonable efforts by the defendant to obtain such property.~~

~~1-a.~~] 4. (a) [~~(1)~~] Where the [~~defendant's~~] applicant's motion requests the performance of a forensic DNA test on specified evidence, and upon the court's determination that any evidence containing deoxyribonucleic acid ("DNA") was secured in connection with the trial or the plea resulting in the judgment, the court shall grant the application for forensic DNA testing of such evidence upon its determination that [~~if a~~]

had the DNA test [~~had~~] results been [~~conducted on such evidence, and if the results had been admitted in the trial resulting in the judgment,~~] available at the time of trial or plea, there [~~exists~~] is a reasonable probability that the verdict would have been more favorable to the [~~defendant~~] applicant.

[~~(2) Where the defendant's motion for forensic DNA testing of specified evidence is made following a plea of guilty and entry of judgment thereon convicting him or her of: (A) a homicide offense defined in article one hundred twenty-five of the penal law, any felony sex offense defined in article one hundred thirty of the penal law, a violent felony offense as defined in paragraph (a) of subdivision one of section 70.02 of the penal law, or (B) any other felony offense to which he or she pled guilty after being charged in an indictment or information in superior court with one or more of the offenses listed in clause (A) of this subparagraph, then the court shall grant such a motion upon its determination that evidence containing DNA was secured in connection with the investigation or prosecution of the defendant, and if a DNA test had been conducted on such evidence and the results had been known to the parties prior to the entry of the defendant's plea and judgment thereon, there exists a substantial probability that the evidence would have established the defendant's actual innocence of the offense or offenses that are the subject of the defendant's motion; provided, however, that:~~

~~(i) the court shall consider whether the defendant had the opportunity to request such testing prior to entering a guilty plea, and, where it finds that the defendant had such opportunity and unjustifiably failed to do so, the court may deny such motion; and~~

~~(ii) a court shall deny the defendant's motion for forensic DNA testing where the defendant has made his or her motion more than five years after entry of the judgment of conviction; except that the limitation period may be tolled if the defendant has shown: (A) that he or she has been pursuing his or her rights diligently and that some extraordinary circumstance prevented the timely filing of the motion for forensic DNA testing; (B) that the facts upon which the motion is predicated were unknown to the defendant or his or her attorney and could not have been ascertained by the exercise of due diligence prior to the expiration of this statute of limitations; or (C) considering all circumstances of the case including but not limited to evidence of the defendant's guilt, the impact of granting or denying such motion upon public confidence in the criminal justice system, or upon the safety or welfare of the community, and the defendant's diligence in seeking to obtain the requested property or related relief, the interests of justice would be served by tolling such limitation period.~~]

(b) Where the applicant's motion for relief requests the performance of any other testing of forensic evidence or any physical evidence secured in the case, the court shall grant the application for testing of such evidence, upon its determination that had the results of testing of forensic or other physical evidence been available at the time of trial or plea, there is a reasonable probability that the verdict would have been more favorable to the applicant.

(c) (i) In conjunction with the filing of a motion under this subdivision, the court may direct the people to provide the [~~defendant~~] applicant and the applicant's counsel with information in the possession of the people concerning the current physical location of the specified evidence and if the specified evidence no longer exists or the physical location of the specified evidence is unknown, a representation to that effect and information and documentary evidence in the possession of the

people concerning the last known physical location of such specified evidence.

(ii) If there is a finding by the court that the specified evidence no longer exists or the physical location of such specified evidence is unknown, [~~such information in and of itself shall not be a factor from which any inference unfavorable to the people may be drawn by the court in deciding a motion under this section~~] the court may grant the applicant's motion and vacate the judgment upon a finding by the court that such evidence is unavailable due to malfeasance or neglect.

(iii) The court, on motion of the [~~defendant~~] applicant, may also issue a subpoena duces tecum directing a public or private hospital, laboratory or other entity to produce such specified evidence in its possession and/or information and documentary evidence in its possession concerning the location and status of such specified evidence.

[~~(c)~~] (d) In response to a motion under this paragraph, upon notice to the parties and to the entity required to perform the search the court may order an entity that has access to the combined DNA index system ("CODIS") or its successor system to compare a DNA profile obtained from probative biological material gathered in connection with the investigation or prosecution of the [~~defendant~~] applicant against DNA databanks by keyboard searches, or a similar method that does not involve uploading, upon a court's determination that (1) such profile complies with federal bureau of investigation or state requirements, whichever are applicable and as such requirements are applied to law enforcement agencies seeking such a comparison, and that the data meet state DNA index system and/or national DNA index system criteria as such criteria are applied to law enforcement agencies seeking such a comparison and (2) if such comparison had been conducted, [~~and if the results had been admitted in the trial resulting in the judgment,~~] a reasonable probability exists that the verdict would have been more favorable to the [~~defendant, or in a case involving a plea of guilty, if the results had been available to the defendant prior to the plea, a reasonable probability exists that the conviction would not have resulted~~] applicant. For purposes of this subdivision, a "keyboard search" shall mean a search of a DNA profile against the databank in which the profile that is searched is not uploaded to or maintained in the databank.

[~~2. If it appears by conceded or uncontradicted allegations of the moving papers or of the answer, or by unquestionable documentary proof, that there are circumstances which require denial thereof pursuant to subdivision two of section 440.10 or subdivision two of section 440.20, the court must summarily deny the motion. If it appears that there are circumstances authorizing, though not requiring, denial thereof pursuant to subdivision three of section 440.10 or subdivision three of section 440.20, the court may in its discretion either (a) summarily deny the motion, or (b) proceed to consider the merits thereof.~~]

[~~3.~~] 5. Upon considering the merits of the motion, the court must grant it without conducting a hearing and vacate the judgment or set aside the sentence, as the case may be, if:

(a) The moving papers allege a ground constituting legal basis for the motion; and

(b) Such ground, if based upon the existence or occurrence of facts, is supported by sworn allegations thereof; and

(c) The sworn allegations of fact essential to support the motion are either conceded by the people to be true or are conclusively substantiated by unquestionable documentary proof.

[~~4.~~] 6. Upon considering the merits of the motion, the court may deny it without conducting a hearing if:

(a) The moving papers do not allege any ground constituting legal basis for the motion; or

(b) [~~The motion is based upon the existence or occurrence of facts and the moving papers do not contain sworn allegations substantiating or tending to substantiate all the essential facts, as required by subdivision one; or~~

~~(c)~~] An allegation of fact essential to support the motion is conclusively refuted by unquestionable documentary proof; or

[~~(d)~~] (c) An allegation of fact essential to support the motion (i) is contradicted by a court record or other official document[~~, or is made solely by the defendant and is unsupported by any other affidavit or evidence,~~] and (ii) under these and all the other circumstances attending the case, there is no reasonable possibility that such allegation is true.

[~~5.~~] 7. If the court does not determine the motion pursuant to [~~subdivisions two, three or four~~] subdivision five or six, it must conduct a hearing and make findings of fact essential to the determination thereof. The [~~defendant~~] applicant has a right to be present at such hearing but may waive such right in writing. If [~~he~~] the applicant does not so waive it and if [~~he~~] the applicant is confined in a prison or other institution of this state, the court must cause [~~him~~] the applicant to be produced at such hearing.

[~~6.~~] 8. At such a hearing, the [~~defendant~~] applicant has the burden of proving by a preponderance of the evidence every fact essential to support the motion. At the hearing, either party shall receive a daily copy of the hearing minutes, upon request.

[~~7.~~] 9. Notwithstanding any other provision of this section, when the applicant raises a colorable claim of relief pursuant to this article, the court shall not summarily deny the motion on the ground that the applicant previously moved for relief under this article.

10. Regardless of whether a hearing was conducted, the court, upon determining the motion, must set forth on the record its findings of fact, its conclusions of law and the reasons for its determination.

§ 5. Subdivision 4 of section 450.10 of the criminal procedure law, as amended by chapter 671 of the laws of 1971 and as renumbered by chapter 516 of the laws of 1986, is amended to read as follows:

4. An order, entered pursuant to [~~section 440.40, setting aside a sentence other than one of death, upon motion of the People~~] article four hundred forty of this title, shall be authorized to an intermediate appellate court as a matter of right.

§ 6. Subdivision 5 of section 450.10 of the criminal procedure law is REPEALED.

§ 7. Section 216 of the judiciary law is amended by adding a new subdivision 7 to read as follows:

7. The chief administrator of the courts shall collect data and report every year in relation to applications and motions filed pursuant to article four hundred forty of the criminal procedure law, broken down by each section of such article to include motions filed pursuant to sections 440.10, 440.20, 440.40, 440.46, 440.46-a, and 440.47 of the criminal procedure law. Information to be collected and disclosed shall include the raw number of both applications and/or motions filed in each county and on appeal in each judicial department. Information shall include the top conviction charge for each application or motion; when pro se applicants request assignment of counsel pursuant to subdivision

two of section 440.30 of the criminal procedure law, whether or not counsel was assigned; the outcome of each motion filed, whether denied without hearing, denied with hearing, vacatur granted, or other; and the average length of time motion under article four hundred forty of the criminal procedure law remains pending for each county. Such report shall aggregate the data collected by county and judicial department. The data shall be aggregated in order to protect the identity of individual applicants. The report shall be released publicly and published on the websites of the office of court administration and the division of criminal justice services. The first report shall be published twelve months after this subdivision shall have become a law, and shall include data from the first six months following the effective date of this subdivision. Reports for subsequent periods shall be published annually thereafter.

§ 8. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

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

PART CCC

Section 1. Section 218 of the judiciary law is REPEALED and a new section 218 is added to read as follows:

§ 218. Audio-visual coverage of judicial proceedings. 1. Authorization. Subject to the authority of the judge or justice presiding over the proceeding to exercise sound discretion to prohibit filming or photographing of particular participants in judicial proceedings to ensure safety and the fair administration of justice, audio-visual and still photography coverage of public judicial proceedings in the appellate and trial courts of this state shall be allowed in accordance with this section.

2. Equipment and personnel. The following shall be permitted in any trial or appellate court proceeding:

(a) At least two compact video cameras, each operated by no more than one camera person.

(b) At least one still photographer, each using not more than two still cameras.

(c) At least one audio system for radio broadcast purposes. Audio pickup for all media purposes shall be provided by existing audio systems present in the courtroom. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for media purposes shall be permissible provided they are unobtrusive and shall be located in places designated in advance of any proceeding by the judge or justice presiding over the proceeding.

(d) Additional permitted equipment or personnel shall be within the sole discretion and authority of the judge or justice presiding over the proceeding.

(e) Any pooling arrangements among members of the media concerning equipment and personnel shall be the sole responsibility of such members without calling upon the judge or justice presiding over the proceeding to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of

advance media agreement concerning disputed equipment or personnel issues, the judge or justice presiding over the proceeding may exclude all contesting media personnel from a proceeding.

3. Sound and light criteria. Video and audio equipment, including still camera equipment, whether film or digital, shall not be permitted if it produces disorienting sound or light. No artificial lighting device of any kind shall be used in connection with the video equipment or still camera.

4. Location of equipment personnel. Video camera equipment and still camera photographers shall be positioned in such location or locations in the courtroom as shall be designated by the chief administrative judge of the court or the chief administrative judge's designee. The area designated shall provide reasonable access to coverage of the proceedings. Still camera photographers shall assume a fixed position within the designated area and shall not be permitted to move about to obtain photographs of court proceedings. Media representatives shall not move about the court facility while proceedings are in session.

5. Equipment movement during proceedings. News media photographic or audio equipment shall not be placed in, removed from, or moved about the court facility except before commencement or after adjournment of proceedings each day, or during a recess. Neither video cassettes or film magazines nor still camera film, digital media cards, or lenses shall be changed within a courtroom except during a recess in the proceeding.

6. Courtroom light sources. With the concurrence of the chief administrative judge of the court, modifications and additions may be made in light sources existing in the courtroom, provided such modifications or additions are installed and maintained without public expense.

7. Conferences of counsel. To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences that occur in a courtroom between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding judge held at the bench.

8. Impermissible use of media material. Film, digital files, videotape, still photographs, or audio reproductions captured or recorded during or by virtue of coverage of a judicial proceeding shall not be admissible as evidence in the proceeding out of which it arose, in any proceeding subsequent or collateral thereto, or upon retrial or appeal of such proceedings.

9. Written order. (a) An order restricting audio-visual coverage with respect to a particular participant shall be in writing and be included in the record of such proceeding. The order must state good cause why such coverage will have a substantial effect upon the individual which would be qualitatively different from the effect on members of the public in general and that such effect will be qualitatively different from coverage by other types of media. Before prohibiting audio-visual coverage, the presiding judge must first consider the imposition of special limitations, such as a delayed or modified still or audio-visual coverage of the proceedings.

(b) A presumption of good cause shall exist with respect to testimony of minors.

10. Closing the courtroom. No audio-visual coverage will be permitted during any period in which the courtroom is lawfully closed to the general public in accordance with the United States and New York Constitutions, New York law, and court rules.

11. Appellate review. Interlocutory review of an order restricting audio-visual coverage shall be expedited in accordance with the rules of the applicable appellate court.

12. Regulations. The provisions of this act shall supersede any provision to the contrary in Part 131 of the Rules of the Chief Administrative Judge, 22 NYCRR Part 131, Part 29 of the Rules of the Chief Judge, 22 NYCRR Part 29, and any other court rule regarding audio-visual coverage of judicial proceedings.

§ 2. Section 52 of the civil rights law is REPEALED.

§ 3. Subdivision 5 of section 751 of the judiciary law, as added by chapter 187 of the laws of 1992, is amended to read as follows:

5. Where any member of the [~~news~~] media as [~~defined in subdivision two of~~] referenced in section two hundred eighteen of this chapter, willfully disobeys a lawful mandate of a court issued pursuant to such section, the punishment for each day that such contempt persists may be by a fine fixed in the discretion of the court, but not to exceed five thousand dollars per day or imprisonment, not exceeding thirty days, in the jail of the county where the court is sitting or both, in the discretion of the court. In fixing the amount of the fine, the court shall consider all the facts and circumstances directly related to the contempt, including, but not limited to: (i) the extent of the willful defiance of or resistance to the court's mandate, (ii) the amount of gain obtained by the willful disobedience of the mandate, and (iii) the effect upon the public and the parties to the proceeding of the willful disobedience.

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

PART DDD

Section 1. Subparagraph (i) of paragraph (e) of subdivision 6 of section 137 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

(i) he or she [~~has a current diagnosis of, or is diagnosed at the initial or any subsequent assessment conducted during the incarcerated individual's segregated confinement with, one or more of the following types of Axis I diagnoses, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, and such diagnoses shall be made based upon all relevant clinical factors, including but not limited to symptoms related to such diagnoses:~~

~~(A) schizophrenia (all sub-types),~~

~~(B) delusional disorder,~~

~~(C) schizophreniform disorder,~~

~~(D) schizoaffective disorder,~~

~~(E) brief psychotic disorder,~~

~~(F) substance-induced psychotic disorder (excluding intoxication and withdrawal),~~

~~(G) psychotic disorder not otherwise specified,~~

~~(H) major depressive disorders, or~~

~~(I) bipolar disorder I and II~~] is a person with a serious mental illness, as defined in subdivision fifty-two of section 1.03 of the mental hygiene law;

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

PART EEE

Section 1. Section 722-b of the county law, as amended by section 1 of part GG of chapter 56 of the laws of 2023, is amended to read as follows:

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

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

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

1-a. (a) The hourly rates set by paragraphs (a) and (b) of subdivision one of this section shall be adjusted annually, effective April first of each year, beginning in the year two thousand twenty-six.

(b) The hourly rate for representation established under paragraph (a) of subdivision one of this section shall be adjusted to equal no less than eighty percent of the hourly rate calculated under paragraph (c) of this subdivision, rounded to the nearest dollar.

(c) The hourly rate for representation under paragraph (b) of subdivision one of this section shall be adjusted annually to equal no less than the hourly rate paid to assigned counsel in non-capital cases in federal district court pursuant to 18 U.S.C. § 3006A and related laws and regulations for the calendar year two years prior.

2. **(a)** Except as provided in subdivision three of this section, compensation for time expended in providing representation pursuant to subdivision one of this section shall not exceed ten thousand dollars**, provided that such figure shall be adjusted annually, effective April first of each year, beginning in the year two thousand twenty-six**.

(b) For representation under paragraph (a) of subdivision one of this section, the case compensation maximum shall be adjusted annually to equal no less than eighty percent of the case compensation maximum calculated under paragraph (c) of this subdivision, rounded to the nearest dollar.

(c) For representation under paragraph (b) of subdivision one of this section, the case compensation maximum shall be adjusted annually to equal no less than the case compensation maximum for assigned counsel in non-capital cases in federal district court pursuant to 18 U.S.C. § 3006A and related laws and regulations for the calendar year two years prior.

3. For representation on an appeal, compensation and reimbursement shall be fixed by the appellate court. For all other representation, compensation and reimbursement shall be fixed by the trial court judge. In extraordinary circumstances a trial or appellate court may provide

for compensation in excess of the foregoing limits and for payment of compensation and reimbursement for expenses before the completion of the representation.

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

§ 2. Subdivision 3 of section 35 of the judiciary law, as amended by section 3 of part GG of chapter 56 of the laws of 2023, is amended to read as follows:

3. a. No counsel assigned pursuant to this section shall seek or accept any fee for representing the person for whom [~~he or she~~] **such counsel** is assigned without approval of the court as herein provided. Whenever it appears that such person is financially able to obtain counsel or make partial payment for the representation, counsel may report this fact to the court and the court may terminate the assignment or authorize payment, as the interests of justice may dictate, to such counsel. Counsel assigned hereunder shall at the conclusion of the representation receive compensation at a rate of one hundred fifty-eight dollars per hour for time expended in court, and one hundred fifty-eight dollars per hour for time reasonably expended out of court, and shall receive reimbursement for expenses reasonably incurred**, provided that such figure shall be adjusted annually, effective April first of each year, to equal no less than the hourly rate calculated under paragraph (b) of subdivision one-a of section seven hundred twenty-two-b of the county law**.

b. For representation upon a hearing, compensation and reimbursement shall be fixed by the court wherein the hearing was held and such compensation shall not exceed ten thousand dollars. For representation in an appellate court, compensation and reimbursement shall be fixed by such court and such compensation shall not exceed ten thousand dollars**, provided that such figure shall be adjusted annually, effective April first of each year, to equal no less than the case compensation maximum calculated under paragraph (c) of subdivision two of section seven hundred twenty-two-b of the county law**. In extraordinary circumstances the court may provide for compensation in excess of the foregoing limits.

§ 3. This act shall take effect April 1, 2025.

PART FFF

Section 1. Paragraph 1 of section 5-4.1 of the estates, powers and trusts law, as amended by chapter 114 of the laws of 2003, is amended to read as follows:

1. The personal representative, duly appointed in this state or any other jurisdiction, of a decedent [~~who is survived by distributees~~] may maintain an action to recover damages for a wrongful act, neglect or default which caused the decedent's death against a person who would have been liable to the decedent by reason of such wrongful conduct if death had not ensued. Such an action must be commenced within [~~two~~] **three** years after the decedent's death[~~; provided, however, that an action on behalf of a decedent whose death was caused by the terrorist attacks on September eleventh, two thousand one, other than a decedent~~

~~identified by the attorney general of the United States as a participant or conspirator in such attacks, must be commenced within two years and six months after the decedent's death~~]. When the [~~distributees~~] persons for whose benefit an action pursuant to this part may be brought do not participate in the administration of the decedent's estate under a will appointing an executor who refuses to bring such action, the [~~distributees~~] persons for whose benefit an action pursuant to this part may be brought are entitled to have an administrator appointed to prosecute the action for their benefit.

§ 2. Paragraph (a) of section 5-4.3 of the estates, powers and trusts law, as amended by chapter 100 of the laws of 1982, is amended to read as follows:

(a) The damages awarded to the plaintiff may be such sum as the jury or, where issues of fact are tried without a jury, the court or referee deems to be fair and just compensation for the [~~pecuniary~~] injuries resulting from the decedent's death to the persons for whose benefit the action is brought. In every such action, in addition to any other lawful element of recoverable damages, [~~the reasonable expenses of medical aid, nursing and attention incident to the injury causing death and the reasonable funeral expenses of the decedent paid by the distributees, or for the payment of which any distributee is responsible, shall also be proper elements of damage~~] compensation for the following damages may be recovered: (i) reasonable funeral expenses of the decedent paid by the persons for whose benefit the action is brought, or for the payment of which any persons for whose benefit the action is brought is responsible; (ii) reasonable expenses for medical care incident to the injury causing death, including but not limited to doctors, nursing, attendant care, treatment, hospitalization of the decedent, and medicines; (iii) grief or anguish caused by the decedent's death; (iv) loss of love, society, protection, comfort, companionship, and consortium resulting from the decedent's death; (v) pecuniary injuries, including loss of services, support, assistance, and loss or diminishment of inheritance, resulting from the decedent's death; and (vi) loss of nurture, guidance, counsel, advice, training, and education resulting from the decedent's death. Interest upon the principal sum recovered by the plaintiff from the date of the decedent's death shall be added to and be a part of the total sum awarded.

§ 3. Section 5-4.4 of the estates, powers and trusts law, paragraph (a) as amended by chapter 357 of the laws of 1975, and the opening paragraph of paragraph (a) as amended by chapter 595 of the laws of 1992, is amended to read as follows:

§ 5-4.4 Distribution of damages recovered

(a) The damages, as prescribed by 5-4.3, whether recovered in an action or by settlement without an action, are exclusively for the benefit of the decedent's [~~distributees and, when collected, shall be distributed to the persons entitled thereto under 4-1.1 and 5-4.5, except that where the decedent is survived by a parent or parents and a spouse and no issue, the parent or parents will be deemed to be distributees for purposes of this section~~] surviving close family members, which shall be limited to decedent's spouse or domestic partner, issue, foster-children, step-children, and step-grandchildren, parents, grandparents, step-parents, step-grandparents, siblings or any person standing in loco parentis to the decedent. The finder of fact shall determine which persons are entitled to damages as close family members of the decedent under this section based upon the specific circumstances relat-

ing to the person's relationship with the decedent. The damages shall be distributed subject to the following:

(1) Such damages shall be distributed by the personal representative to the persons entitled thereto in proportion to the [~~pecuniary~~] injuries suffered by them, such proportions to be determined after a hearing, on application of the personal representative or any [~~distributee~~] persons for whose benefit the action is brought, at such time and on notice to all interested persons in such manner as the court may direct. If no action is brought, such determination shall be made by the surrogate of the county in which letters were issued to the plaintiff; if an action is brought, by the court having jurisdiction of the action or by the surrogate of the county in which letters were issued.

(2) The court which determines the proportions of the [~~pecuniary~~] injuries suffered by the [~~distributees~~] persons for whose benefit the action is brought, as provided in subparagraph (1) of this paragraph, shall also decide any question concerning the disqualification of a parent, under 4-1.4 of this chapter, or a surviving spouse, under 5-1.2 of this article, to share in the damages recovered.

(b) The reasonable expenses of the action or settlement and, if included in the damages recovered, the reasonable expenses of medical aid, nursing and attention incident to the injury causing death and the reasonable funeral expenses of the decedent may be fixed by the court which determines the proportions of the [~~pecuniary~~] injuries suffered by the [~~distributees~~] persons for whose benefit the action is brought, as provided in subparagraph (1) of this paragraph, upon notice given in such manner and to such persons as the court may direct, and such expenses may be deducted from the damages recovered. The commissions of the personal representative upon the residue may be fixed by the surrogate, upon notice given in such manner and to such persons as the surrogate may direct or upon the judicial settlement of the account of the personal representative, and such commissions may be deducted from the damages recovered.

(c) In the event that an action is brought, as authorized in this part, and there is no recovery or settlement, the reasonable expenses of such unsuccessful action, excluding counsel fees, shall be payable out of the assets of the decedent's estate.

(d) For the purposes of this section, the term "domestic partner" shall have the same meaning as defined pursuant to section two thousand nine hundred sixty-one of the public health law.

§ 4. Paragraphs (a) and (b) of section 5-4.6 of the estates, powers and trusts law, paragraph (a) as amended and paragraph (b) as added by chapter 719 of the laws of 2005, are amended to read as follows:

(a) Within sixty days of the application of an administrator appointed under section 5-4.1 of this part or a personal representative to the court in which an action for wrongful act, neglect or default causing the death of a decedent is pending, the court shall, after inquiry into the merits of the action and the amount of damages proposed as a compromise either disapprove the application or approve in writing a compromise for such amount as it shall determine to be adequate including approval of attorneys fees and other payable expenses as set forth below, and shall order the defendant to pay all sums payable under the order of compromise, within the time frames set forth in section five thousand three-a of the civil practice law and rules, to the attorney for the administrator or personal representative for placement in an interest bearing escrow account for the benefit of the [~~distributees~~]

persons for whose benefit the action is brought. The order shall also provide for the following:

(1) Upon collection of the settlement funds and creation of an interest bearing escrow account, the attorney for the administrator or personal representative shall pay from the account all due and payable expenses, excluding attorneys fees, approved by the court, such as medical bills, funeral costs and other liens on the estate.

(2) All attorneys fees approved by the court for the prosecution of the action for wrongful act, neglect or default, inclusive of all disbursements, shall be immediately payable from the escrow account upon submission to the trial court proof of filing of a petition for allocation and distribution in the surrogate's court on behalf of the decedent's estate.

(3) The attorney for the administrator or personal representative in the action for wrongful act, neglect or default who receives payment under this section shall continue to serve as attorney for the estate until the entry of a final decree in the surrogate's court.

(b) If any of the [~~distributees~~] **persons for whose benefit the action is brought** is an infant, incompetent, person who is incarcerated or person under disability, the court shall determine whether a guardian ad litem is required before any payments are made, in which case the court will seek an immediate appointment of a guardian ad litem by the surrogate's court or, if the surrogate's court defers, the court shall make such appointment. Any guardian appointed for this purpose shall continue to serve as the guardian ad litem for the person requiring same for all other purposes.

§ 5. This act shall take effect immediately and shall apply to all causes of action that accrue on or after July 1, 2018, regardless of when filed.

PART GGG

Section 1. (a) The department of environmental conservation shall conduct a beneficial use study to determine ecological restoration needs in Jamaica Bay. Such study shall include, but not be limited to:

(i) a description of the bathymetry of target areas of Jamaica Bay and a map of the borrow pits;

(ii) the ecological service quality of the borrow pits over multiple weather seasons at multiple depths, including in-depth analysis of the populations of fin fish species that utilize such areas during different seasons;

(iii) the geotechnical conditions of all pit bottoms;

(iv) the significance of the borrow pits regarding the absorption of heat during summer months when adjacent shallow areas experience ulva sulfide conditions; and

(v) any other policy recommendations regarding the ecological restoration of Jamaica Bay.

(b) The department of environmental conservation shall:

(i) issue a report on the findings of such study to the governor, the temporary president of the senate and the speaker of the assembly no later than March 30, 2029; and

(ii) publish such report on the department of environmental conservation's website.

(c) There shall be a moratorium of any placement of any type of sediment or fill into the borrow pits in Jamaica Bay for a period of five

years commencing on the effective date of this act, or until the study is completed and published, whichever is later.

§ 2. This act shall take effect immediately.

PART HHH

Section 1. Section 60.35 of the penal law, as amended by section 1 of part E of chapter 56 of the laws of 2004, subparagraphs (i), (ii) and (iii) of paragraph (a) of subdivision 1 as amended by section 1 of part DD of chapter 56 of the laws of 2008, paragraph (b) of subdivision 1 as amended by chapter 320 of the laws of 2006, subdivision 4 as amended by chapter 525 of the laws of 2013, subdivision 5 as amended by chapter 322 of the laws of 2021, and subdivision 8 as amended by section 121 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

§ 60.35 Mandatory **felony** surcharge, sex offender registration fee, DNA databank fee, supplemental sex offender victim fee and crime victim assistance fee required in certain cases.

1. (a) Except as provided in section eighteen hundred nine of the vehicle and traffic law and section 27.12 of the parks, recreation and historic preservation law, whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a felony, a misdemeanor, or a violation, as these terms are defined in section 10.00 of this chapter, there shall be levied at sentencing a [~~mandatory surcharge,~~] sex offender registration fee, DNA databank fee [~~and~~]~~,~~ a crime victim assistance fee**, and a mandatory surcharge** in addition to any sentence required or permitted by law, **provided that there shall be no mandatory surcharge levied in a conviction for a misdemeanor or violation. Mandatory surcharges shall be levied** in accordance with the following schedule:

(i) a person convicted of a felony shall pay a mandatory surcharge of three hundred dollars and a crime victim assistance fee of twenty-five dollars;

(ii) a person convicted of a misdemeanor shall pay [~~a mandatory surcharge of one hundred seventy-five dollars and~~] a crime victim assistance fee of twenty-five dollars;

(iii) a person convicted of a violation shall pay [~~a mandatory surcharge of ninety-five dollars and~~] a crime victim assistance fee of twenty-five dollars;

(iv) a person convicted of a sex offense as defined by subdivision two of section one hundred sixty-eight-a of the correction law or a sexually violent offense as defined by subdivision three of section one hundred sixty-eight-a of the correction law shall, in addition to a mandatory **felony** surcharge and **a** crime victim assistance fee, pay a sex offender registration fee of fifty dollars[~~.~~]**; and**

(v) a person convicted of a designated offense as defined by subdivision seven of section nine hundred ninety-five of the executive law shall, in addition to a mandatory **felony** surcharge and **a** crime victim assistance fee, pay a DNA databank fee of fifty dollars.

(b) When the felony or misdemeanor conviction in subparagraphs (i), (ii) or (iv) of paragraph (a) of this subdivision results from an offense contained in article one hundred thirty of this chapter, incest in the third, second or first degree as defined in sections 255.25, 255.26 and 255.27 of this chapter or an offense contained in article two hundred sixty-three of this chapter, the person convicted shall pay a

supplemental sex offender victim fee of one thousand dollars in addition to the mandatory **felony** surcharge and any other fee.

2. Where a person is convicted of two or more crimes or violations committed through a single act or omission, or through an act or omission which in itself constituted one of the crimes or violations and also was a material element of the other, the court shall impose a mandatory **felony** surcharge and a crime victim assistance fee, and where appropriate a supplemental sex offender victim fee, in accordance with the provisions of this section for the crime or violation which carries the highest classification, and no other sentence to pay a mandatory **felony** surcharge, crime victim assistance fee or supplemental sex offender victim fee required by this section shall be imposed. Where a person is convicted of two or more sex offenses or sexually violent offenses, as defined by subdivisions two and three of section one hundred sixty-eight-a of the correction law, committed through a single act or omission, or through an act or omission which in itself constituted one of the offenses and also was a material element of the other, the court shall impose only one sex offender registration fee. Where a person is convicted of two or more designated offenses, as defined by subdivision seven of section nine hundred ninety-five of the executive law, committed through a single act or omission, or through an act or omission which in itself constituted one of the offenses and also was a material element of the other, the court shall impose only one DNA databank fee.

3. The mandatory **felony** surcharge, sex offender registration fee, DNA databank fee, crime victim assistance fee, and supplemental sex offender victim fee provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the mandatory surcharge, crime victim assistance fee, and supplemental sex offender victim fee, the collecting authority shall determine the amount of mandatory surcharge, crime victim assistance fee, and supplemental sex offender victim fee collected and, if it is an administrative tribunal, or a town or village justice court, it shall then pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law. Within the first ten days of the month following collection of the sex offender registration fee and DNA databank fee, the collecting authority shall determine the amount of the sex offender registration fee and DNA databank fee collected and, if it is an administrative tribunal, or a town or village justice court, it shall then pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund. If such collecting authority is any other court of the unified court system, it shall, within such period, pay such money attributable to the mandatory surcharge or crime victim assistance fee to the state commissioner of taxation and finance to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law. If such collecting authority is any other court of the unified court system, it shall, within such period, pay such money attributable to the sex offender registration fee and the DNA databank fee to the state commissioner of taxation and finance to the credit of the general fund.

4. Any person who has paid a mandatory surcharge, sex offender registration fee, DNA databank fee, a crime victim assistance fee or a

supplemental sex offender victim fee under the authority of this section based upon a conviction that is subsequently reversed or who paid a mandatory surcharge, sex offender registration fee, DNA databank fee, a crime victim assistance fee or supplemental sex offender victim fee under the authority of this section which is ultimately determined not to be required by this section shall be entitled to a refund of such mandatory surcharge, sex offender registration fee, DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee upon application, in the case of a town or village court, to the state comptroller. The state comptroller shall require such proof as is necessary in order to determine whether a refund is required by law. In all other cases, such application shall be made to the department, agency or court that collected such surcharge or fee. Such department, agency or court shall initiate the refund process and the state comptroller shall pay the refund pursuant to subdivision fifteen of section eight of the state finance law.

5. When a person who is convicted of a crime or violation and sentenced to a term of imprisonment has failed to pay the mandatory **felony** surcharge, sex offender registration fee, DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee required by this section, the clerk of the court that rendered the conviction shall notify the superintendent or the municipal official of the facility where the person is confined. The superintendent or the municipal official shall cause any amount owing to be collected from such person during his or her term of imprisonment from moneys to the credit of an incarcerated individuals' fund or such moneys as may be earned by a person in a work release program pursuant to section eight hundred sixty of the correction law. Such moneys attributable to the mandatory **felony** surcharge or crime victim assistance fee shall be paid over to the state comptroller to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law and such moneys attributable to the sex offender registration fee or DNA databank fee shall be paid over to the state comptroller to the credit of the general fund, except that any such moneys collected which are surcharges, sex offender registration fees, DNA databank fees, crime victim assistance fees or supplemental sex offender victim fees levied in relation to convictions obtained in a town or village justice court shall be paid within thirty days after the receipt thereof by the superintendent or municipal official of the facility to the justice of the court in which the conviction was obtained. For the purposes of collecting such mandatory **felony** surcharge, sex offender registration fee, DNA databank fee, crime victim assistance fee and supplemental sex offender victim fee, the state shall be legally entitled to the money to the credit of an incarcerated individuals' fund or money which is earned by an incarcerated individual in a work release program. For purposes of this subdivision, the term "incarcerated individuals' fund" shall mean moneys in the possession of an incarcerated individual at the time of his or her admission into such facility, funds earned by him or her as provided for in section one hundred eighty-seven of the correction law and any other funds received by him or her or on his or her behalf and deposited with such superintendent or municipal official.

6. Notwithstanding any other provision of this section, where a person has made restitution or reparation pursuant to section 60.27 of this article, such person shall not be required to pay a mandatory **felony** surcharge or a crime victim assistance fee.

7. Notwithstanding the provisions of subdivision one of section 60.00 of this article, the provisions of subdivision one of this section shall not apply to a violation under any law other than this chapter.

8. Subdivision one of section 130.10 of the criminal procedure law notwithstanding, at the time that [~~the~~] a mandatory felony surcharge, sex offender registration fee or DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee is imposed a town or village court may, and all other courts shall, issue and cause to be served upon the person required to pay [~~the~~] a mandatory felony surcharge, sex offender registration fee or DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee, a summons directing that such person appear before the court regarding the payment of [~~the~~] a mandatory felony surcharge, sex offender registration fee or DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee, if after sixty days from the date it was imposed it remains unpaid. The designated date of appearance on the summons shall be set for the first day court is in session falling after the sixtieth day from the imposition of [~~the~~] a mandatory felony surcharge, sex offender registration fee or DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee. The summons shall contain the information required by subdivision two of section 130.10 of the criminal procedure law except that in substitution for the requirement of paragraph (c) of such subdivision the summons shall state that the person served must appear at a date, time and specific location specified in the summons if after sixty days from the date of issuance [~~the~~] a mandatory felony surcharge, sex offender registration fee or DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee remains unpaid. The court shall not issue a summons under this subdivision to a person who is being sentenced to a term of confinement in excess of sixty days in jail or in the department of corrections and community supervision. [~~The mandatory~~] Mandatory surcharges, sex offender registration [~~fee~~] fees and DNA databank fees, crime victim assistance fees and supplemental sex offender victim fees for those persons shall be governed by the provisions of section 60.30 of this article.

9. Notwithstanding the provisions of subdivision one of this section, in the event a proceeding is in a town or village court, such court shall add an additional five dollars to the surcharges imposed by such subdivision one.

10. Notwithstanding any other provision of law to the contrary, the court in its discretion, may reduce or waive any fine or fee imposed upon an indigent person, pursuant to such person's conviction, if (i) such person, being financially unable to obtain or afford counsel, is entitled to representation pursuant to section seven hundred twenty-two of the county law or (ii) the court determines such fine or fee should otherwise be waived in the interest of justice.

In determining whether to reduce or waive any fine or fee imposed on an indigent defendant, the court may consider the totality of the defendant's circumstances including:

(a) the defendant's income and financial resources;

(b) the defendant's debt and financial obligations;

(c) whether the imposition of such fine or fee would cause an unreasonable hardship on the defendant, such defendant's immediate family, or any other person who is dependent on such defendant for financial support; and

(d) any additional information related to the defendant's circumstances that the court may deem relevant or necessary in coming to a determination to reduce or waive such fine or fee.

§ 2. Paragraphs (a) and (b) of subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 2 of part DD of chapter 56 of the laws of 2008, are amended to read as follows:

(a) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a traffic infraction pursuant to article nine of this chapter, there shall be levied a crime victim assistance fee in the amount of five dollars [~~and a mandatory surcharge,~~] in addition to any sentence required or permitted by law[~~, in the amount of twenty-five dollars~~].

(b) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a misdemeanor or felony pursuant to section eleven hundred ninety-two of this chapter, there shall be levied, in addition to any sentence required or permitted by law, a crime victim assistance fee in the amount of twenty-five dollars and [~~a mandatory surcharge in accordance with the following schedule:~~

~~(i)~~] a person convicted of a felony shall pay a mandatory surcharge of three hundred dollars[~~;~~

~~(ii) a person convicted of a misdemeanor shall pay a mandatory surcharge of one hundred seventy-five dollars~~].

§ 2-a. Paragraphs (a) and (b) of subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8-b of chapter 421, section 8-b of chapter 460, and section 8-b of chapter 773 of the laws of 2021, are amended to read as follows:

(a) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a traffic infraction pursuant to article nine of this chapter, there shall be levied a crime victim assistance fee in the amount of five dollars [~~and a mandatory surcharge,~~] in addition to any sentence required or permitted by law[~~, in the amount of twenty-five dollars~~].

(b) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a misdemeanor or felony pursuant to section eleven hundred ninety-two of this chapter, there shall be levied, in addition to any sentence required or permitted by law, a crime victim assistance fee in the amount of twenty-five dollars and [~~a mandatory surcharge in accordance with the following schedule:~~

~~(i)~~] a person convicted of a felony shall pay a mandatory surcharge of three hundred dollars[~~;~~

~~(ii) a person convicted of a misdemeanor shall pay a mandatory surcharge of one hundred seventy-five dollars~~].

§ 3. Subdivision 2 of section 1809 of the vehicle and traffic law, as amended by section 6 of part C of chapter 55 of the laws of 2013, is amended to read as follows:

2. Where a person is convicted of two or more such crimes or traffic infractions committed through a single act or omission, or through an act or omission which in itself constituted one of the crimes or traffic infractions and also was a material element of the other, the court or administrative tribunal shall impose a crime victim assistance fee and a mandatory surcharge mandated by subdivision one of this section for each such conviction; provided however, that [~~in~~] **there shall be no mandatory surcharge levied for a traffic infraction under this chapter, a traffic infraction pursuant to article nine of this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, or a traffic infraction involving standing, stopping, or parking or**

violations by pedestrians or bicyclists and except as otherwise provided by subdivision one-a of this section. In no event shall the total amount of such crime victim assistance fees and mandatory surcharges imposed pursuant to paragraph (a) or (c) of subdivision one of this section exceed one hundred ninety-six dollars.

§ 3-a. Subdivision 2 of section 1809 of the vehicle and traffic law, as amended by chapter 945 of the laws of 1983, is amended to read as follows:

2. Where a person is convicted of two or more such crimes or traffic infractions committed through a single act or omission, or through an act or omission which in itself constituted one of the crimes or traffic infractions and also was a material element of the other, the court or administrative tribunal shall impose [~~only one~~] a crime victim assistance fee and a mandatory surcharge mandated by subdivision one of this section for each such conviction; provided, however, that there shall be no mandatory surcharge levied for a traffic infraction under this chapter, a traffic infraction pursuant to article nine of this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, or a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists and except as otherwise provided by subdivision one-a of this section. In no event shall the total amount of such crime victim assistance fees and mandatory surcharges imposed pursuant to paragraph (a) or (c) of subdivision one of this section exceed one hundred ninety-six dollars.

§ 4. Subdivisions 3, 5-a, and 10 of section 1809 of the vehicle and traffic law, subdivision 3 as amended by chapter 536 of the laws of 2021, subdivision 5-a as amended by chapter 55 of the laws of 1992, and subdivision 10 as added by section 3 of part F of chapter 56 of the laws of 2004, are amended and a new subdivision 11 is added to read as follows:

3. The mandatory felony surcharge provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the mandatory felony surcharge the collecting authority shall determine the amount of mandatory surcharge collected and, if it is an administrative tribunal or a town or village justice court, it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund[~~; provided, however, that the comptroller shall deposit such money collected for violations of section eleven hundred seventy-four of this chapter to the credit of the school bus motorist education fund established pursuant to section eighty-nine-j of the state finance law. If such collecting authority is any other court of the unified court system, it shall, within such period, pay such money to the state commissioner of taxation and finance to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law; provided, however, that the state commissioner of taxation and finance shall deposit such money collected for violations of section eleven hundred seventy-four of this chapter to the credit of the school bus motorist education fund established pursuant to section eighty-nine-j of the state finance law~~]. The crime victim assistance fee provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the crime victim assistance fee, the collecting authority shall

determine the amount of crime victim assistance fee collected and, if it is an administrative tribunal or a town or village justice court, it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law.

5-a. The provisions of subdivision four-a of section five hundred ten, subdivision three of section five hundred fourteen and subdivision three of section two hundred twenty-seven of this chapter governing actions which may be taken for failure to pay a fine or penalty shall be applicable to a mandatory **felony** surcharge or crime victim assistance fee imposed pursuant to this section.

10. For the purposes of this section, the term conviction means and includes the conviction of a felony or a misdemeanor for which a youthful offender finding was substituted and upon such a finding there shall be levied**: (a)** a mandatory surcharge**, except that there shall be no mandatory surcharge levied in a conviction for a misdemeanor;** and **(b)** a crime victim assistance fee**. Such surcharge and fee shall be levied** to the same extent and in the same manner and amount provided by this section for conviction of the felony or misdemeanor, as the case may be, for which such youthful offender finding was substituted.

11. Notwithstanding any other provision or law to the contrary, the court in its discretion, may reduce or waive any fine or fee imposed upon an indigent person, pursuant to such person's conviction, if (i) such person, being financially unable to obtain or afford counsel, is entitled to representation pursuant to section seven hundred twenty-two of the county law or (ii) the court determines such fine or fee should otherwise be waived in the interest of justice.

In determining whether to reduce or waive any fine or fee imposed on an indigent defendant, the court may consider the totality of the defendant's circumstances including:

(a) the defendant's income and financial resources;

(b) the defendant's debt and financial obligations;

(c) whether the imposition of such fine or fee would cause an unreasonable hardship on the defendant, such defendant's immediate family, or any other person who is dependent on such defendant for financial support; and

(d) any additional information related to the defendant's circumstances that the court may deem relevant or necessary in coming to a determination to reduce or waive such fine or fee.

§ 5. Paragraph (a) of subdivision 2 of section 259-i of the executive law, as amended by chapter 322 of the laws of 2021, subparagraph (i) as amended by chapter 486 of the laws of 2022, is amended to read as follows:

(a) (i) Except as provided in subparagraph (ii) of this paragraph, at least one month prior to the date on which an incarcerated individual may be paroled pursuant to subdivision one of section 70.40 of the penal law, a member or members as determined by the rules of the board shall personally interview such incarcerated individual and determine whether he or she should be paroled in accordance with the guidelines adopted pursuant to subdivision four of section two hundred fifty-nine-c of this article. If parole is not granted upon such review, the incarcerated individual shall be informed in writing within two weeks of such appearance of the factors and reasons for such denial of parole. Such reasons shall be given in detail and not in conclusory terms. The board shall

specify a date not more than twenty-four months from such determination for reconsideration, and the procedures to be followed upon reconsideration shall be the same. If the incarcerated individual is released, he or she shall be given a copy of the conditions of parole. Such conditions shall where appropriate, include a requirement that the parolee comply with any restitution order, mandatory **felony** surcharge, sex offender registration fee and DNA databank fee previously imposed by a court of competent jurisdiction that applies to the parolee. The conditions shall indicate which restitution collection agency established under subdivision eight of section 420.10 of the criminal procedure law, shall be responsible for collection of restitution, mandatory **felony** surcharge, sex offender registration fees and DNA databank fees as provided for in section 60.35 of the penal law and section eighteen hundred nine of the vehicle and traffic law. If the incarcerated individual is released, he or she shall also be notified in writing that his or her voting rights will be restored upon release.

(ii) Any incarcerated individual who is scheduled for presumptive release pursuant to section eight hundred six of the correction law shall not appear before the board as provided in subparagraph (i) of this paragraph unless such incarcerated individual's scheduled presumptive release is forfeited, canceled, or rescinded subsequently as provided in such law. In such event, the incarcerated individual shall appear before the board for release consideration as provided in subparagraph (i) of this paragraph as soon thereafter as is practicable.

§ 5-a. Paragraph (a) of subdivision 2 of section 259-i of the executive law, as amended by chapter 486 of the laws of 2022, is amended to read as follows:

(a) At least one month prior to the expiration of the minimum period or periods of imprisonment fixed by the court or board, a member or members as determined by the rules of the board shall personally interview an incarcerated individual serving an indeterminate sentence and determine whether he or she should be paroled at the expiration of the minimum period or periods in accordance with the procedures adopted pursuant to subdivision four of section two hundred fifty-nine-c of this article. If parole is not granted upon such review, the incarcerated individual shall be informed in writing within two weeks of such appearance of the factors and reasons for such denial of parole. Such reasons shall be given in detail and not in conclusory terms. The board shall specify a date not more than twenty-four months from such determination for reconsideration, and the procedures to be followed upon reconsideration shall be the same. If the incarcerated individual is released, he or she shall be given a copy of the conditions of parole. Such conditions shall where appropriate, include a requirement that the parolee comply with any restitution order and mandatory **felony** surcharge previously imposed by a court of competent jurisdiction that applies to the parolee. The conditions shall indicate which restitution collection agency established under subdivision eight of section 420.10 of the criminal procedure law, shall be responsible for collection of restitution and mandatory **felony** surcharge as provided for in section 60.35 of the penal law and section eighteen hundred nine of the vehicle and traffic law. If the incarcerated individual is released, he or she shall also be notified in writing that his or her voting rights will be restored upon release.

§ 6. Paragraph (a) of subdivision 2 of section 205 of the correction law, as amended by chapter 491 of the laws of 2021, is amended to read as follows:

(a) A merit termination granted by the department under this section shall constitute a termination of the sentence with respect to which it was granted. No such merit termination shall be granted unless the department is satisfied that termination of sentence from presumptive release, parole, conditional release or post-release supervision is in the best interest of society, and that the parolee or releasee, otherwise financially able to comply with an order of restitution and the payment of any mandatory **felony** surcharge previously imposed by a court of competent jurisdiction, has made a good faith effort to comply therewith.

§ 7. Subdivisions 1 and 3 of section 259-j of the executive law, as amended by section 38-g of subpart A of part C of chapter 62 of the laws of 2011, are amended to read as follows:

1. Except where a determinate sentence was imposed for a felony other than a felony defined in article two hundred twenty [~~or article two hundred twenty-one~~] of the penal law, if the board of parole is satisfied that an absolute discharge from presumptive release, parole, conditional release or release to a period of post-release supervision is in the best interests of society, the board may grant such a discharge prior to the expiration of the full term or maximum term to any person who has been on unrevoked community supervision for at least three consecutive years. A discharge granted under this section shall constitute a termination of the sentence with respect to which it was granted. No such discharge shall be granted unless the board is satisfied that the parolee or releasee, otherwise financially able to comply with an order of restitution and the payment of any mandatory **felony** surcharge, sex offender registration fee or DNA databank fee previously imposed by a court of competent jurisdiction, has made a good faith effort to comply therewith.

3. Notwithstanding any other provision of this section to the contrary, where a term of post-release supervision in excess of five years has been imposed on a person convicted of a crime defined in article one hundred thirty of the penal law, including a sexually motivated felony, the board of parole may grant a discharge from post-release supervision prior to the expiration of the maximum term of post-release supervision. Such a discharge may be granted only after the person has served at least five years of post-release supervision, and only to a person who has been on unrevoked post-release supervision for at least three consecutive years. No such discharge shall be granted unless the board of parole or the department acting pursuant to its responsibility under subdivision one of section two hundred one of the correction law consults with any licensed psychologist, qualified psychiatrist, or other mental health professional who is providing care or treatment to the supervisee; and the board: (a) determines that a discharge from post-release supervision is in the best interests of society; and (b) is satisfied that the supervisee, otherwise financially able to comply with an order of restitution and the payment of any mandatory **felony** surcharge, sex offender registration fee, or DNA data bank fee previously imposed by a court of competent jurisdiction, has made a good faith effort to comply therewith. Before making a determination to discharge a person from a period of post-release supervision, the board of parole may request that the commissioner of the office of mental health arrange a psychiatric evaluation of the supervisee. A discharge granted under this section shall constitute a termination of the sentence with respect to which it was granted.

§ 8. Subparagraph (i) of paragraph (j-1) of subdivision 2 of section 503 of the vehicle and traffic law, as amended by section 3 of part PP of chapter 59 of the laws of 2009, is amended to read as follows:

(i) When a license issued pursuant to this article, or a privilege of operating a motor vehicle or of obtaining such a license, has been suspended based upon a failure to answer an appearance ticket or a summons or failure to pay a fine, penalty or mandatory **felony** surcharge, pursuant to subdivision three of section two hundred twenty-six, subdivision four of section two hundred twenty-seven, subdivision four-a of section five hundred ten or subdivision five-a of section eighteen hundred nine of this chapter, such suspension shall remain in effect until a termination of a suspension fee of seventy dollars is paid to the court or tribunal that initiated the suspension of such license or privilege. In no event may the aggregate of the fees imposed by an individual court pursuant to this paragraph for the termination of all suspensions that may be terminated as a result of a person's answers, appearances or payments made in such cases pending before such individual court exceed four hundred dollars. For the purposes of this paragraph, the various locations of the administrative tribunal established under article two-A of this chapter shall be considered an individual court.

§ 9. Section 4-411 of the village law, as amended by section 12 of part F of chapter 62 of the laws of 2003, is amended to read as follows:

§ 4-411 Disposition of fines and penalties. Except as otherwise provided by law, all fines and penalties imposed for the violation of a village local law, ordinance or regulation shall be the property of the village, whether or not the village has established the office of village justice. Nothing in this section shall be deemed to affect the disposition of mandatory **felony** surcharges, sex offender registration fees, DNA databank fees or crime victim assistance fees as provided by section 60.35 of the penal law, or of mandatory surcharges as provided by section eighteen hundred nine of the vehicle and traffic law, or of fines, penalties and forfeitures as provided by section eighteen hundred three of the vehicle and traffic law relating to traffic offenses.

§ 10. Subdivision 2 of section 837-i of the executive law, as added by chapter 166 of the laws of 1991, is amended to read as follows:

2. The commissioner in consultation with the chief executive officers of cities with a population in excess of one hundred thousand persons according to the nineteen hundred eighty United States census shall establish a system to record and monitor the issuance and disposition of parking tickets[~~, to monitor the collection of the mandatory surcharge required by section eighteen hundred nine-a of the vehicle and traffic law~~] and to receive information from cities for this purpose. Each such city shall report on such parking violations on a monthly basis in the form and manner prescribed by the commissioner including, but not limited to, the parking tickets issued, the dispositions of such tickets and the amount of fines, penalties and mandatory **felony** surcharges collected. The commissioner shall collect, process and analyze such information and present periodic reports on the parking violations enforcement and disposition program.

§ 11. Clause (E) of subparagraph 2 of paragraph a of subdivision 2 of section 235 of the vehicle and traffic law, as separately added by chapters 421, 460 and 773 of the laws of 2021, is amended to read as follows:

(E) that submission of a plea of guilty to the parking violation makes the owner liable for payment of the stated fine and additional penalties

imposed pursuant to paragraph b of this subdivision [~~and the mandatory surcharge of fifteen dollars imposed upon parking violations pursuant to section eighteen hundred nine-a of this chapter~~].

§ 12. Subdivision 4 of section 1203-g of the vehicle and traffic law, as added by chapter 497 of the laws of 1999, is amended to read as follows:

4. Every county and the city of New York that establishes a handicapped parking education program shall establish a separate handicapped parking education fund in the custody of the chief fiscal officer of each such county or city, by April first, two thousand[~~, which shall consist of moneys granted to such county or city pursuant to section eighteen hundred nine-b of this chapter~~]. No provision of law shall be deemed to preclude a county or the city of New York from receiving funds from other sources to be deposited in the handicapped parking education fund, provided such funds are used in a manner and for purposes consistent with this section. The moneys of such fund shall be disbursed to provide education, advocacy and increased awareness of handicapped parking laws and may be used to execute contracts with private organizations for such purposes. Such contracts shall be awarded upon competitive bids after the issuance of requests for proposal.

§ 13. Subdivision 2 of section 99-n of the state finance law, as added by chapter 223 of the laws of 2005, is amended to read as follows:

2. The fund shall consist of all monies appropriated for its purpose **and**, all monies required by this section or any other provision of law to be paid into or credited to such fund[~~, collected by the mandatory surcharges imposed pursuant to subdivision one of section eighteen hundred nine-d of the vehicle and traffic law~~]. Nothing contained in this section shall prevent the department of motor vehicles from receiving grants or other appropriations for the purposes of the fund as defined in this section and depositing them into the fund according to law.

§ 14. Subdivision 20-a of section 385 of the vehicle and traffic law, as amended by chapter 696 of the laws of 1990, is amended to read as follows:

20-a. If a vehicle or combination of vehicles is operated in violation of this section, an appearance ticket or summons may be issued to the registrant of the vehicle, or if a combination of vehicles, to the registrant of the hauling vehicle rather than the operator. In the event the vehicle is operated by a person other than the registrant, any appearance ticket or summons issued to the registrant shall be served upon the operator, who shall be deemed the agent of the registrant for the purpose of receiving such appearance ticket or summons. Such operator-agent shall transmit such ticket or summons to the registrant of the vehicle or the hauling vehicle. If the registrant does not appear on the return date, a notice establishing a new return date and either containing all pertinent information relating to the charge which is contained on the summons or appearance ticket or accompanied by a copy of the information or complaint shall also be mailed by certified or registered mail by or on behalf of the court or administrative tribunal before whom the appearance ticket or summons is returnable to the registrant at the address given on the registration certificate for the vehicle, or if no registration certificate is produced at the time the appearance ticket or summons is issued, to the address of the registrant on file with the department or given to the person issuing the appearance ticket or summons. [~~Whenever proceedings in a court or administrative tribunal of this state result in a conviction for a violation of this section, and~~

~~the court or administrative tribunal has made the mailing specified herein, the court or administrative tribunal shall levy a mandatory surcharge, in addition to any sentence or other surcharge required or permitted by law, in the amount of thirty dollars. This mandatory surcharge shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the mandatory surcharge by a town or village court, the court shall pay such money to the state comptroller who shall, pursuant to subdivision two of section ninety-nine-a of the state finance law, credit such money to the account of the town or village which sent the mandatory surcharge. If such collecting authority is any other court of the unified system or administrative tribunal it shall, within such period, pay such money to the state comptroller who shall deposit such money into the state treasury.~~] The provisions of this subdivision shall not apply to owner-operators of any motor vehicle or to any motor vehicle or trailer which is registered in the name of a person whose principal business is the lease or rental of motor vehicles or trailers unless the motor vehicle or trailer is being operated by an employee of the registrant or for a community of interest other than the lease or rental agreement between the parties to the lease or rental agreement.

§ 15. Subdivision 19-a of section 401 of the vehicle and traffic law, as amended by chapter 696 of the laws of 1990, is amended to read as follows:

19-a. If a vehicle or combination of vehicles is operated in violation of this section, an appearance ticket or summons may be issued to the registrant of the vehicle, or if a combination of vehicles, to the registrant of the hauling vehicle rather than the operator. In the event the vehicle is operated by a person other than the registrant, any appearance ticket or summons issued to the registrant shall be served upon the operator, who shall be deemed the agent of the registrant for the purpose of receiving such appearance ticket or summons. Such operator-agent shall transmit such ticket or summons to the registrant of the vehicle or the hauling vehicle. If the registrant does not appear on the return date, a notice establishing a new return date and either containing all pertinent information relating to the charge which is contained on the summons or appearance ticket or accompanied by a copy of the information or complaint shall also be mailed by certified or registered mail by or on behalf of the court or administrative tribunal before whom the appearance ticket or summons is returnable to the registrant at the address given on the registration certificate for the vehicle, or if no registration certificate is produced at the time the appearance ticket or summons is issued, to the address of the registrant on file with the department or given to the person issuing the appearance ticket or summons. [~~Whenever proceedings in a court or administrative tribunal of this state result in a conviction for a violation of this section, and the court or administrative tribunal has made the mailing specified herein, the court or administrative tribunal shall levy a mandatory surcharge, in addition to any sentence or other surcharge required or permitted by law, in the amount of thirty dollars. This mandatory surcharge shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the mandatory surcharge by a town or village court, the court shall pay such money to the state comptroller who shall, pursuant to subdivision two of section ninety-nine-a of the state finance law, credit such money to the account of the town or~~

~~village which sent the mandatory surcharge. If such collecting authority is any other court of the unified system or administrative tribunal it shall, within such period, pay such money to the state comptroller who shall deposit such money into the state treasury.~~] The provisions of this subdivision shall not apply to owner-operators of any motor vehicle or to any motor vehicle or trailer which is registered in the name of a person whose principal business is the lease or rental of motor vehicles or trailers unless the motor vehicle or trailer is being operated by an employee of the registrant or for a community of interest other than the lease or rental agreement between the parties to the lease or rental agreement.

§ 16. Section 80.05 of the penal law is amended by adding a new subdivision 7 to read as follows:

7. Notwithstanding any other provision of law to the contrary, the court in its discretion, may reduce or waive any fine or fee imposed upon an indigent person, pursuant to such person's conviction, if (i) such person, being financially unable to obtain or afford counsel, is entitled to representation pursuant to section seven hundred twenty-two of the county law or (ii) the court determines such fine or fee should otherwise be waived in the interest of justice.

In determining whether to reduce or waive any fine or fee imposed on an indigent defendant, the court may consider the totality of the defendant's circumstances including:

(a) the defendant's income and financial resources;

(b) the defendant's debt and financial obligations;

(c) whether the imposition of such fine or fee would cause an unreasonable hardship on the defendant, his or her immediate family, or any other person who is dependent on such defendant for financial support; and

(d) any additional information related to the defendant's circumstances that the court may deem relevant or necessary in coming to a determination to reduce or waive such fine or fee.

§ 17. The vehicle and traffic law is amended by adding a new section 1811 to read as follows:

§ 1811. Discretionary reduction or waiver of fines and fees. 1. Notwithstanding any other provision or law to the contrary, the court in its discretion, may reduce or waive any fine or fee imposed upon an indigent person, pursuant to such person's conviction, if (i) such person, being financially unable to obtain or afford counsel, is entitled to representation pursuant to section seven hundred twenty-two of the county law or (ii) the court determines such fine or fee should otherwise be waived in the interest of justice.

In determining whether to reduce or waive any fine or fee imposed on an indigent defendant, the court may consider the totality of the defendant's circumstances including:

(a) the defendant's income and financial resources;

(b) the defendant's debt and financial obligations;

(c) whether the imposition of such fine or fee would cause an unreasonable hardship on the defendant, his or her immediate family, or any other person who is dependent on such defendant for financial support; and

(d) any additional information related to the defendant's circumstances that the court may deem relevant or necessary in coming to a determination to reduce or waive such fine or fee.

2. Collection and reporting on data relating to fines. (a) It shall be the duty of a court of record or administrative tribunal to report data

to the division of criminal justice services on the disposition and collection of all fines imposed pursuant to the penal law and vehicle and traffic law. Such data shall include, at minimum, information on the number of fines imposed; the provision of law pursuant to which each fine was imposed; the amount of the fine; the court that issued the fine; the outcome of any individualized assessment conducted pursuant to section 80.05 of the penal law or section eighteen hundred eleven of the vehicle and traffic law; the amount of the fine that has been paid, if any; and the race, ethnicity, age, and sex of the person for whom the fine was imposed.

(b) All data collected pursuant to this section shall be a public record. The department shall be charged with compiling such data in an annual report to be made available on the department's website.

§ 18. Subdivisions 1, 2 and 3 of section 420.35 of the criminal procedure law, subdivisions 1 and 3 as amended by section 7 of part F of chapter 62 of the laws of 2003 and subdivision 2 as amended by chapter 23 of the laws of 2021, are amended to read as follows:

1. The provisions of section 420.10 of this article governing the collection of fines and the provisions of section 420.40 of this article governing deferral of mandatory felony surcharges, sex offender registration fees, DNA databank fees and financial hardship hearings and the provisions of section 430.20 of this chapter governing the commitment of a defendant for failure to pay a fine shall be applicable to a mandatory felony surcharge, sex offender registration fee, DNA databank fee and a crime victim assistance fee imposed pursuant to subdivision one of section 60.35 of the penal law, subdivision twenty-a of section three hundred eighty-five of the vehicle and traffic law, subdivision nineteen-a of section four hundred one of the vehicle and traffic law, or a mandatory felony surcharge imposed pursuant to section eighteen hundred nine of the vehicle and traffic law or section 27.12 of the parks, recreation and historic preservation law. When the court directs that the defendant be imprisoned until the mandatory felony surcharge, sex offender registration fee or DNA databank fee is satisfied, it must specify a maximum period of imprisonment not to exceed fifteen days; provided, however, a court may not direct that a defendant be imprisoned until the mandatory felony surcharge, sex offender registration fee, or DNA databank fee is satisfied or otherwise for failure to pay the mandatory felony surcharge, sex offender registration fee or DNA databank fee unless the court makes a contemporaneous finding on the record, after according defendant notice and an opportunity to be heard, that the payment of the mandatory felony surcharge, sex offender registration fee or DNA databank fee upon defendant will not work an unreasonable hardship upon him or her or his or her immediate family.

2. Except as provided in this subdivision or subdivision two-a of this section, under no circumstances shall the mandatory felony surcharge, sex offender registration fee, DNA databank fee or the crime victim assistance fee be waived. A court shall waive any mandatory felony surcharge, DNA databank fee and crime victim assistance fee when: (i) the defendant is convicted of prostitution under section 230.00 of the penal law; (ii) the defendant is convicted of a violation in the event such conviction is in lieu of a plea to or conviction for prostitution under section 230.00 of the penal law; (iii) the court finds that a defendant is a victim of sex trafficking under section 230.34 of the penal law or a victim of trafficking in persons under the trafficking victims protection act (United States Code, Title 22, Chapter 78); or

(iv) the court finds that the defendant is a victim of sex trafficking of a child under section 230.34-a of the penal law.

3. It shall be the duty of a court of record or administrative tribunal to report to the division of criminal justice services on the disposition and collection of mandatory **felony** surcharges, sex offender registration fees or DNA databank fees and crime victim assistance fees. Such report shall include, for all cases, whether the **mandatory felony** surcharge, sex offender registration fee, DNA databank fee or crime victim assistance fee levied pursuant to subdivision one of section 60.35 of the penal law or section eighteen hundred nine of the vehicle and traffic law has been imposed pursuant to law, collected, or is to be collected by probation or corrections or other officials. The form, manner and frequency of such reports shall be determined by the commissioner of the division of criminal justice services after consultation with the chief administrator of the courts and the commissioner of the department of motor vehicles.

§ 19. Subdivisions 1, 2, 4 and 5 of section 420.40 of the criminal procedure law, as amended by section 8 of part F of chapter 62 of the laws of 2003, are amended to read as follows:

1. Applicability. The procedure specified in this section governs the deferral of the obligation to pay all or part of a mandatory **felony** surcharge, sex offender registration fee or DNA databank fee imposed pursuant to subdivision one of section 60.35 of the penal law and financial hardship hearings relating to mandatory **felony** surcharges.

2. On an appearance date set forth in a summons issued pursuant to subdivision three of section 60.35 of the penal law, section eighteen hundred nine of the vehicle and traffic law or section 27.12 of the parks, recreation and historic preservation law, a person upon whom a mandatory **felony** surcharge, sex offender registration fee or DNA databank fee was levied shall have an opportunity to present on the record credible and verifiable information establishing that the mandatory **felony** surcharge, sex offender registration fee or DNA databank fee should be deferred, in whole or in part, because, due to the indigence of such person the payment of said surcharge, sex offender registration fee or DNA databank fee would work an unreasonable hardship on the person or his or her immediate family.

4. Where a court determines that it will defer part or all of a mandatory **felony** surcharge, sex offender registration fee or DNA databank fee imposed pursuant to subdivision one of section 60.35 of the penal law, a statement of such finding and of the facts upon which it is based shall be made part of the record.

5. A court which defers a person's obligation to pay a mandatory **felony** surcharge, sex offender registration fee or DNA databank fee imposed pursuant to subdivision one of section 60.35 of the penal law shall do so in a written order. Such order shall not excuse the person from the obligation to pay the surcharge, sex offender registration fee or DNA databank fee. Rather, the court's order shall direct the filing of a certified copy of the order with the county clerk of the county in which the court is situate except where the court which issues such order is the supreme court in which case the order itself shall be filed by the clerk of the court acting in his or her capacity as the county clerk of the county in which the court is situate. Such order shall be entered by the county clerk in the same manner as a judgment in a civil action in accordance with subdivision (a) of rule five thousand sixteen of the civil practice law and rules. The order shall direct that any unpaid balance of the mandatory **felony** surcharge, sex offender registration fee

or DNA databank fee may be collected in the same manner as a civil judgment. The entered order shall be deemed to constitute a judgment-roll as defined in [~~section~~] rule five thousand seventeen of the civil practice law and rules and immediately after entry of the order, the county clerk shall docket the entered order as a money judgment pursuant to section five thousand eighteen of such law and rules.

§ 20. Section 26 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 26. Establishment of commissaries or canteens in correctional institutions. 1. The commissioner may authorize the head of any institution in the department to establish a commissary or a canteen in such institution for the use and benefit of incarcerated individuals. The moneys received by the head of the institution as profits from the sales of the commissary or canteen shall be deposited in a special fund to be known as the commissary or canteen fund and such funds shall be used for the general purposes of the institution subject to the provisions of section fifty-three of the state finance law.

2. The commissioner shall not impose or collect any fees related to commissary transactions from incarcerated individuals including, transaction fees for purchases made at the commissary by or on behalf of an incarcerated individual, and any service charges or handling fees for the delivery of goods from the commissary.

§ 21. The correction law is amended by adding a new section 500-q to read as follows:

§ 500-q. Commissary fee elimination. The sheriff shall not impose or collect any fees related to commissary transactions from incarcerated individuals including, transaction fees for purchases made at the commissary by or on behalf of an incarcerated individual, and any service charges or handling fees for the delivery of goods from the commissary.

§ 22. Paragraph (a) of subdivision 1 of section 1197 of the vehicle and traffic law, as amended by chapter 532 of the laws of 2023, is amended to read as follows:

(a) Where a county establishes a special traffic options program for driving while intoxicated, pursuant to this section, it shall receive fines and forfeitures collected by any court, judge, magistrate or other officer within that county, including, where appropriate, a hearing officer acting on behalf of the commissioner: (1) imposed for violations of subparagraphs (ii) and (iii) of paragraph (a) of subdivision two or subparagraph (i) of paragraph (a) of subdivision three of section five hundred eleven of this chapter; (2) imposed in accordance with the provisions of section eleven hundred ninety-three and civil penalties imposed pursuant to subdivision two of section eleven hundred ninety-four-a of this article, including, where appropriate, a hearing officer acting on behalf of the commissioner, from violations of sections eleven hundred ninety-two, eleven hundred ninety-two-a and findings made under section eleven hundred ninety-four-a of this article; and (3) imposed upon a conviction for: aggravated vehicular assault, pursuant to section 120.04-a of the penal law; vehicular assault in the first degree, pursuant to section 120.04 of the penal law; vehicular assault in the second degree, pursuant to section 120.03 of the penal law; aggravated vehicular homicide, pursuant to section 125.14 of the penal law; vehicular manslaughter in the first degree, pursuant to section 125.13 of the penal law; and vehicular manslaughter in the second degree, pursuant to section 125.12 of the penal law, as provided in section eighteen hundred three of this chapter. [~~In addition, any~~

~~surcharges imposed pursuant to section eighteen hundred nine-c and paragraph b of subdivision one of section eighteen hundred nine-e of this chapter shall be paid to such county in such manner and for such purposes as provided for in this section.~~] Upon receipt of these moneys, the county shall deposit them in a separate account entitled "special traffic options program for driving while intoxicated" and they shall be under the exclusive care, custody and control of the chief fiscal officer of each county participating in the program.

§ 23. Paragraph a of subdivision 9 of section 1803 of the vehicle and traffic law, as amended by chapter 532 of the laws of 2023, is amended to read as follows:

a. Where a county establishes a special traffic options program for driving while intoxicated, approved by the commissioner, pursuant to section eleven hundred ninety-seven of this chapter, all fines, penalties and forfeitures: (1) imposed and collected for violations of subparagraphs (ii) and (iii) of paragraph (a) of subdivision two or subparagraph (i) of paragraph (a) of subdivision three of section five hundred eleven of this chapter; (2) imposed and collected in accordance with section eleven hundred ninety-three of this chapter for violations of section eleven hundred ninety-two of this chapter; (3) collected by any court, judge, magistrate or other officer imposed upon a conviction for: aggravated vehicular assault, pursuant to section 120.04-a of the penal law; vehicular assault in the first degree, pursuant to section 120.04 of the penal law; vehicular assault in the second degree, pursuant to section 120.03 of the penal law; aggravated vehicular homicide, pursuant to section 125.14 of the penal law; vehicular manslaughter in the first degree, pursuant to section 125.13 of the penal law; and vehicular manslaughter in the second degree, pursuant to section 125.12 of the penal law; and (4) civil penalties imposed pursuant to subdivision two of section eleven hundred ninety-four-a of this chapter, shall be paid to such county. [~~In addition, any surcharges imposed pursuant to section eighteen hundred nine-c and paragraph b of subdivision one of section eighteen hundred nine-e of this chapter shall be paid to such county in such manner and for such purposes as provided for in section eleven hundred ninety-seven of this chapter.~~]

§ 24. Section 837-j of the executive law, as added by chapter 166 of the laws of 1991, is amended to read as follows:

§ 837-j. Parking violations enforcement and disposition program. 1. [~~The commissioner and the commissioner of the department of motor vehicles may enter into an agreement to effect the enhanced collection of the mandatory surcharges imposed pursuant to section eighteen hundred nine-a of the vehicle and traffic law. The terms of such agreement shall authorize the exchange between the division and the department of motor vehicles of information concerning outstanding fines, penalties and unpaid mandatory surcharges and identification information concerning persons with adjudicated parking violations subject to the imposition of such fines, penalties and mandatory surcharges.~~

~~2. The commissioner and the commissioner of the department of motor vehicles shall enter into any necessary joint enforcement agreements, which agreements shall be consistent with any agreement authorized by subdivision one of this section.~~

~~3.~~] The commissioner of the department of motor vehicles shall be authorized to cooperate with traffic and law enforcement agencies of other states and of the United States, to obtain and furnish any assistance or information necessary for the enforcement and collection of

fines[~~,~~] and penalties [~~and mandatory surcharges~~] for parking violations.

[~~4.~~] 2. The commissioner, in consultation with the commissioner of the department of motor vehicles shall promulgate such rules and regulations as may be necessary to effect the purposes of this section.

§ 25. Section 1809-a of the vehicle and traffic law is REPEALED.

§ 26. Section 1809-aa of the vehicle and traffic law is REPEALED.

§ 27. Section 1809-b of the vehicle and traffic law is REPEALED.

§ 28. Section 1809-c of the vehicle and traffic law is REPEALED.

§ 29. Section 1809-d of the vehicle and traffic law is REPEALED.

§ 30. Section 1809-e of the vehicle and traffic law is REPEALED.

§ 31. This act shall take effect one year after it shall have become a law; provided, however, that:

(a) the amendments to paragraphs (a) and (b) of subdivision 1 of section 1809 of the vehicle and traffic law made by section two of this act shall only take effect if such paragraphs as amended by section 2 of part DD of chapter 56 of the laws of 2008 are in effect on the effective date of this act and such amendments shall be subject to the expiration and reversion of such paragraphs pursuant to subdivision (p) of section 406 of chapter 166 of the laws of 1991, as amended, when upon such date the provisions of section two-a of this act shall take effect;

(b) the amendments made to paragraphs (a) and (b) of subdivision 1 of section 1809 of the vehicle and traffic law made by section two-a of this act shall not affect the expiration of such paragraphs and shall be deemed expired therewith;

(c) the amendments to subdivision 2 of section 1809 of the vehicle and traffic law made by section three of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision (p) of section 406 of chapter 166 of the laws of 1991, as amended, when upon such date the provisions of section three-a of this act shall take effect;

(d) the amendments to paragraph (a) of subdivision 2 of section 259-i of the executive law made by section five of this act shall be subject to the expiration and reversion of such subdivision when upon such date the provisions of section five-a of this act shall take effect;

(e) if chapter 532 of the laws of 2023 shall not have taken effect on or before such date, then sections twenty-two and twenty-three of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2023 takes effect; and

(f) the amendments to section 837-j of the executive law made by section twenty-four of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART III

Section 1. Paragraph (b) of subdivision 3 of section 10 of the workers' compensation law, as added by section 1 of subpart I of part NNN of chapter 59 of the laws of 2017, is amended to read as follows:

(b) Where a [~~police officer or firefighter subject to section thirty of this article, or emergency medical technician, paramedic, or other person certified to provide medical care in emergencies, or emergency dispatcher~~] worker files a claim for mental injury premised upon extraordinary work-related stress incurred [~~in a work-related emergency~~] at work, the board may not disallow the claim[~~,~~] upon a factual finding that the stress was not greater than that which usually occurs in the normal work environment.

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

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

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