

STATE OF NEW YORK

S. 4006--C

A. 3006--C

SENATE - ASSEMBLY

February 1, 2023

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

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

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

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

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

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

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

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

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state education, labor, housing and family
3 assistance budget for the 2023-2024 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through VV. The
5 effective date for each particular provision contained within such Part
6 is set forth in the last section of such Part. Any provision in any
7 section contained within a Part, including the effective date of the
8 Part, which makes a reference to a section "of this act", when used in
9 connection with that particular component, shall be deemed to mean and
10 refer to the corresponding section of the Part in which it is found.
11 Section three of this act sets forth the general effective date of this
12 act.

1

PART A

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

5 e. Notwithstanding paragraphs a and b of this subdivision, a school
6 district that submitted a contract for excellence for the two thousand
7 eight--two thousand nine school year shall submit a contract for excel-
8 lence for the two thousand nine--two thousand ten school year in
9 conformity with the requirements of subparagraph (vi) of paragraph a of
10 subdivision two of this section unless all schools in the district are
11 identified as in good standing and provided further that, a school
12 district that submitted a contract for excellence for the two thousand
13 nine--two thousand ten school year, unless all schools in the district
14 are identified as in good standing, shall submit a contract for excel-
15 lence for the two thousand eleven--two thousand twelve school year which
16 shall, notwithstanding the requirements of subparagraph (vi) of para-
17 graph a of subdivision two of this section, provide for the expenditure
18 of an amount which shall be not less than the product of the amount
19 approved by the commissioner in the contract for excellence for the two
20 thousand nine--two thousand ten school year, multiplied by the
21 district's gap elimination adjustment percentage and provided further
22 that, a school district that submitted a contract for excellence for the
23 two thousand eleven--two thousand twelve school year, unless all schools
24 in the district are identified as in good standing, shall submit a
25 contract for excellence for the two thousand twelve--two thousand thir-
26 teen school year which shall, notwithstanding the requirements of
27 subparagraph (vi) of paragraph a of subdivision two of this section,
28 provide for the expenditure of an amount which shall be not less than
29 the amount approved by the commissioner in the contract for excellence
30 for the two thousand eleven--two thousand twelve school year and
31 provided further that, a school district that submitted a contract for
32 excellence for the two thousand twelve--two thousand thirteen school
33 year, unless all schools in the district are identified as in good
34 standing, shall submit a contract for excellence for the two thousand
35 thirteen--two thousand fourteen school year which shall, notwithstanding
36 the requirements of subparagraph (vi) of paragraph a of subdivision two
37 of this section, provide for the expenditure of an amount which shall be
38 not less than the amount approved by the commissioner in the contract
39 for excellence for the two thousand twelve--two thousand thirteen school
40 year and provided further that, a school district that submitted a
41 contract for excellence for the two thousand thirteen--two thousand
42 fourteen school year, unless all schools in the district are identified
43 as in good standing, shall submit a contract for excellence for the two
44 thousand fourteen--two thousand fifteen school year which shall,
45 notwithstanding the requirements of subparagraph (vi) of paragraph a of
46 subdivision two of this section, provide for the expenditure of an
47 amount which shall be not less than the amount approved by the commis-
48 sioner in the contract for excellence for the two thousand thirteen--two
49 thousand fourteen school year; and provided further that, a school
50 district that submitted a contract for excellence for the two thousand
51 fourteen--two thousand fifteen school year, unless all schools in the
52 district are identified as in good standing, shall submit a contract for
53 excellence for the two thousand fifteen--two thousand sixteen school
54 year which shall, notwithstanding the requirements of subparagraph (vi)
55 of paragraph a of subdivision two of this section, provide for the

1 expenditure of an amount which shall be not less than the amount
2 approved by the commissioner in the contract for excellence for the two
3 thousand fourteen--two thousand fifteen school year; and provided
4 further that a school district that submitted a contract for excellence
5 for the two thousand fifteen--two thousand sixteen school year, unless
6 all schools in the district are identified as in good standing, shall
7 submit a contract for excellence for the two thousand sixteen--two thou-
8 sand seventeen school year which shall, notwithstanding the requirements
9 of subparagraph (vi) of paragraph a of subdivision two of this section,
10 provide for the expenditure of an amount which shall be not less than
11 the amount approved by the commissioner in the contract for excellence
12 for the two thousand fifteen--two thousand sixteen school year; and
13 provided further that, a school district that submitted a contract for
14 excellence for the two thousand sixteen--two thousand seventeen school
15 year, unless all schools in the district are identified as in good
16 standing, shall submit a contract for excellence for the two thousand
17 seventeen--two thousand eighteen school year which shall, notwithstand-
18 ing the requirements of subparagraph (vi) of paragraph a of subdivision
19 two of this section, provide for the expenditure of an amount which
20 shall be not less than the amount approved by the commissioner in the
21 contract for excellence for the two thousand sixteen--two thousand
22 seventeen school year; and provided further that a school district that
23 submitted a contract for excellence for the two thousand seventeen--two
24 thousand eighteen school year, unless all schools in the district are
25 identified as in good standing, shall submit a contract for excellence
26 for the two thousand eighteen--two thousand nineteen school year which
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the amount approved by the
30 commissioner in the contract for excellence for the two thousand seven-
31 teen--two thousand eighteen school year; and provided further that, a
32 school district that submitted a contract for excellence for the two
33 thousand eighteen--two thousand nineteen school year, unless all schools
34 in the district are identified as in good standing, shall submit a
35 contract for excellence for the two thousand nineteen--two thousand
36 twenty school year which shall, notwithstanding the requirements of
37 subparagraph (vi) of paragraph a of subdivision two of this section,
38 provide for the expenditure of an amount which shall be not less than
39 the amount approved by the commissioner in the contract for excellence
40 for the two thousand eighteen--two thousand nineteen school year; and
41 provided further that, a school district that submitted a contract for
42 excellence for the two thousand nineteen--two thousand twenty school
43 year, unless all schools in the district are identified as in good
44 standing, shall submit a contract for excellence for the two thousand
45 twenty--two thousand twenty-one school year which shall, notwithstanding
46 the requirements of subparagraph (vi) of paragraph a of subdivision two
47 of this section, provide for the expenditure of an amount which shall be
48 not less than the amount approved by the commissioner in the contract
49 for excellence for the two thousand nineteen--two thousand twenty school
50 year; and provided further that, a school district that submitted a
51 contract for excellence for the two thousand twenty--two thousand twen-
52 ty-one school year, unless all schools in the district are identified as
53 in good standing, shall submit a contract for excellence for the two
54 thousand twenty-one--two thousand twenty-two school year which shall,
55 notwithstanding the requirements of subparagraph (vi) of paragraph a of
56 subdivision two of this section, provide for the expenditure of an

1 amount which shall be not less than the amount approved by the commis-
2 sioner in the contract for excellence for the two thousand twenty--two
3 thousand twenty-one school year; and provided further that, a school
4 district that submitted a contract for excellence for the two thousand
5 twenty-one--two thousand twenty-two school year, unless all schools in
6 the district are identified as in good standing, shall submit a contract
7 for excellence for the two thousand twenty-two--two thousand twenty-
8 three school year which shall, notwithstanding the requirements of
9 subparagraph (vi) of paragraph a of subdivision two of this section,
10 provide for the expenditure of an amount which shall be not less than
11 the amount approved by the commissioner in the contract for excellence
12 for the two thousand twenty-one--two thousand twenty-two school year;
13 and provided further that, a school district that submitted a contract
14 for excellence for the two thousand twenty-two--two thousand twenty-
15 three school year, unless all schools in the district are identified as
16 in good standing, shall submit a contract for excellence for the two
17 thousand twenty-three--two thousand twenty-four school year which shall,
18 notwithstanding the requirements of subparagraph (vi) of paragraph a of
19 subdivision two of this section, provide for the expenditure of an
20 amount which shall be not less than the amount approved by the commis-
21 sioner in the contract for excellence for the two thousand twenty-two--
22 two thousand twenty-three school year; provided, however, that, in a
23 city school district in a city having a population of one million or
24 more, notwithstanding the requirements of subparagraph (vi) of paragraph
25 a of subdivision two of this section, the contract for excellence shall
26 provide for the expenditure as set forth in subparagraph (v) of para-
27 graph a of subdivision two of this section. For purposes of this para-
28 graph, the "gap elimination adjustment percentage" shall be calculated
29 as the sum of one minus the quotient of the sum of the school district's
30 net gap elimination adjustment for two thousand ten--two thousand eleven
31 computed pursuant to chapter fifty-three of the laws of two thousand
32 ten, making appropriations for the support of government, plus the
33 school district's gap elimination adjustment for two thousand eleven--
34 two thousand twelve as computed pursuant to chapter fifty-three of the
35 laws of two thousand eleven, making appropriations for the support of
36 the local assistance budget, including support for general support for
37 public schools, divided by the total aid for adjustment computed pursu-
38 ant to chapter fifty-three of the laws of two thousand eleven, making
39 appropriations for the local assistance budget, including support for
40 general support for public schools. Provided, further, that such amount
41 shall be expended to support and maintain allowable programs and activ-
42 ities approved in the two thousand nine--two thousand ten school year or
43 to support new or expanded allowable programs and activities in the
44 current year.

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

47 k. Foundation aid payable in the two thousand twenty-three--two thou-
48 sand twenty-four school year. Notwithstanding any provision of law to
49 the contrary, foundation aid payable in the two thousand twenty-three--
50 two thousand twenty-four school year shall be equal to the sum of the
51 total foundation aid base computed pursuant to paragraph j of subdivi-
52 sion one of this section plus the greater of (a) the positive differ-
53 ence, if any, of (i) total foundation aid computed pursuant to paragraph
54 a of this subdivision less (ii) the total foundation aid base computed
55 pursuant to paragraph j of subdivision one of this section, or (b) the
56 product of three hundredths (0.03) multiplied by the total foundation

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

3 § 3. Intentionally omitted.

4 § 3-a. The education law is amended by adding a new section 925 to
5 read as follows:

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

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

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

38 § 4-a. Subdivision 2 of section 2852 of the education law, as amended
39 by section 2 of part D-2 of chapter 57 of the laws of 2007, is amended
40 to read as follows:

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

43 (a) the charter school described in the application meets the require-
44 ments set out in this article and all other applicable laws, rules and
45 regulations;

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

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

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

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

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

10 § 5. Paragraph c of subdivision 1 of section 3602 of the education
11 law, as amended by section 11 of part B of chapter 57 of the laws of
12 2007, is amended to read as follows:

13 c. "Actual valuation" shall mean the valuation of taxable real proper-
14 ty in a school district obtained by taking the assessed valuation of
15 taxable real property within such district as it appears upon the
16 assessment roll of the town, city, village, or county in which such
17 property is located, for the calendar year two years prior to the calen-
18 dar year in which the base year commenced, after revision as provided by
19 law, plus any assessed valuation that was exempted from taxation pursu-
20 ant to the class one reassessment exemption authorized by section four
21 hundred eighty-five-u of the real property tax law or the residential
22 revaluation exemption authorized by section four hundred eighty-five-v
23 of such law as added by chapter five hundred sixty of the laws of two
24 thousand twenty-one, and dividing it by the state equalization rate as
25 determined by the [~~state board of equalization and assessment~~] commis-
26 sioner of taxation and finance, for the assessment roll of such town,
27 city, village, or county completed during such preceding calendar year.
28 The actual valuation of a central high school district shall be the sum
29 of such valuations of its component districts. Such actual valuation
30 shall include any actual valuation equivalent of payments in lieu of
31 taxes determined pursuant to section four hundred eighty-five of the
32 real property tax law. "Selected actual valuation" shall mean the lesser
33 of actual valuation calculated for aid payable in the current year or
34 the two-year average of the actual valuation calculated for aid payable
35 in the current year and the actual valuation calculated for aid payable
36 in the base year.

37 § 6. Paragraph d of subdivision 1 of section 3602 of the education
38 law, as amended by section 11 of part B of chapter 57 of the laws of
39 2007, is amended to read as follows:

40 d. "Average daily attendance" shall mean the total number of attend-
41 ance days of pupils in a public school of a school district in kinder-
42 garten through grade twelve, or equivalent ungraded programs, plus the
43 total number of instruction days for such pupils receiving homebound
44 instruction including pupils receiving [~~instruction through a two-way~~
45 ~~telephone communication system~~] remote instruction as defined in the
46 regulations of the commissioner, divided by the number of days the
47 district school was in session as provided in this section. The attend-
48 ance of pupils with disabilities attending under the provisions of para-
49 graph c of subdivision two of section forty-four hundred one of this
50 chapter shall be added to average daily attendance.

51 § 7. Paragraph 1 of subdivision 1 of section 3602 of the education
52 law, as amended by section 11 of part B of chapter 57 of the laws of
53 2007, is amended to read as follows:

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

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

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

23 For the two thousand eight--two thousand nine school year, each school
24 district shall be entitled to an apportionment equal to the product of
25 fifteen percent and the additional apportionment computed pursuant to
26 this subdivision for the two thousand seven--two thousand eight school
27 year. For the two thousand nine--two thousand ten [~~through two thousand~~
28 ~~twenty-two two thousand twenty-three~~] school [~~years~~] year and thereaft-
29 er each school district shall be entitled to an apportionment equal to
30 the amount set forth for such school district as "SUPPLEMENTAL PUB
31 EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school
32 aid computer listing produced by the commissioner in support of the
33 budget for the two thousand nine--two thousand ten school year and enti-
34 tled "SA0910".

35 § 9. Paragraph b of subdivision 6-c of section 3602 of the education
36 law, as amended by section 11 of part CCC of chapter 59 of the laws of
37 2018, is amended to read as follows:

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

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

3 § 10. Paragraph i of subdivision 12 of section 3602 of the education
4 law, as amended by section 15 of part A of chapter 56 of the laws of
5 2022, is amended to read as follows:

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

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

20 Each school district shall be eligible to receive a high tax aid
21 apportionment in the two thousand eight--two thousand nine school year,
22 which shall equal the greater of (i) the sum of the tier 1 high tax aid
23 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
24 tax aid apportionment or (ii) the product of the apportionment received
25 by the school district pursuant to this subdivision in the two thousand
26 seven--two thousand eight school year, multiplied by the due-minimum
27 factor, which shall equal, for districts with an alternate pupil wealth
28 ratio computed pursuant to paragraph b of subdivision three of this
29 section that is less than two, seventy percent (0.70), and for all other
30 districts, fifty percent (0.50). Each school district shall be eligible
31 to receive a high tax aid apportionment in the two thousand nine--two
32 thousand ten through two thousand twelve--two thousand thirteen school
33 years in the amount set forth for such school district as "HIGH TAX AID"
34 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
35 listing produced by the commissioner in support of the budget for the
36 two thousand nine--two thousand ten school year and entitled "SA0910".
37 Each school district shall be eligible to receive a high tax aid appor-
38 tionment in the two thousand thirteen--two thousand fourteen through two
39 thousand ~~[twenty-two]~~ twenty-three--two thousand ~~[twenty-three]~~ twenty-
40 four school years equal to the greater of (1) the amount set forth for
41 such school district as "HIGH TAX AID" under the heading "2008-09 BASE
42 YEAR AIDS" in the school aid computer listing produced by the commis-
43 sioner in support of the budget for the two thousand nine--two thousand
44 ten school year and entitled "SA0910" or (2) the amount set forth for
45 such school district as "HIGH TAX AID" under the heading "2013-14 ESTI-
46 MATED AIDS" in the school aid computer listing produced by the commis-
47 sioner in support of the executive budget for the 2013-14 fiscal year
48 and entitled "BT131-4".

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

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

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

21 § 12-a. Section 408 of the education law is amended by adding a new
22 subdivision 7 to read as follows:

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

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

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

31 (i) The universal prekindergarten expansion for the two thousand twen-
32 ty-three--two thousand twenty-four school year shall be equal to twice
33 the product of (1) expansion slots multiplied by (2) selected aid per
34 prekindergarten pupil calculated pursuant to subparagraph (i) of para-
35 graph b of subdivision ten of this section for the two thousand twenty-
36 three--two thousand twenty-four school year.

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

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

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

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

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

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

1 licensed by an agency other than the department, to meet the staff qual-
2 ifications prescribed by the licensing or registering agency.

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

6 (c) for eligible agencies as defined in paragraph b of subdivision one
7 of section thirty-six hundred two-e of this part that are not schools, a
8 bachelor's degree in early childhood education. Provided however, begin-
9 ning with the two thousand twenty-two--two thousand twenty-three school
10 year, a school district may annually apply to the commissioner by
11 [~~August~~] September first of the current school year for a waiver that
12 would allow personnel employed by an eligible agency that is collaborat-
13 ing with a school district to provide prekindergarten services and
14 licensed by an agency other than the department, to meet the staff qual-
15 ifications prescribed by the licensing or registering agency. Provided
16 further that the commissioner shall annually submit a report by [~~Septem-~~
17 ~~ber~~] November first to the chairperson of the assembly ways and means
18 committee, the chairperson of the senate finance committee and the
19 director of the budget which shall include but not be limited to the
20 following: (a) a listing of the school districts receiving a waiver
21 pursuant to this paragraph from the commissioner for the current school
22 year; (b) the number and proportion of students within each district
23 receiving a waiver pursuant to this paragraph for the current school
24 year that are receiving instruction from personnel employed by an eligi-
25 ble agency that is collaborating with a school district to provide prek-
26 indergarten services and licensed by an agency other than the depart-
27 ment; and (c) the number and proportion of total prekindergarten
28 personnel for each school district that are providing instructional
29 services pursuant to this paragraph that are employed by an eligible
30 agency that is collaborating with a school district to provide prekin-
31 dergarten services and licensed by an agency other than the department,
32 to meet the staff qualifications prescribed by the licensing or regis-
33 tering agency.

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

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

41 § 17. Intentionally omitted.

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

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

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

26 § 18-a. Subdivision 4 of section 3627 of the education law, as amended
27 by section 11-b of part A of chapter 56 of the laws of 2022, is amended
28 to read as follows:

29 4. Notwithstanding any other provision of law to the contrary, any
30 expenditures for transportation provided pursuant to this section in the
31 two thousand thirteen--two thousand fourteen school year and thereafter
32 and otherwise eligible for transportation aid pursuant to subdivision
33 seven of section thirty-six hundred two of this article shall be consid-
34 ered approved transportation expenses eligible for transportation aid,
35 provided further that for the two thousand thirteen--two thousand four-
36 teen school year such aid shall be limited to eight million one hundred
37 thousand dollars and for the two thousand fourteen--two thousand fifteen
38 school year such aid shall be limited to the sum of twelve million six
39 hundred thousand dollars plus the base amount and for the two thousand
40 fifteen--two thousand sixteen school year through two thousand eigh-
41 teen--two thousand nineteen school year such aid shall be limited to the
42 sum of eighteen million eight hundred fifty thousand dollars plus the
43 base amount and for the two thousand nineteen--two thousand twenty
44 school year such aid shall be limited to the sum of nineteen million
45 three hundred fifty thousand dollars plus the base amount and for the
46 two thousand twenty--two thousand twenty-one school year such aid shall
47 be limited to the sum of nineteen million eight hundred fifty thousand
48 dollars plus the base amount and for the two thousand twenty-two--two
49 thousand twenty-three school year [~~and thereafter~~] such aid shall be
50 limited to the sum of twenty-two million three hundred fifty thousand
51 dollars plus the base amount and for the two thousand twenty-three--two
52 thousand twenty-four school year and thereafter such aid shall be limit-
53 ed to the sum of twenty-four million eight hundred fifty thousand
54 dollars plus the base amount. For purposes of this subdivision, "base
55 amount" means the amount of transportation aid paid to the school
56 district for expenditures incurred in the two thousand twelve--two thou-

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

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

10 7. Beginning in the two thousand twenty-four--two thousand twenty-five
11 school year, every school district shall annually submit to the commis-
12 sioner a progress report on the implementation of zero-emission school
13 buses as required under this section in a format prescribed by the
14 commissioner and approved by the director of the budget. The report
15 shall include, but not be limited to, (i) sufficiency of the school
16 district's electric infrastructure to support anticipated electrical
17 needs, (ii) the availability and installation of charging or fueling
18 stations and other components and capital infrastructure required to
19 support the transition to and full implementation of zero-emission
20 school buses, (iii) whether the workforce development report pursuant to
21 paragraph (c) of subdivision five of this section has been created and
22 implemented, (iv) the number and proportion of zero-emission school
23 buses the school district or any contractor providing transportation
24 services is utilizing in the current school year, and (v) the number and
25 proportion of zero-emission school buses purchased or leased by the
26 school district or any contractor providing transportation services in
27 the current school year and the total anticipated number for the next
28 two years. The progress report shall be due on or before August first of
29 each year. Beginning October first, two thousand twenty-four, the
30 commissioner shall annually submit a report to the governor, the tempo-
31 rary president of the senate and the speaker of the assembly on the
32 progress of implementation of zero-emission school buses as reported by
33 the school districts.

34 § 19-a. Subdivision 23 of section 1854 of the public authorities law,
35 as added by section 1 of subpart B of part B of chapter 56 of the laws
36 of 2022, is amended to read as follows:

37 23. No later than December thirty-first, two thousand [~~twenty-six~~]
38 twenty-five, and annually thereafter, the authority shall issue a report
39 on the availability of zero-emission school buses and charging or fuel-
40 ing infrastructure that meet the criteria established in subdivision two
41 of section thirty-six hundred thirty-eight of the education law. The
42 authority shall provide technical assistance to school districts, upon
43 request, in pursuing state and federal grants and other funding opportu-
44 nities to support the purchase and contracting requirements set forth in
45 subdivision two of section thirty-six hundred thirty-eight of the educa-
46 tion law.

47 § 20. Subdivision b of section 2 of chapter 756 of the laws of 1992
48 relating to funding a program for work force education conducted by the
49 consortium for worker education in New York city, as amended by section
50 20 of part A of chapter 56 of the laws of 2022, is amended to read as
51 follows:

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

1 percent of the lesser of such approvable costs per contact hour or
2 fifteen dollars sixty cents per contact hour, reimbursement for the
3 2020--2021 school year shall not exceed 56.9 percent of the lesser of
4 such approvable costs per contact hour or sixteen dollars and twenty-
5 five cents per contact hour, reimbursement for the 2021--2022 school
6 year shall not exceed 56.0 percent of the lesser of such approvable
7 costs per contact hour or sixteen dollars and forty cents per contact
8 hour, ~~and~~ reimbursement for the 2022--2023 school year shall not
9 exceed 55.7 percent of the lesser of such approvable costs per contact
10 hour or sixteen dollars and sixty cents per contact hour, and reimburse-
11 ment for the 2023--2024 school year shall not exceed 54.7 percent of the
12 lesser of such approvable costs per contact hour or seventeen dollars
13 and seventy cents per contact hour, and where a contact hour represents
14 sixty minutes of instruction services provided to an eligible adult.
15 Notwithstanding any other provision of law to the contrary, for the
16 2018--2019 school year such contact hours shall not exceed one million
17 four hundred sixty-three thousand nine hundred sixty-three (1,463,963);
18 for the 2019--2020 school year such contact hours shall not exceed one
19 million four hundred forty-four thousand four hundred forty-four
20 (1,444,444); for the 2020--2021 school year such contact hours shall not
21 exceed one million four hundred six thousand nine hundred twenty-six
22 (1,406,926); for the 2021--2022 school year such contact hours shall not
23 exceed one million four hundred sixteen thousand one hundred twenty-two
24 (1,416,122); ~~and~~ for the 2022--2023 school year such contact hours
25 shall not exceed one million four hundred six thousand nine hundred
26 twenty-six (1,406,926); and for the 2023--2024 school year such contact
27 hours shall not exceed one million three hundred forty-two thousand nine
28 hundred seventy-five (1,342,975). Notwithstanding any other provision of
29 law to the contrary, the apportionment calculated for the city school
30 district of the city of New York pursuant to subdivision 11 of section
31 3602 of the education law shall be computed as if such contact hours
32 provided by the consortium for worker education, not to exceed the
33 contact hours set forth herein, were eligible for aid in accordance with
34 the provisions of such subdivision 11 of section 3602 of the education
35 law.

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

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

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

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

54 § 22-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
55 tion law, as amended by section 22-a of part A of chapter 56 of the laws
56 of 2022, is amended to read as follows:

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

§ 23. Intentionally omitted.

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

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

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

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

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

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

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

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

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

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

18 § 28. Intentionally omitted.

19 § 29. Special apportionment for salary expenses. 1. Notwithstanding
20 any other provision of law, upon application to the commissioner of
21 education, not sooner than the first day of the second full business
22 week of June 2024 and not later than the last day of the third full
23 business week of June 2024, a school district eligible for an apportion-
24 ment pursuant to section 3602 of the education law shall be eligible to
25 receive an apportionment pursuant to this section, for the school year
26 ending June 30, 2024, for salary expenses incurred between April 1 and
27 June 30, 2023 and such apportionment shall not exceed the sum of (a) the
28 deficit reduction assessment of 1990--1991 as determined by the commis-
29 sioner of education, pursuant to paragraph f of subdivision 1 of section
30 3602 of the education law, as in effect through June 30, 1993, plus (b)
31 186 percent of such amount for a city school district in a city with a
32 population in excess of 1,000,000 inhabitants, plus (c) 209 percent of
33 such amount for a city school district in a city with a population of
34 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
35 ing to the latest federal census, plus (d) the net gap elimination
36 adjustment for 2010--2011, as determined by the commissioner of educa-
37 tion pursuant to chapter 53 of the laws of 2010, plus (e) the gap elimi-
38 nation adjustment for 2011--2012 as determined by the commissioner of
39 education pursuant to subdivision 17 of section 3602 of the education
40 law, and provided further that such apportionment shall not exceed such
41 salary expenses. Such application shall be made by a school district,
42 after the board of education or trustees have adopted a resolution to do
43 so and in the case of a city school district in a city with a population
44 in excess of 125,000 inhabitants, with the approval of the mayor of such
45 city.

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

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

6 3. Notwithstanding the provisions of section 3609-a of the education
7 law, an amount equal to the amount paid to a school district pursuant to
8 subdivisions 1 and 2 of this section shall first be deducted from the
9 following payments due the school district during the school year
10 following the year in which application was made pursuant to subpara-
11 graphs 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section
12 3609-a of the education law in the following order: the lottery appor-
13 tionment payable pursuant to subparagraph 2 of such paragraph followed
14 by the fixed fall payments payable pursuant to subparagraph 4 of such
15 paragraph and then followed by the district's payments to the teachers'
16 retirement system pursuant to subparagraph 1 of such paragraph, and any
17 remainder to be deducted from the individualized payments due the
18 district pursuant to paragraph b of such subdivision shall be deducted
19 on a chronological basis starting with the earliest payment due the
20 district.

21 § 30. Special apportionment for public pension accruals. 1. Notwith-
22 standing any other provision of law, upon application to the commission-
23 er of education, not later than June 30, 2024, a school district eligi-
24 ble for an apportionment pursuant to section 3602 of the education law
25 shall be eligible to receive an apportionment pursuant to this section,
26 for the school year ending June 30, 2024 and such apportionment shall
27 not exceed the additional accruals required to be made by school
28 districts in the 2004--2005 and 2005--2006 school years associated with
29 changes for such public pension liabilities. The amount of such addi-
30 tional accrual shall be certified to the commissioner of education by
31 the president of the board of education or the trustees or, in the case
32 of a city school district in a city with a population in excess of
33 125,000 inhabitants, the mayor of such city. Such application shall be
34 made by a school district, after the board of education or trustees have
35 adopted a resolution to do so and in the case of a city school district
36 in a city with a population in excess of 125,000 inhabitants, with the
37 approval of the mayor of such city.

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

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

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

13 § 30-a. Subdivision a of section 5 of chapter 121 of the laws of 1996
14 relating to authorizing the Roosevelt union free school district to
15 finance deficits by the issuance of serial bonds, as amended by section
16 30-a of part A of chapter 56 of the laws of 2022, is amended to read as
17 follows:

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

33 § 30-b. Certain apportionments payable to the Mount Vernon city school
34 district shall be paid on an accelerated schedule as follows:

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

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

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

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

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

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

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

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

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

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

15 1. for the development, maintenance or expansion of magnet schools or
16 magnet school programs for the 2023--2024 school year. For the city
17 school district of the city of New York there shall be a set-aside of
18 foundation aid equal to forty-eight million one hundred seventy-five
19 thousand dollars (\$48,175,000) including five hundred thousand dollars
20 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
21 school district, twenty-one million twenty-five thousand dollars
22 (\$21,025,000); for the Rochester city school district, fifteen million
23 dollars (\$15,000,000); for the Syracuse city school district, thirteen
24 million dollars (\$13,000,000); for the Yonkers city school district,
25 forty-nine million five hundred thousand dollars (\$49,500,000); for the
26 Newburgh city school district, four million six hundred forty-five thou-
27 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
28 two million four hundred seventy-five thousand dollars (\$2,475,000); for
29 the Mount Vernon city school district, two million dollars (\$2,000,000);
30 for the New Rochelle city school district, one million four hundred ten
31 thousand dollars (\$1,410,000); for the Schenectady city school district,
32 one million eight hundred thousand dollars (\$1,800,000); for the Port
33 Chester city school district, one million one hundred fifty thousand
34 dollars (\$1,150,000); for the White Plains city school district, nine
35 hundred thousand dollars (\$900,000); for the Niagara Falls city school
36 district, six hundred thousand dollars (\$600,000); for the Albany city
37 school district, three million five hundred fifty thousand dollars
38 (\$3,550,000); for the Utica city school district, two million dollars
39 (\$2,000,000); for the Beacon city school district, five hundred sixty-
40 six thousand dollars (\$566,000); for the Middletown city school
41 district, four hundred thousand dollars (\$400,000); for the Freeport
42 union free school district, four hundred thousand dollars (\$400,000);
43 for the Greenburgh central school district, three hundred thousand
44 dollars (\$300,000); for the Amsterdam city school district, eight
45 hundred thousand dollars (\$800,000); for the Peekskill city school
46 district, two hundred thousand dollars (\$200,000); and for the Hudson
47 city school district, four hundred thousand dollars (\$400,000).

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

1 3. The commissioner of education shall not be authorized to withhold
2 foundation aid from a school district that used such funds in accordance
3 with this subdivision, notwithstanding any inconsistency with a request
4 for proposals issued by such commissioner for the purpose of attendance
5 improvement and dropout prevention for the 2023--2024 school year, and
6 for any city school district in a city having a population of more than
7 one million, the set-aside for attendance improvement and dropout
8 prevention shall equal the amount set aside in the base year. For the
9 2023--2024 school year, it is further provided that any city school
10 district in a city having a population of more than one million shall
11 allocate at least one-third of any increase from base year levels in
12 funds set aside pursuant to the requirements of this section to communi-
13 ty-based organizations. Any increase required pursuant to this section
14 to community-based organizations must be in addition to allocations
15 provided to community-based organizations in the base year.

16 4. For the purpose of teacher support for the 2023--2024 school year:
17 for the city school district of the city of New York, sixty-two million
18 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
19 school district, one million seven hundred forty-one thousand dollars
20 (\$1,741,000); for the Rochester city school district, one million seven-
21 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
22 district, one million one hundred forty-seven thousand dollars
23 (\$1,147,000); and for the Syracuse city school district, eight hundred
24 nine thousand dollars (\$809,000). All funds made available to a school
25 district pursuant to this section shall be distributed among teachers
26 including prekindergarten teachers and teachers of adult vocational and
27 academic subjects in accordance with this section and shall be in addi-
28 tion to salaries heretofore or hereafter negotiated or made available;
29 provided, however, that all funds distributed pursuant to this section
30 for the current year shall be deemed to incorporate all funds distrib-
31 uted pursuant to former subdivision 27 of section 3602 of the education
32 law for prior years. In school districts where the teachers are repres-
33 ented by certified or recognized employee organizations, all salary
34 increases funded pursuant to this section shall be determined by sepa-
35 rate collective negotiations conducted pursuant to the provisions and
36 procedures of article 14 of the civil service law, notwithstanding the
37 existence of a negotiated agreement between a school district and a
38 certified or recognized employee organization.

39 § 32. Support of public libraries. The moneys appropriated for the
40 support of public libraries by a chapter of the laws of 2023 enacting
41 the aid to localities budget shall be apportioned for the 2023-2024
42 state fiscal year in accordance with the provisions of sections 271,
43 272, 273, 282, 284, and 285 of the education law as amended by the
44 provisions of such chapter and the provisions of this section, provided
45 that library construction aid pursuant to section 273-a of the education
46 law shall not be payable from the appropriations for the support of
47 public libraries and provided further that no library, library system or
48 program, as defined by the commissioner of education, shall receive less
49 total system or program aid than it received for the year 2001-2002
50 except as a result of a reduction adjustment necessary to conform to the
51 appropriations for support of public libraries.

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

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

5 § 32-a. Section 2 of chapter 498 of the laws of 2011 amending the
6 education law relating to the public library construction grant program,
7 as amended by chapter 192 of the laws of 2019, is amended to read as
8 follows:

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

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

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

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

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

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

38 2. Section twelve of this act shall expire and be deemed repealed June
39 30, 2026;

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

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

47 PART B

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

51 (4-a-1) Notwithstanding any law, rule, regulation or practice to the
52 contrary and following the review and approval of the chancellor of the
53 state university or his or her designee, the board of trustees may annu-
54 ally impose differential tuition rates on non-resident undergraduate and

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

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

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

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

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

[~~(4)~~] (1) attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

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

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

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

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

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

PART C

Intentionally Omitted

1 PART D

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

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

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

15 § 2. This act shall take effect immediately.

16 PART E

17 Intentionally Omitted

18 PART F

19 Intentionally Omitted

20 PART G

21 Intentionally Omitted

22 PART H

23 Intentionally Omitted

24 PART I

25 Intentionally Omitted

26 PART J

27 Intentionally Omitted

28 PART K

29 Intentionally Omitted

30 PART L

31 Intentionally Omitted

1 PART M

2 Intentionally Omitted

3 PART N

4 Intentionally Omitted

5 PART O

6 Intentionally Omitted

7 PART P

8 Intentionally Omitted

9 PART Q

10 Section 1. Notwithstanding any other provision of law, the housing
11 trust fund corporation may provide, for purposes of the neighborhood
12 preservation program, a sum not to exceed \$17,633,000 for the fiscal
13 year ending March 31, 2024. Within this total amount, \$250,000 shall be
14 used for the purpose of entering into a contract with the neighborhood
15 preservation coalition to provide technical assistance and services to
16 companies funded pursuant to article 16 of the private housing finance
17 law. Notwithstanding any other provision of law, and subject to the
18 approval of the New York state director of the budget, the board of
19 directors of the state of New York mortgage agency shall authorize the
20 transfer to the housing trust fund corporation, for the purposes of
21 reimbursing any costs associated with neighborhood preservation program
22 contracts authorized by this section, a total sum not to exceed
23 \$17,633,000, such transfer to be made from (i) the special account of
24 the mortgage insurance fund created pursuant to section 2429-b of the
25 public authorities law, in an amount not to exceed the actual excess
26 balance in the special account of the mortgage insurance fund, as deter-
27 mined and certified by the state of New York mortgage agency for the
28 fiscal year 2022-2023 in accordance with section 2429-b of the public
29 authorities law, if any, and/or (ii) provided that the reserves in the
30 project pool insurance account of the mortgage insurance fund created
31 pursuant to section 2429-b of the public authorities law are sufficient
32 to attain and maintain the credit rating (as determined by the state of
33 New York mortgage agency) required to accomplish the purposes of such
34 account, the project pool insurance account of the mortgage insurance
35 fund, such transfer to be made as soon as practicable but no later than
36 June 30, 2023.

37 § 2. Notwithstanding any other provision of law, the housing trust
38 fund corporation may provide, for purposes of the rural preservation
39 program, a sum not to exceed \$7,557,000 for the fiscal year ending March
40 31, 2024. Within this total amount, \$250,000 shall be used for the
41 purpose of entering into a contract with the rural housing coalition to
42 provide technical assistance and services to companies funded pursuant
43 to article 17 of the private housing finance law. Notwithstanding any

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

20 § 3. Notwithstanding any other provision of law, the housing trust
21 fund corporation may provide, for purposes of the rural rental assist-
22 ance program pursuant to article 17-A of the private housing finance
23 law, a sum not to exceed \$21,710,000 for the fiscal year ending March
24 31, 2024. Notwithstanding any other provision of law, and subject to
25 the approval of the New York state director of the budget, the board of
26 directors of the state of New York mortgage agency shall authorize the
27 transfer to the housing trust fund corporation, for the purposes of
28 reimbursing any costs associated with rural rental assistance program
29 contracts authorized by this section, a total sum not to exceed
30 \$21,710,000, such transfer to be made from (i) the special account of
31 the mortgage insurance fund created pursuant to section 2429-b of the
32 public authorities law, in an amount not to exceed the actual excess
33 balance in the special account of the mortgage insurance fund, as deter-
34 mined and certified by the state of New York mortgage agency for the
35 fiscal year 2022-2023 in accordance with section 2429-b of the public
36 authorities law, if any, and/or (ii) provided that the reserves in the
37 project pool insurance account of the mortgage insurance fund created
38 pursuant to section 2429-b of the public authorities law are sufficient
39 to attain and maintain the credit rating, as determined by the state of
40 New York mortgage agency, required to accomplish the purposes of such
41 account, the project pool insurance account of the mortgage insurance
42 fund, such transfer shall be made as soon as practicable but no later
43 than June 30, 2023.

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

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

15 § 5. This act shall take effect immediately.

16 PART R

17 Intentionally Omitted

18 PART S

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

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

25 \$9.70 on and after December 31, 2016,

26 \$10.40 on and after December 31, 2017,

27 \$11.10 on and after December 31, 2018,

28 \$11.80 on and after December 31, 2019,

29 \$12.50 on and after December 31, 2020,

30 and on each following December thirty-first up to and until December
31 31, 2022, a wage published by the commissioner on or before October
32 first, based on the then current minimum wage increased by a percentage
33 determined by the director of the budget in consultation with the
34 commissioner, with the result rounded to the nearest five cents, total-
35 ing no more than fifteen dollars, where the percentage increase shall be
36 based on indices including, but not limited to, (i) the rate of
37 inflation for the most recent twelve month period ending June of that
38 year based on the consumer price index for all urban consumers on a
39 national and seasonally unadjusted basis (CPI-U), or a successor index
40 as calculated by the United States department of labor, (ii) the rate of
41 state personal income growth for the prior calendar year, or a successor
42 index, published by the bureau of economic analysis of the United States
43 department of commerce, or (iii) wage growth; or, if greater, such other
44 wage as may be established by federal law pursuant to 29 U.S.C. section
45 206 or its successors or such other wage as may be established in
46 accordance with the provisions of this article.

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

49 1-a. Annual minimum wage from January 1, 2024 to December 31, 2026.

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

4 \$16.00 on and after January 1, 2024,

5 \$16.50 on and after January 1, 2025,

6 \$17.00 on and after January 1, 2026, or, if greater, such other wage
7 as may be established by federal law pursuant to 29 U.S.C. section
8 206 or its successors or such other wage as may be established in
9 accordance with the provisions of this article.

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

14 \$16.00 on and after January 1, 2024,

15 \$16.50 on and after January 1, 2025,

16 \$17.00 on and after January 1, 2026, or, if greater, such other wage
17 as may be established by federal law pursuant to 29 U.S.C. section
18 206 or its successors or such other wage as may be established in
19 accordance with the provisions of this article.

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

24 \$15.00 on and after January 1, 2024,

25 \$15.50 on and after January 1, 2025,

26 \$16.00 on and after January 1, 2026, or, if greater, such other wage
27 as may be established by federal law pursuant to 29 U.S.C. section 206
28 or its successors or such other wage as may be established in accordance
29 with the provisions of this article.

30 1-b. Annual minimum wage increase beginning on January first, two
31 thousand twenty-seven. (a) New York city. On and after January first,
32 two thousand twenty-seven, every employer regardless of size shall pay
33 to each of its employees for each hour worked in the city of New York, a
34 wage of not less than the adjusted minimum wage rate established annual-
35 ly by the commissioner. Such adjusted minimum wage rate shall be deter-
36 mined by increasing the then current year's minimum wage rate by the
37 rate of change in the average of the three most recent consecutive
38 twelve-month periods between the first of August and the thirty-first of
39 July, each over their preceding twelve-month periods published by the
40 United States department of labor non-seasonally adjusted consumer price
41 index for northeast region urban wage earners and clerical workers
42 (CPI-W) or any successor index as calculated by the United States
43 department of labor, with the result rounded to the nearest five cents.

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

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

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

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

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

34 (iii) seasonally adjusted, total non-farm employment for New York
35 state in July, calculated by the United States department of labor,
36 decreased from the seasonally adjusted, total non-farm employment for
37 New York state in April, and seasonally adjusted, total non-farm employ-
38 ment for New York state in July, calculated by the United States depart-
39 ment of labor, decreased from the seasonally adjusted, total non-farm
40 employment for New York state in January.

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

44 § 3. Subdivisions 2, 4 and 5 of section 652 of the labor law, subdivi-
45 sion 2 as amended by chapter 38 of the laws of 1990, the opening para-
46 graph of subdivision 2 as amended by section 6 of part II of chapter 58
47 of the laws of 2020, and subdivisions 4 and 5 as amended by section 2 of
48 part K of chapter 54 of the laws of 2016, are amended to read as
49 follows:

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

1 shall remain in full force and effect except as modified in accordance
2 with the provisions of this article or article nineteen-A of this chap-
3 ter.

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

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

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

33 § 4. This act shall take effect immediately.

34 PART T

35 Intentionally Omitted

36 PART U

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

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

1 social services including but not limited to: increasing the number of
2 child care placements for persons who are at or below [~~two hundred~~
3 ~~percent of the state income standard, or three hundred percent of the~~
4 ~~state income standard effective August first, two thousand twenty-two,~~
5 ~~provided such persons are at or below~~] eighty-five percent of the state
6 median income, with emphasis on placements supporting local efforts in
7 meeting federal and state work participation requirements, increasing
8 technical assistance to all modalities of legal child care to persons
9 who are at or below [~~two hundred percent of the state income standard,~~
10 ~~or three hundred percent of the state income standard effective August~~
11 ~~first, two thousand twenty-two, provided such persons are at or below~~]
12 eighty-five percent of the state median income, including the provision
13 of training to assist providers in meeting child care standards or regu-
14 latory requirements, and creating new child care opportunities, and
15 assisting social services districts in assessing and responding to child
16 care needs for persons at or below [~~two hundred percent of the state~~
17 ~~income standard, or three hundred percent of the state income standard~~
18 ~~effective August first, two thousand twenty-two, provided such persons~~
19 ~~are at or below~~] eighty-five percent of the state median income. The
20 department shall have the authority to withhold funds from those agen-
21 cies which do not meet performance standards. Agencies whose funds are
22 withheld may have funds restored upon achieving performance standards.
23 The other part shall be allocated to social services districts to
24 provide child care assistance to families receiving family assistance
25 and to other low income families.

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

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

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

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

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

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

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

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

25 3. A social services district shall guarantee child care assistance to
26 families in receipt of public assistance with children under thirteen
27 years of age when such child care assistance is necessary for a parent
28 or caretaker relative to engage in work or participate in work activ-
29 ities pursuant to the provisions of title nine-B of article five of this
30 chapter. Child care assistance shall continue to be guaranteed for such
31 a family for a period of twelve months or, upon approval by the office,
32 may be provided by a social services district for a period up to twen-
33 ty-four months, after the month in which the family's eligibility for
34 public assistance has terminated or ended when such child care is neces-
35 sary in order to enable the parent or caretaker relative to engage in
36 work, provided that the family's public assistance has been terminated
37 as a result of an increase in the hours of or income from employment or
38 increased income from child support payments or because the family
39 voluntarily ended assistance; that the family received public assistance
40 in at least three of the six months preceding the month in which eligi-
41 bility for such assistance terminated or ended or provided that such
42 family has received child care assistance under subdivision four of this
43 section; and that the family's income does not exceed [~~two hundred~~
44 ~~percent of the state income standard, or three hundred percent of the~~
45 ~~state income standard effective August first, two thousand twenty-two,~~
46 ~~and that the family income does not exceed~~] eighty-five percent of the
47 state median income. Such child day care shall recognize the need for
48 continuity of care for the child and a district shall not move a child
49 from an existing provider unless the participant consents to such move.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 PART V

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

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

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

17 PART W

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

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

35 § 2. Section 7 of subpart B of part G of chapter 57 of the laws of
36 2012, amending the social services law, the family court act and the
37 executive law relating to juvenile delinquents, as amended by section 3
38 of part G of chapter 56 of the laws of 2018, is amended to read as
39 follows:

40 § 7. This act shall take effect April 1, 2012 and shall expire on
41 March 31, [~~2023~~] 2028 when upon such date the provisions of this act
42 shall be deemed repealed; provided, however, that effective immediately,
43 the addition, amendment and/or repeal of any rule or regulation neces-
44 sary for the implementation of this act on its effective date is author-
45 ized and directed to be made and completed on or before such effective
46 date.

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

49 PART X

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

4 1. Social services districts shall make available vocational educa-
5 tional training and educational activities. Such activities may include
6 but need not be limited to, high school education or education designed
7 to prepare a participant for a high school equivalency certificate,
8 basic and remedial education, education in English proficiency, educa-
9 tion or a course of instruction in financial literacy and personal
10 finance that includes instruction on household cash management tech-
11 niques, career advice to obtain a well paying and secure job, using
12 checking and savings accounts, obtaining and utilizing short and long
13 term credit, securing a loan or other long term financing arrangement
14 for high cost items, participation in a higher education course of
15 instruction or trade school, and no more than a total of four years of
16 post-secondary education (or the part-time equivalent). Educational
17 activities pursuant to this section may be offered with any of the
18 following providers which meet the performance or assessment standards
19 established in regulations by the commissioner for such providers: a
20 community college, licensed trade school, registered business school, or
21 a two-year or four-year college; provided, however, that such post-sec-
22 ondary education must be necessary to the attainment of the partic-
23 ipant's individual employment goal as set forth in the employability
24 plan and such goal must relate directly to obtaining useful employment
25 ~~[in a recognized occupation]~~. When making ~~[any]~~ an assignment to any
26 educational activity pursuant to this subdivision, such assignment shall
27 be permitted only to the extent that such assignment is consistent with
28 the individual's assessment and employment plan goals in accordance with
29 sections three hundred thirty-five and three hundred thirty-five-a of
30 this title and shall require that the individual maintains satisfactory
31 academic progress and hourly participation is documented consistent with
32 federal and state requirements. For purposes of this provision "satis-
33 factory academic progress" shall mean having a cumulative C average, or
34 its equivalent, as determined by the academic institution. The require-
35 ment to maintain satisfactory academic progress may be waived if done so
36 by the academic institution and the social services district based on
37 undue hardship caused by an event such as a personal injury or illness
38 of the student, the death of a relative of the student or other exten-
39 uating circumstances. ~~[Any enrollment in post-secondary education beyond~~
40 ~~a twelve month period must be combined with no less than twenty hours of~~
41 ~~participation averaged weekly in paid employment or work activities or~~
42 ~~community service when paid employment is not available.]~~ Participation
43 in an educational and/or vocational training program, that shall
44 include, but not be limited to, a two-year post-secondary degree
45 program, which is necessary for the participant to attain their individ-
46 ual employment goal and is likely to lead to a degree or certification
47 and sustained employment, shall be approved consistent with such indi-
48 vidual's assessment and employability plan to the extent that such
49 approval does not jeopardize the state's ability to comply with federal
50 work participation rates, as determined by the office of temporary and
51 disability assistance.

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

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

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

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

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

16 PART Y

17 Section 1. The social services law is amended by adding a new section
18 152-d to read as follows:

19 § 152-d. Replacement of stolen public assistance. 1. Notwithstanding
20 section three hundred fifty-j of this article and subdivision eleven of
21 section one hundred thirty-one of this title, and in accordance with
22 this section, public assistance recipients shall receive replacement
23 assistance for the loss of public assistance, as defined in subdivision
24 nineteen of section two of this chapter, in instances when such public
25 assistance has been stolen as a result of card skimming, cloning, third
26 party misrepresentation or other similar fraudulent activities, consist-
27 ent with guidance issued by the office of temporary and disability
28 assistance.

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

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

43 4. For public assistance that is verified as stolen, replacement
44 assistance shall be provided by the social services district in accord-
45 ance with this section as follows:

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

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

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

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

11 § 2. This act shall take effect immediately.

12 PART Z

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

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

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

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

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

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

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

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

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

45 (b) On and after January first, two thousand [~~twenty-two~~]
46 twenty-three, for an eligible individual living with others with or
47 without in-kind income, [~~\$864.00~~] \$937.00; and for an eligible couple
48 living with others with or without in-kind income, [~~\$1,307.00~~]
49 \$1,417.00.

50 (c) On and after January first, two thousand [~~twenty-two~~] twenty-three,
51 (i) for an eligible individual receiving family care, [~~\$1,107.48~~]
52 \$1,180.48 if he or she is receiving such care in the city of New York or
53 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
54 eligible couple receiving family care in the city of New York or the

1 county of Nassau, Suffolk, Westchester or Rockland, two times the amount
2 set forth in subparagraph (i) of this paragraph; or (iii) for an eligi-
3 ble individual receiving such care in any other county in the state,
4 [~~\$1,069.48~~] \$1,142.48; and (iv) for an eligible couple receiving such
5 care in any other county in the state, two times the amount set forth in
6 subparagraph (iii) of this paragraph.

7 (d) On and after January first, two thousand [~~twenty-two~~]
8 twenty-three, (i) for an eligible individual receiving residential care,
9 [~~\$1,276.00~~] \$1,349.00 if he or she is receiving such care in the city of
10 New York or the county of Nassau, Suffolk, Westchester or Rockland; and
11 (ii) for an eligible couple receiving residential care in the city of
12 New York or the county of Nassau, Suffolk, Westchester or Rockland, two
13 times the amount set forth in subparagraph (i) of this paragraph; or
14 (iii) for an eligible individual receiving such care in any other county
15 in the state, [~~\$1,246.00~~] \$1,319.00; and (iv) for an eligible couple
16 receiving such care in any other county in the state, two times the
17 amount set forth in subparagraph (iii) of this paragraph.

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

23 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
24 vision shall be increased to reflect any increases in federal supple-
25 mental security income benefits for individuals or couples which become
26 effective on or after January first, two thousand [~~twenty-three~~] twen-
27 ty-four but prior to June thirtieth, two thousand [~~twenty-three~~] twen-
28 ty-four.

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

30 PART AA

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

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

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

3 § 2. This act shall take effect immediately.

4 PART BB

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

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

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

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

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

42 PART CC

43 Section 1. Section 33 of chapter 277 of the laws of 2021 amending the
44 labor law relating to the calculation of weekly employment insurance
45 benefits for workers who are partially unemployed, as amended by section
46 1 of part JJ of chapter 56 of the laws of 2022, is amended to read as
47 follows:

48 § 33. This act shall take effect on the thirtieth day after it shall
49 have become a law; provided, however, that sections one through thirty
50 of this act shall take effect on the first Monday after April 1, [~~2023~~
51 2024 or thirty days after the commissioner of labor certifies that the
52 department of labor has an information technology system capable of

1 accommodating the amendments in this act, whichever occurs earlier, and
2 shall be applicable to all claims filed and payments made after such
3 date; provided that section thirty-one of this act shall take effect on
4 the thirtieth day after it shall have become a law and shall be applica-
5 ble to new claims on such date and thereafter and shall be deemed
6 repealed on the same date as the remaining provisions of this act take
7 effect. In a manner consistent with the provisions of this section, the
8 commissioner of labor shall notify the legislative bill drafting commis-
9 sion upon issuing his or her certification in order that the commission
10 may maintain an accurate and timely effective data base of the official
11 text of the laws of the state of New York in furtherance of effecting
12 the provisions of section 44 of the legislative law and section 70-b of
13 the public officers law, and provided further that the amendments to
14 subdivision 1 of section 591 of the labor law made by section twelve of
15 this act shall be subject to the expiration and reversion of such subdivi-
16 sion pursuant to section 10 of chapter 413 of the laws of 2003, as
17 amended, when upon such date the provisions of section thirteen of this
18 act shall take effect; provided further that the amendments to section
19 591-a of the labor law made by section fifteen of this act shall not
20 affect the repeal of such section and shall be deemed repealed there-
21 with.

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

24 PART DD

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

27 3-a. A local social services district may, upon notification to the
28 office, utilize a presumptive eligibility standard to provide child care
29 assistance, in accordance with this subdivision. The office of children
30 and family services shall issue guidance regarding the preliminary
31 eligibility criteria to be used by local social services districts
32 utilizing a presumptive eligibility standard.

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

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

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

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

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

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

PART EE

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

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

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

§ 2. This act shall take effect immediately.

PART FF

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

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

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

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

1 natural sciences, technology, engineering and mathematics, and to deter-
2 mine the feasibility of a single reporting system that includes active
3 oversight.

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

9 § 3. This act shall take effect immediately.

10 PART GG

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

13 § 722-b. Compensation and reimbursement for representation. 1. All
14 counsel assigned in accordance with a plan of a bar association conform-
15 ing to the requirements of section seven hundred twenty-two of this
16 article whereby the services of private counsel are rotated and coordi-
17 nated by an administrator shall at the conclusion of the representation
18 receive[+]

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

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

33 2. Except as provided in subdivision three of this section, compen-
34 sation for time expended in providing representation[+]

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

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

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

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

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

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

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

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

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

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

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

1 ~~if two psychiatrists, psychologists or physicians are appointed~~], except
2 that in extraordinary circumstances the court may provide for compen-
3 sation in excess of the foregoing limits.

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

10 PART HH

11 Section 1. Paragraph 1 of subsection (c-1) of section 606 of the tax
12 law, as amended by section 1 of part P of chapter 59 of the laws of
13 2018, is amended to read as follows:

14 (1) A resident taxpayer shall be allowed a credit as provided herein
15 equal to the greater of one hundred dollars times the number of qualify-
16 ing children of the taxpayer or the applicable percentage of the child
17 tax credit allowed the taxpayer under section twenty-four of the inter-
18 nal revenue code for the same taxable year for each qualifying child.
19 Provided, however, in the case of a taxpayer whose federal adjusted
20 gross income exceeds the applicable threshold amount set forth by
21 section 24(b)(2) of the Internal Revenue Code, the credit shall only be
22 equal to the applicable percentage of the child tax credit allowed the
23 taxpayer under section 24 of the Internal Revenue Code for each qualify-
24 ing child. For the purposes of this subsection, a qualifying child shall
25 be a child who meets the definition of qualified child under section
26 24(c) of the internal revenue code ~~[and is at least four years of age]~~.
27 The applicable percentage shall be thirty-three percent. For purposes of
28 this subsection, any reference to section 24 of the Internal Revenue
29 Code shall be a reference to such section as it existed immediately
30 prior to the enactment of Public Law 115-97.

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

33 PART II

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

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

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

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

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

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

21 § 2. This act shall take effect immediately.

22 PART JJ

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

25 § 502-a. Special provisions with regard to the western regional off-
26 track betting corporation. 1. Notwithstanding any inconsistent provision
27 of this article, on the effective date of this section the appointments
28 of all members of the western regional off-track betting corporation
29 appointed prior to the effective date of this section are deemed termi-
30 nated, and each such vacant board position shall be replaced with the
31 new appointments made pursuant to this section.

32 2. The western regional off-track betting corporation board of direc-
33 tors shall be composed of seventeen members, one each to represent each
34 participating county within the western off-track betting region, and
35 one each to represent the city of Rochester and the city of Buffalo.
36 Each city representative shall be appointed by the mayor of the city
37 such member represents, and each county representative shall be
38 appointed by the county executive of the county such member represents;
39 provided however, in the case of a county that does not have a county
40 executive, such county's board of supervisors shall appoint such coun-
41 ty's representative.

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

47 4. The representatives of each of the participating counties and
48 cities shall each have the following number of votes: the representative
49 of the county of Niagara shall have eight votes, the representative of
50 the county of Chautauqua shall have five votes, the representative of
51 the county of Oswego shall have four votes, the representative of the
52 county of Steuben shall have three votes, the representative of the
53 county of Wayne shall have three votes, the representative of the county
54 of Cattaraugus shall have three votes, the representative of the county

1 of Cayuga shall have three votes, the representative of the county of
2 Livingston shall have two votes, the representative of the county of
3 Genesee shall have two votes, the representative of the county of Wyom-
4 ing shall have one vote, the representative of the county of Orleans
5 shall have one vote, the representative of the county of Seneca shall
6 have one vote, the representative of the county of Schuyler shall have
7 one vote, the representative of the county of Erie shall have twenty-
8 four votes, the representative of the county of Monroe shall have twenty
9 votes, the representative of the city of Buffalo shall have ten votes,
10 and the representative of the city of Rochester shall have eight votes.

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

14 6. Members representing a majority of the total voting strength of the
15 board of directors then in office shall constitute a quorum for the
16 transaction of any business or the exercise of any power of the corpo-
17 ration. Except as otherwise specified in this section, for the trans-
18 action of any business or the exercise of any power of the corporation,
19 the corporation shall have the power to act by a majority vote of the
20 total voting strength present at any meeting at which a quorum is in
21 attendance.

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

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

39 PART KK

40 Section 1. The state shall make available an amount equal to the
41 \$500,000,000 appropriated by a chapter of the laws of 2023 enacting the
42 fiscal year 2023-2024 state operations budget for state matching
43 contributions to the endowments of the four university centers of the
44 state university of New York as defined in section 352 of the education
45 law. Such matching contributions shall provide one dollar of state
46 matching funds for every two dollars of new private donations contrib-
47 uted to the endowments of the foundations of the university centers at
48 Albany, Binghamton, Buffalo, and Stony Brook, not to exceed \$500,000,000
49 in total state matching contributions.

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

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

8 § 3. As a condition of eligibility for such state matching contrib-
9 utions, each university center foundation shall be required to have a
10 contract with its respective university center that provides, at a mini-
11 mum, the services the foundation will provide to the university center,
12 with such contract being subject to audit by the state comptroller to
13 the extent permitted by the state finance law.

14 § 4. Each university center of the state university of New York shall
15 be eligible for state matching contributions of no less than
16 \$25,000,000.

17 § 5. Each university center of the state university of New York shall
18 be eligible for state matching contributions of no more than
19 \$200,000,000.

20 § 6. This act shall take effect immediately, provided, however, that
21 section five of this act shall expire and be deemed repealed April 1,
22 2026.

23 PART LL

24 Section 1. Subparagraph (ii) of paragraph (a), paragraph (b), subpara-
25 graphs (i), (ii), (iii) and (v) of paragraph (c), paragraph (e) and the
26 opening paragraph and subparagraphs (i) and (ii) of paragraph (f) of
27 subdivision 6 of section 3502 of the public health law, subparagraph
28 (ii) of paragraph (a), paragraph (b), subparagraphs (i), (iii) and (v)
29 of paragraph (c), paragraph (e) and the opening paragraph of paragraph
30 (f) as added by chapter 313 of the laws of 2018, subparagraph (ii) of
31 paragraph (c), and subparagraphs (i) and (ii) of paragraph (f) as
32 amended by chapter 486 of the laws of 2022, are amended to read as
33 follows:

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

43 (iii) The utilization of such body imaging scanning equipment shall be
44 in accordance with regulations promulgated by the department, or for
45 local correctional facilities in cities having a population of two
46 million or more, such utilization shall be in accordance with regu-
47 lations promulgated by the New York city department of health and mental
48 hygiene. The state commission of correction, in consultation with the
49 department of corrections and community supervision, shall promulgate
50 regulations establishing when body imaging scanning equipment will be
51 used to screen visitors and incarcerated individuals in state correc-
52 tional facilities. Such regulations shall include provisions establish-
53 ing that alternative methods of screening may be used to accommodate
54 individuals who decline or are unable to be screened by body imaging

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

8 The department of corrections and community supervision shall promul-
9 gate regulations establishing when body imaging scanning equipment will
10 be used to screen employees of the department of corrections and commu-
11 nity supervision, provided, however that such regulations shall be
12 consistent with the policies and procedures of the department of
13 corrections and community supervision governing the search of employees.
14 Such regulations shall include provisions establishing that alternative
15 methods of screening may be used to accommodate individuals who decline
16 or are unable to be screened by body imaging scanning equipment for
17 medical or other reasons. Such regulations shall also ensure that no
18 person shall be subjected to any form of harassment, intimidation, or
19 disciplinary action for choosing to be searched by an alternative method
20 of screening in lieu of body imaging scanning. An employee's request to
21 be searched by an alternative method of screening in lieu of body imag-
22 ing scanning shall not, in itself, be grounds for disciplinary action
23 against such employee.

24 (b) Prior to establishing, maintaining or operating in a state or
25 local correctional facility, any body imaging scanning equipment, the
26 chief administrative officer of the facility shall ensure that such
27 facility is in compliance with the regulations promulgated pursuant to
28 this subdivision and otherwise applicable requirements for the installa-
29 tion, registration, maintenance, operation and inspection of body imag-
30 ing scanning equipment.

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

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

45 (iii) Registration with the department of each body imaging scanning
46 machine purchased or installed at a state or local correctional facili-
47 ty;

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

50 (e) For the purposes of this subdivision[~~7~~]:

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

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

55 Any local government agency that utilizes body imaging scanning equip-
56 ment in a local correctional facility under its jurisdiction shall

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

12 (i) For local correctional facilities, the number of times the equip-
13 ment was used on incarcerated individuals upon intake, after visits, and
14 upon the suspicion of contraband, as well as any other event that trig-
15 gers the use of such equipment[+

16 ~~(+)]~~, and the average, median, and highest number of times the equip-
17 ment was used on any incarcerated individual, with corresponding expo-
18 sure levels; and

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

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

35 PART MM

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

38 § 1111-c-1. Owner liability for failure of operator to comply with bus
39 operation-related traffic regulations. (a) 1. Notwithstanding any other
40 provision of law, the city of New York is hereby authorized and
41 empowered to establish a demonstration program imposing monetary liabil-
42 ity on the owner of a vehicle for failure of an operator thereof to
43 comply with bus operation-related traffic regulations, in accordance
44 with the provisions of this section. The New York city department of
45 transportation and/or applicable mass transit agency, for purposes of
46 the implementation of such program, shall operate bus operation-related
47 photo devices that may be stationary or mobile and shall be activated at
48 locations determined by such department of transportation and/or on
49 buses selected by such department of transportation in consultation with
50 the applicable mass transit agency.

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

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

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

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

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

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

30 (ii) Photographs, microphotographs, videotape or any other recorded
31 image from a bus operation-related photo device shall be for the exclu-
32 sive use of the city of New York for the purpose of the adjudication of
33 liability imposed pursuant to this section and of the owner receiving a
34 notice of liability pursuant to this section, and shall be destroyed by
35 such city upon the final resolution of the notice of liability to which
36 such photographs, microphotographs, videotape or other recorded images
37 relate, or one year following the date of issuance of such notice of
38 liability, whichever is later. Notwithstanding the provisions of any
39 other law, rule or regulation to the contrary, photographs, microphoto-
40 graphs, videotape or any other recorded image from a bus operation-re-
41 lated photo device shall not be open to the public, nor subject to civil
42 or criminal process or discovery, nor used by any court or administra-
43 tive or adjudicatory body in any action or proceeding therein except
44 that which is necessary for the adjudication of a notice of liability
45 issued pursuant to this section, and no public entity or employee, offi-
46 cer or agent thereof shall disclose such information, except that such
47 photographs, microphotographs, videotape or any other recorded images
48 from such systems:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 6. "biometric information" shall mean any measurable physical, physio-
37 logical or behavioral characteristics that are attributable to a person,
38 including but not limited to facial characteristics, fingerprint charac-
39 teristics, hand characteristics, eye characteristics, vocal character-
40 istics, and any other characteristics that can be used to identify a
41 person including, but not limited to: fingerprints; handprints; retina
42 and iris patterns; DNA sequence; voice; gait; and facial geometry.

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

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

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

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

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

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

24 2. A notice of liability shall contain the name and address of the
25 person alleged to be liable as an owner for a violation of a bus opera-
26 tion-related traffic regulation, the registration number of the vehicle
27 involved in such violation, the location where such violation took place
28 including the street address or cross streets, one or more images iden-
29 tifying the violation, the date and time of such violation, the iden-
30 tification number of the bus operation-related photo device which
31 recorded the violation or other document locator number, and whether the
32 device was stationary or mobile. If the bus operation-related photo
33 device was mobile, an identity of the vehicle containing such bus opera-
34 tion-related photo device shall be included in the notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. the total number of notices of liability issued;

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

3 5. the number of violations adjudicated and results of such adjudi-
4 cations including breakdowns of dispositions made;

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

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

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

10 9. the total cost to such city and the total cost to any participat-
11 ing mass transit agency; and

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

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

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

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

30 1. Notwithstanding any inconsistent provision of any general, special
31 or local law or administrative code to the contrary, in any city which
32 heretofore or hereafter is authorized to establish an administrative
33 tribunal: (a) to hear and determine complaints of traffic infractions
34 constituting parking, standing or stopping violations, or (b) to adjudi-
35 cate the liability of owners for violations of subdivision (d) of
36 section eleven hundred eleven of this chapter imposed pursuant to a
37 local law or ordinance imposing monetary liability on the owner of a
38 vehicle for failure of an operator thereof to comply with traffic-con-
39 trol indications through the installation and operation of traffic-con-
40 trol signal photo violation-monitoring systems, in accordance with arti-
41 cle twenty-four of this chapter, or (c) to adjudicate the liability of
42 owners for violations of subdivision (b), (c), (d), (f) or (g) of
43 section eleven hundred eighty of this chapter imposed pursuant to a
44 demonstration program imposing monetary liability on the owner of a
45 vehicle for failure of an operator thereof to comply with such posted
46 maximum speed limits through the installation and operation of photo
47 speed violation monitoring systems, in accordance with article thirty of
48 this chapter, or (d) to adjudicate the liability of owners for
49 violations of bus lane restrictions as defined by article twenty-four of
50 this chapter imposed pursuant to a bus rapid transit program imposing
51 monetary liability on the owner of a vehicle for failure of an operator
52 thereof to comply with such bus lane restrictions through the installa-
53 tion and operation of bus lane photo devices, in accordance with article
54 twenty-four of this chapter, or (e) to adjudicate the liability of
55 owners for violations of toll collection regulations imposed by certain
56 public authorities pursuant to the law authorizing such public authori-

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

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

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

1 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
2 of this chapter imposed pursuant to a demonstration program imposing
3 monetary liability on the owner of a vehicle for failure of an operator
4 thereof to comply with such posted maximum speed limits through the
5 installation and operation of photo speed violation monitoring systems,
6 in accordance with article thirty of this chapter, or (c) to adjudicate
7 the liability of owners for violations of bus lane restrictions as
8 defined by article twenty-four of this chapter imposed pursuant to a bus
9 rapid transit program imposing monetary liability on the owner of a
10 vehicle for failure of an operator thereof to comply with such bus lane
11 restrictions through the installation and operation of bus lane photo
12 devices, in accordance with article twenty-four of this chapter, or (d)
13 to adjudicate the liability of owners for violations of toll collection
14 regulations imposed by certain public authorities pursuant to the law
15 authorizing such public authorities to impose monetary liability on the
16 owner of a vehicle for failure of an operator thereof to comply with
17 toll collection regulations of such public authorities through the
18 installation and operation of photo-monitoring systems, in accordance
19 with the provisions of section two thousand nine hundred eighty-five of
20 the public authorities law and sections sixteen-a, sixteen-b and
21 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
22 hundred fifty, or (e) to adjudicate the liability of owners for
23 violations of section eleven hundred seventy-four of this chapter when
24 meeting a school bus marked and equipped as provided in subdivisions
25 twenty and twenty-one-c of section three hundred seventy-five of this
26 chapter imposed pursuant to a local law or ordinance imposing monetary
27 liability on the owner of a vehicle for failure of an operator thereof
28 to comply with school bus red visual signals through the installation
29 and operation of school bus photo violation monitoring systems, in
30 accordance with article twenty-nine of this chapter, or (f) to adjudi-
31 cate the liability of owners for violations of section three hundred
32 eighty-five of this chapter and the rules of the department of transpor-
33 tation of the city of New York in relation to gross vehicle weight
34 and/or axle weight violations imposed pursuant to a weigh in motion
35 demonstration program imposing monetary liability on the owner of a
36 vehicle for failure of an operator thereof to comply with such gross
37 vehicle weight and/or axle weight restrictions through the installation
38 and operation of weigh in motion violation monitoring systems, in
39 accordance with article ten of this chapter, or (g) to adjudicate the
40 liability of owners for violations of subdivision (b), (d), (f) or (g)
41 of section eleven hundred eighty of this chapter imposed pursuant to a
42 demonstration program imposing monetary liability on the owner of a
43 vehicle for failure of an operator thereof to comply with such posted
44 maximum speed limits within a highway construction or maintenance work
45 area through the installation and operation of photo speed violation
46 monitoring systems, in accordance with article thirty of this chapter,
47 or (h) to adjudicate the liability of owners for violations of bus oper-
48 ation-related traffic regulations as defined by article twenty-four of
49 this chapter imposed pursuant to a demonstration program imposing mone-
50 tary liability on the owner of a vehicle for failure of an operator
51 thereof to comply with such bus operation-related traffic regulations
52 through the installation and operation of bus operation-related photo
53 devices, in accordance with article twenty-four of this chapter. Such
54 tribunal, except in a city with a population of one million or more,
55 shall also have jurisdiction of abandoned vehicle violations. For the
56 purposes of this article, a parking violation is the violation of any

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

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

8 f. "Notice of violation" means a notice of violation as defined in
9 subdivision nine of section two hundred thirty-seven of this article,
10 but shall not be deemed to include a notice of liability issued pursuant
11 to authorization set forth in articles ten, twenty-four, twenty-nine and
12 thirty of this chapter, section two thousand nine hundred eighty-five of
13 the public authorities law and sections sixteen-a, sixteen-b and
14 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
15 hundred fifty to impose monetary liability on the owner of a vehicle for
16 failure of an operator thereof: to comply with traffic-control indi-
17 cations in violation of subdivision (d) of section eleven hundred eleven
18 of this chapter through the installation and operation of traffic-con-
19 trol signal photo violation-monitoring systems, in accordance with arti-
20 cle twenty-four of this chapter; or to comply with certain posted maxi-
21 mum speed limits in violation of subdivision (b), (c), (d), (f) or (g)
22 of section eleven hundred eighty of this chapter through the installa-
23 tion and operation of photo speed violation monitoring systems, in
24 accordance with article thirty of this chapter; or to comply with bus
25 lane restrictions as defined by article twenty-four of this chapter
26 through the installation and operation of bus lane photo devices, in
27 accordance with article twenty-four of this chapter; or to comply with
28 toll collection regulations of certain public authorities through the
29 installation and operation of photo-monitoring systems, in accordance
30 with the provisions of section two thousand nine hundred eighty-five of
31 the public authorities law and sections sixteen-a, sixteen-b and
32 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
33 hundred fifty; or to stop for a school bus displaying a red visual
34 signal in violation of section eleven hundred seventy-four of this chap-
35 ter through the installation and operation of school bus photo violation
36 monitoring systems, in accordance with article twenty-nine of this chap-
37 ter[~~7~~]; or to comply with certain posted maximum speed limits in
38 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
39 eighty of this chapter within a highway construction or maintenance work
40 area through the installation and operation of photo speed violation
41 monitoring systems, in accordance with article thirty of this chapter;
42 or to comply with gross vehicle weight and/or axle weight restrictions
43 in violation of section three hundred eighty-five of this chapter and
44 the rules of the department of transportation of the city of New York
45 through the installation and operation of weigh in motion violation
46 monitoring systems, in accordance with article ten of this chapter; or
47 to comply with bus operation-related traffic regulations as defined by
48 article twenty-four of this chapter in violation of the rules of the
49 department of transportation of the city of New York through the instal-
50 lation and operation of bus operation-related photo devices, in accord-
51 ance with article twenty-four of this chapter.

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

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

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

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

chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter[~~7~~]; or to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter, is being contested, by a person in a timely fashion and a hearing upon the merits has been demanded, but has not yet been held, the bureau shall not issue any notice of fine or penalty to that person prior to the date of the hearing.

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

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

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

9 a. Every hearing for the adjudication of a charge of parking violation
10 or an allegation of liability of an owner for a violation of subdivision
11 (d) of section eleven hundred eleven of this chapter imposed pursuant to
12 a local law or ordinance imposing monetary liability on the owner of a
13 vehicle for failure of an operator thereof to comply with traffic-con-
14 trol indications through the installation and operation of traffic-con-
15 trol signal photo violation-monitoring systems, in accordance with arti-
16 cle twenty-four of this chapter, or an allegation of liability of an
17 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
18 section eleven hundred eighty of this chapter imposed pursuant to a
19 demonstration program imposing monetary liability on the owner of a
20 vehicle for failure of an operator thereof to comply with certain posted
21 maximum speed limits through the installation and operation of photo
22 speed violation monitoring systems, in accordance with article thirty of
23 this chapter, or an allegation of liability of an owner for a violation
24 of bus lane restrictions as defined by article twenty-four of this chap-
25 ter imposed pursuant to a bus rapid transit program imposing monetary
26 liability on the owner of a vehicle for failure of an operator thereof
27 to comply with such bus lane restrictions through the installation and
28 operation of bus lane photo devices, in accordance with article twenty-
29 four of this chapter, or an allegation of liability of an owner for a
30 violation of toll collection regulations imposed by certain public
31 authorities pursuant to the law authorizing such public authorities to
32 impose monetary liability on the owner of a vehicle for failure of an
33 operator thereof to comply with toll collection regulations of such
34 public authorities through the installation and operation of photo-moni-
35 toring systems, in accordance with the provisions of section two thou-
36 sand nine hundred eighty-five of the public authorities law and sections
37 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
38 of the laws of nineteen hundred fifty, or an allegation of liability of
39 an owner for a violation of section eleven hundred seventy-four of this
40 chapter when meeting a school bus marked and equipped as provided in
41 subdivisions twenty and twenty-one-c of section three hundred seventy-
42 five of this chapter imposed pursuant to a local law or ordinance impos-
43 ing monetary liability on the owner of a vehicle for failure of an oper-
44 ator thereof to comply with school bus red visual signals through the
45 installation and operation of school bus photo violation monitoring
46 systems, in accordance with article twenty-nine of this chapter, or an
47 allegation of liability of an owner for a violation of subdivision (b),
48 (d), (f) or (g) of section eleven hundred eighty of this chapter imposed
49 pursuant to a demonstration program imposing monetary liability on the
50 owner of a vehicle for failure of an operator thereof to comply with
51 certain posted maximum speed limits within a highway construction or
52 maintenance work area through the installation and operation of photo
53 speed violation monitoring systems, in accordance with article thirty of
54 this chapter, or an allegation of liability of an owner for a violation
55 of section three hundred eighty-five of this chapter and the rules of
56 the department of transportation of the city of New York in relation to

1 gross vehicle weight and/or axle weight violations imposed pursuant to a
2 weigh in motion demonstration program imposing monetary liability on the
3 owner of a vehicle for failure of an operator thereof to comply with
4 such gross vehicle weight and/or axle weight restrictions through the
5 installation and operation of weigh in motion violation monitoring
6 systems, in accordance with article ten of this chapter, or an allega-
7 tion of liability of an owner for a violation of bus operation-related
8 traffic regulations as defined by article twenty-four of this chapter
9 imposed pursuant to a demonstration program imposing monetary liability
10 on the owner of a vehicle for failure of an operator thereof to comply
11 with such bus operation-related traffic regulations through the instal-
12 lation and operation of bus operation-related photo devices, in accord-
13 ance with article twenty-four of this chapter, shall be held before a
14 hearing examiner in accordance with rules and regulations promulgated by
15 the bureau.

16 g. A record shall be made of a hearing on a plea of not guilty or of a
17 hearing at which liability in accordance with any provisions of law
18 specifically authorizing the imposition of monetary liability on the
19 owner of a vehicle for failure of an operator thereof: to comply with
20 traffic-control indications in violation of subdivision (d) of section
21 eleven hundred eleven of this chapter through the installation and oper-
22 ation of traffic-control signal photo violation-monitoring systems, in
23 accordance with article twenty-four of this chapter; to comply with
24 certain posted maximum speed limits in violation of subdivision (b),
25 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter
26 through the installation and operation of photo speed violation monitor-
27 ing systems, in accordance with article thirty of this chapter; to
28 comply with bus lane restrictions as defined by article twenty-four of
29 this chapter through the installation and operation of bus lane photo
30 devices, in accordance with article twenty-four of this chapter; to
31 comply with toll collection regulations of certain public authorities
32 through the installation and operation of photo-monitoring systems, in
33 accordance with the provisions of section two thousand nine hundred
34 eighty-five of the public authorities law and sections sixteen-a,
35 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
36 laws of nineteen hundred fifty; ~~[or]~~ to stop for a school bus displaying
37 a red visual signal in violation of section eleven hundred seventy-four
38 of this chapter through the installation and operation of school bus
39 photo violation monitoring systems, in accordance with article twenty-
40 nine of this chapter~~[, or]~~; to comply with certain posted maximum speed
41 limits in violation of subdivision (b), (d), (f) or (g) of section elev-
42 en hundred eighty of this chapter within a highway construction or main-
43 tenance work area through the installation and operation of photo speed
44 violation monitoring systems, in accordance with article thirty of this
45 chapter~~[, or]~~; to comply with gross vehicle weight and/or axle weight
46 restrictions in violation of section three hundred eighty-five of this
47 chapter and the rules of the department of transportation of the city of
48 New York through the installation and operation of weigh in motion
49 violation monitoring systems, in accordance with article ten of this
50 chapter; or to comply with bus operation-related traffic regulations as
51 defined by article twenty-four of this chapter in violation of the rules
52 of the department of transportation of the city of New York through the
53 installation and operation of bus operation-related photo devices, in
54 accordance with article twenty-four of this chapter, is contested.
55 Recording devices may be used for the making of the record.

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

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

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

1 tion-monitoring systems, in accordance with article twenty-four of this
2 chapter; to comply with certain posted maximum speed limits in violation
3 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
4 eighty of this chapter through the installation and operation of photo
5 speed violation monitoring systems, in accordance with article thirty of
6 this chapter; to comply with bus lane restrictions as defined by article
7 twenty-four of this chapter through the installation and operation of
8 bus lane photo devices, in accordance with article twenty-four of this
9 chapter; to comply with toll collection regulations of certain public
10 authorities through the installation and operation of photo-monitoring
11 systems, in accordance with the provisions of section two thousand nine
12 hundred eighty-five of the public authorities law and sections
13 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
14 of the laws of nineteen hundred fifty; to stop for a school bus display-
15 ing a red visual signal in violation of section eleven hundred seventy-
16 four of this chapter through the installation and operation of school
17 bus photo violation monitoring systems, in accordance with article twen-
18 ty-nine of this chapter[~~to~~]; to comply with certain posted maximum
19 speed limits in violation of subdivision (b), (d), (f) or (g) of section
20 eleven hundred eighty of this chapter within a highway construction or
21 maintenance work area through the installation and operation of photo
22 speed violation monitoring systems, in accordance with article thirty of
23 this chapter; [~~to~~] to comply with gross vehicle weight and/or axle
24 weight restrictions in violation of section three hundred eighty-five of
25 this chapter and the rules of the department of transportation of the
26 city of New York through the installation and operation of weigh in
27 motion violation monitoring systems, in accordance with article ten of
28 this chapter; or to comply with bus operation-related traffic regu-
29 lations as defined by article twenty-four of this chapter in violation
30 of the rules of the department of transportation of the city of New York
31 through the installation and operation of bus operation-related photo
32 devices, in accordance with article twenty-four of this chapter, or
33 fails to appear on a designated hearing date or subsequent adjourned
34 date or fails after a hearing to comply with the determination of a
35 hearing examiner, as prescribed by this article or by rule or regulation
36 of the bureau, such failure to plead or contest, appear or comply shall
37 be deemed, for all purposes, an admission of liability and shall be
38 grounds for rendering and entering a default judgment in an amount
39 provided by the rules and regulations of the bureau. However, after the
40 expiration of the original date prescribed for entering a plea and
41 before a default judgment may be rendered, in such case the bureau shall
42 pursuant to the applicable provisions of law notify such operator or
43 owner, by such form of first class mail as the commission may direct;
44 (1) of the violation charged, or liability alleged in accordance with
45 any provisions of law specifically authorizing the imposition of mone-
46 tary liability on the owner of a vehicle for failure of an operator
47 thereof: to comply with traffic-control indications in violation of
48 subdivision (d) of section eleven hundred eleven of this chapter through
49 the installation and operation of traffic-control signal photo viola-
50 tion-monitoring systems, in accordance with article twenty-four of this
51 chapter; to comply with certain posted maximum speed limits in violation
52 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
53 eighty of this chapter through the installation and operation of photo
54 speed violation monitoring systems, in accordance with article thirty of
55 this chapter; to comply with bus lane restrictions as defined by article
56 twenty-four of this chapter through the installation and operation of

1 bus lane photo devices, in accordance with article twenty-four of this
2 chapter; to comply with toll collection regulations of certain public
3 authorities through the installation and operation of photo-monitoring
4 systems, in accordance with the provisions of section two thousand nine
5 hundred eighty-five of the public authorities law and sections
6 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
7 of the laws of nineteen hundred fifty; to stop for a school bus display-
8 ing a red visual signal in violation of section eleven hundred seventy-
9 four of this chapter through the installation and operation of school
10 bus photo violation monitoring systems, in accordance with article twen-
11 ty-nine of this chapter~~[, or]~~; to comply with certain posted maximum
12 speed limits in violation of subdivision (b), (d), (f) or (g) of section
13 eleven hundred eighty of this chapter within a highway construction or
14 maintenance work area through the installation and operation of photo
15 speed violation monitoring systems, in accordance with article thirty of
16 this chapter; ~~[or]~~ to comply with gross vehicle weight and/or axle
17 weight restrictions in violation of section three hundred eighty-five of
18 this chapter and the rules of the department of transportation of the
19 city of New York through the installation and operation of weigh in
20 motion violation monitoring systems, in accordance with article ten of
21 this chapter; or to comply with bus operation-related traffic regu-
22 lations as defined by article twenty-four of this chapter in violation
23 of the rules of the department of transportation of the city of New York
24 through the installation and operation of bus operation-related photo
25 devices, in accordance with article twenty-four of this chapter, (2) of
26 the impending default judgment, (3) that such judgment will be entered
27 in the Civil Court of the city in which the bureau has been established,
28 or other court of civil jurisdiction or any other place provided for the
29 entry of civil judgments within the state of New York, and (4) that a
30 default may be avoided by entering a plea or contesting an allegation of
31 liability in accordance with any provisions of law specifically author-
32 izing the imposition of monetary liability on the owner of a vehicle for
33 failure of an operator thereof: to comply with traffic-control indi-
34 cations in violation of subdivision (d) of section eleven hundred eleven
35 of this chapter through the installation and operation of traffic-con-
36 trol signal photo violation-monitoring systems, in accordance with arti-
37 cle twenty-four of this chapter; to comply with certain posted maximum
38 speed limits in violation of subdivision (b), (c), (d), (f) or (g) of
39 section eleven hundred eighty of this chapter through the installation
40 and operation of photo speed violation monitoring systems, in accordance
41 with article thirty of this chapter; to comply with bus lane
42 restrictions as defined by article twenty-four of this chapter through
43 the installation and operation of bus lane photo devices, in accordance
44 with article twenty-four of this chapter; to comply with toll collection
45 regulations of certain public authorities through the installation and
46 operation of photo-monitoring systems, in accordance with the provisions
47 of section two thousand nine hundred eighty-five of the public authori-
48 ties law and sections sixteen-a, sixteen-b and sixteen-c of chapter
49 seven hundred seventy-four of the laws of nineteen hundred fifty; to
50 stop for a school bus displaying a red visual signal in violation of
51 section eleven hundred seventy-four of this chapter through the instal-
52 lation and operation of school bus photo violation monitoring systems,
53 in accordance with article twenty-nine of this chapter~~[, or]~~; to comply
54 with certain posted maximum speed limits in violation of subdivision
55 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter
56 within a highway construction or maintenance work area through the

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

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

30 (i) If at the time of application for a registration or renewal there-
31 of there is a certification from a court, parking violations bureau,
32 traffic and parking violations agency or administrative tribunal of
33 appropriate jurisdiction that the registrant or his or her represen-
34 tative failed to appear on the return date or any subsequent adjourned
35 date or failed to comply with the rules and regulations of an adminis-
36 trative tribunal following entry of a final decision in response to a
37 total of three or more summonses or other process in the aggregate,
38 issued within an eighteen month period, charging either that: (i) such
39 motor vehicle was parked, stopped or standing, or that such motor vehi-
40 cle was operated for hire by the registrant or his or her agent without
41 being licensed as a motor vehicle for hire by the appropriate local
42 authority, in violation of any of the provisions of this chapter or of
43 any law, ordinance, rule or regulation made by a local authority; or
44 (ii) the registrant was liable for a violation of subdivision (d) of
45 section eleven hundred eleven of this chapter imposed pursuant to a
46 local law or ordinance imposing monetary liability on the owner of a
47 vehicle for failure of an operator thereof to comply with traffic-con-
48 trol indications through the installation and operation of traffic-con-
49 trol signal photo violation-monitoring systems, in accordance with arti-
50 cle twenty-four of this chapter; or (iii) the registrant was liable for
51 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
52 hundred eighty of this chapter imposed pursuant to a demonstration
53 program imposing monetary liability on the owner of a vehicle for fail-
54 ure of an operator thereof to comply with such posted maximum speed
55 limits through the installation and operation of photo speed violation
56 monitoring systems, in accordance with article thirty of this chapter;

1 or (iv) the registrant was liable for a violation of bus lane
2 restrictions as defined by article twenty-four of this chapter imposed
3 pursuant to a bus rapid transit program imposing monetary liability on
4 the owner of a vehicle for failure of an operator thereof to comply with
5 such bus lane restrictions through the installation and operation of bus
6 lane photo devices, in accordance with article twenty-four of this chap-
7 ter; or (v) the registrant was liable for a violation of section eleven
8 hundred seventy-four of this chapter when meeting a school bus marked
9 and equipped as provided in subdivisions twenty and twenty-one-c of
10 section three hundred seventy-five of this chapter imposed pursuant to a
11 local law or ordinance imposing monetary liability on the owner of a
12 vehicle for failure of an operator thereof to comply with school bus red
13 visual signals through the installation and operation of school bus
14 photo violation monitoring systems, in accordance with article twenty-
15 nine of this chapter; or (vi) the registrant was liable for a violation
16 of section three hundred eighty-five of this chapter and the rules of
17 the department of transportation of the city of New York in relation to
18 gross vehicle weight and/or axle weight violations imposed pursuant to a
19 weigh in motion demonstration program imposing monetary liability on the
20 owner of a vehicle for failure of an operator thereof to comply with
21 such gross vehicle weight and/or axle weight restrictions through the
22 installation and operation of weigh in motion violation monitoring
23 systems, in accordance with article ten of this chapter; or (vii) the
24 registrant was liable for a violation of subdivision (b), (d), (f) or
25 (g) of section eleven hundred eighty of this chapter imposed pursuant to
26 a demonstration program imposing monetary liability on the owner of a
27 vehicle for failure of an operator thereof to comply with such posted
28 maximum speed limits within a highway construction or maintenance work
29 area through the installation and operation of photo speed violation
30 monitoring systems, in accordance with article thirty of this chapter,
31 or (viii) the registrant was liable for a violation of bus operation-re-
32 lated traffic regulations as defined by article twenty-four of this
33 chapter imposed pursuant to a demonstration program imposing monetary
34 liability on the owner of a vehicle for failure of an operator thereof
35 to comply with such bus operation-related traffic regulations through
36 the installation and operation of bus operation-related photo devices,
37 in accordance with article twenty-four of this chapter, the commissioner
38 or his or her agent shall deny the registration or renewal application
39 until the applicant provides proof from the court, traffic and parking
40 violations agency or administrative tribunal wherein the charges are
41 pending that an appearance or answer has been made or in the case of an
42 administrative tribunal that he or she has complied with the rules and
43 regulations of said tribunal following entry of a final decision. Where
44 an application is denied pursuant to this section, the commissioner may,
45 in his or her discretion, deny a registration or renewal application to
46 any other person for the same vehicle and may deny a registration or
47 renewal application for any other motor vehicle registered in the name
48 of the applicant where the commissioner has determined that such regis-
49 trant's intent has been to evade the purposes of this subdivision and
50 where the commissioner has reasonable grounds to believe that such
51 registration or renewal will have the effect of defeating the purposes
52 of this subdivision. Such denial shall only remain in effect as long as
53 the summonses remain unanswered, or in the case of an administrative
54 tribunal, the registrant fails to comply with the rules and regulations
55 following entry of a final decision.

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

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

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

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

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

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

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

45 § 12. Paragraph a of subdivision 1 of section 1809-e of the vehicle
46 and traffic law, as separately added by chapters 421, 460 and 773 of the
47 laws of 2021, clause (viii) as renumbered by chapter 258 of the laws of
48 2022, is amended to read as follows:

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

1 owner for a violation of subdivision (d) of section eleven hundred elev-
2 en of this chapter imposed pursuant to a local law or ordinance imposing
3 monetary liability on the owner of a vehicle for failure of an operator
4 thereof to comply with traffic-control indications through the installa-
5 tion and operation of traffic-control signal photo violation-monitoring
6 systems, in accordance with article twenty-four of this chapter; and
7 (iii) an adjudication of liability of an owner for a violation of subdivi-
8 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of
9 this chapter imposed pursuant to a demonstration program imposing mone-
10 tary liability on the owner of a vehicle for failure of an operator
11 thereof to comply with such posted maximum speed limits through the
12 installation and operation of photo speed violation monitoring systems,
13 in accordance with article thirty of this chapter; and (iv) an adjudi-
14 cation of liability of an owner for a violation of bus lane restrictions
15 as defined by article twenty-four of this chapter imposed pursuant to a
16 bus rapid transit program imposing monetary liability on the owner of a
17 vehicle for failure of an operator thereof to comply with such bus lane
18 restrictions through the installation and operation of bus lane photo
19 devices, in accordance with article twenty-four of this chapter; and (v)
20 an adjudication of liability of an owner for a violation of toll
21 collection regulations imposed by certain public authorities pursuant to
22 the law authorizing such public authorities to impose monetary liability
23 on the owner of a vehicle for failure of an operator thereof to comply
24 with toll collection regulations of such public authorities through the
25 installation and operation of photo-monitoring systems, in accordance
26 with section two thousand nine hundred eighty-five of the public author-
27 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
28 seven hundred seventy-four of the laws of nineteen hundred fifty; and
29 (vi) an adjudication of liability of an owner for a violation of section
30 eleven hundred seventy-four of this chapter when meeting a school bus
31 marked and equipped as provided in subdivisions twenty and twenty-one-c
32 of section three hundred seventy-five of this chapter imposed pursuant
33 to a local law or ordinance imposing monetary liability on the owner of
34 a vehicle for failure of an operator thereof to comply with school bus
35 red visual signals through the installation and operation of school bus
36 photo violation monitoring systems, in accordance with article twenty-
37 nine of this chapter; and (vii) an adjudication of liability of an owner
38 for a violation of section three hundred eighty-five of this chapter and
39 the rules of the department of transportation of the city of New York in
40 relation to gross vehicle weight and/or axle weight violations imposed
41 pursuant to a weigh in motion demonstration program imposing monetary
42 liability on the owner of a vehicle for failure of an operator thereof
43 to comply with such gross vehicle weight and/or axle weight restrictions
44 through the installation and operation of weigh in motion violation
45 monitoring systems, in accordance with article ten of this chapter; and
46 (viii) an adjudication of liability of an owner for a violation of
47 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
48 this chapter imposed pursuant to a demonstration program imposing mone-
49 tary liability on the owner of a vehicle for failure of an operator
50 thereof to comply with such posted maximum speed limits within a highway
51 construction or maintenance work area through the installation and oper-
52 ation of photo speed violation monitoring systems, in accordance with
53 article thirty of this chapter; and (ix) an adjudication of liability of
54 an owner for a violation of bus operation-related traffic regulations as
55 defined by article twenty-four of this chapter imposed pursuant to a
56 demonstration program imposing monetary liability on the owner of a

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

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

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

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

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

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

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

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

36 (ii) Photographs, microphotographs, videotape or any other recorded
37 image from a bus lane photo device shall be for the exclusive use of the
38 city of New York for the purpose of the adjudication of liability
39 imposed pursuant to this section and of the owner receiving a notice of
40 liability pursuant to this section, and shall be destroyed by such city
41 upon the final resolution of the notice of liability to which such
42 photographs, microphotographs, videotape or other recorded images
43 relate, or one year following the date of issuance of such notice of
44 liability, whichever is later. Notwithstanding the provisions of any
45 other law, rule or regulation to the contrary, photographs, microphoto-
46 graphs, videotape or any other recorded image from a bus lane photo
47 device shall not be open to the public, nor subject to civil or criminal
48 process or discovery, nor used by any court or administrative or adjudi-
49 catory body in any action or proceeding therein except that which is
50 necessary for the adjudication of a notice of liability issued pursuant
51 to this section, and no public entity or employee, officer or agent
52 thereof shall disclose such information, except that such photographs,
53 microphotographs, videotape or any other recorded images from such
54 systems:

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

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

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

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

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

32 (iii) The demonstration program authorized pursuant to this section is
33 prohibited from utilizing and from arranging for the utilization of
34 biometric identifying technology, including but not limited to facial
35 recognition technology, for any purpose. The use, and the arrangement
36 for the use, of biometric identifying technology, including but not
37 limited to facial recognition technology, on photographs, microphoto-
38 graphs, videotape, or any other recorded image or data produced by a bus
39 lane photo device, by any person for any purpose, are prohibited. For
40 purposes of this subparagraph, "person" shall include, but not be limit-
41 ed to, a human being, a public or private corporation, an unincorporated
42 association, a partnership, a government or a governmental instrumental-
43 ity, a court or an administrative or adjudicatory body, and any employ-
44 ee, officer, and agent of the foregoing.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 § 18. The opening paragraph and paragraph 6 of subdivision (1) of
4 section 1111-c of the vehicle and traffic law, as amended by section 6
5 of part NNN of chapter 59 of the laws of 2018, are amended to read as
6 follows:

7 If the city of New York adopts a bus rapid transit demonstration
8 program pursuant to subdivision (a) of this section it shall submit a
9 report on the results of the use of bus lane photo devices to the gover-
10 nor, the temporary president of the senate and the speaker of the assem-
11 bly by April first, two thousand twelve and every two years thereafter.

12 The city of New York and applicable mass transit agency shall also make
13 such reports available on their public-facing websites, provided that
14 they may provide aggregate data from paragraph one of this subdivision
15 if the city finds that publishing specific location data would jeopard-
16 ize public safety. Such report shall include, but not be limited to:

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

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

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

26 § 20. The opening paragraph of section 14 of part II of chapter 59 of
27 the laws of 2010, amending the vehicle and traffic law and the public
28 officers law relating to establishing a bus rapid transit demonstration
29 program to restrict the use of bus lanes by means of bus lane photo
30 devices, as amended by section 2 of part D of chapter 39 of the laws of
31 2019, is amended to read as follows:

32 This act shall take effect on the ninetieth day after it shall have
33 become a law and shall expire ~~[15 years after such effective date]~~ July
34 1, 2028 when upon such date the provisions of this act shall be deemed
35 repealed; and provided that any rules and regulations related to this
36 act shall be promulgated on or before such effective date, provided
37 that:

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

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

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

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

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

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

29 6. The authority shall report to its board on the fare-free bus pilot
30 program after it has been in effect for six months and again upon the
31 conclusion of the pilot. Such reports shall also be sent to the Gover-
32 nor, the temporary president of the Senate, and the speaker of the
33 Assembly, and shall include, but not be limited to, the following
34 comparative performance metrics: (a) ridership totals relative to equiv-
35 alent time periods before the pilot took effect; (b) increases or
36 decreases in fare evasion on adjacent/redundant bus routes and subways
37 during the fare-free bus pilot program relative to the equivalent time
38 period before the fare-free bus pilot program took effect; (c) percent
39 of scheduled service delivered; (d) average end-to-end bus speed chang-
40 es; (e) customer journey time performance; (f) additional bus stop time
41 and travel time; (g) wait assessments; (h) the cost to provide such
42 service itemized by route; (i) scheduled service frequency; and (j) any
43 other impacts associated with and resulting from such fare-free bus
44 pilot program.

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

47 § 2. This act shall take effect immediately.

48 PART 00

49 Section 1. Subdivision 2 of section 509-a of the racing, pari-mutuel
50 wagering and breeding law, as amended by section 1 of part DD of chapter
51 59 of the laws of 2022, is amended to read as follows:

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

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

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

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

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

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

8 § 2. This act shall take effect immediately.

9 PART PP

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

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

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

1 94. New York environmental protection and spill remediation account
2 (32219).
3 95. Mental hygiene facilities capital improvement fund (32300).
4 96. Correctional facilities capital improvement fund (32350).
5 97. New York State Storm Recovery Capital Fund (33000).
6 98. OGS convention center account (50318).
7 99. Empire Plaza Gift Shop (50327).
8 100. Unemployment Insurance Benefit Fund, Interest Assessment Account
9 (50651).
10 101. Centralized services fund (55000).
11 102. Archives records management account (55052).
12 103. Federal single audit account (55053).
13 104. Civil service administration account (55055).
14 105. Civil service EHS occupational health program account (55056).
15 106. Banking services account (55057).
16 107. Cultural resources survey account (55058).
17 108. Neighborhood work project account (55059).
18 109. Automation & printing chargeback account (55060).
19 110. OFT NYT account (55061).
20 111. Data center account (55062).
21 112. Intrusion detection account (55066).
22 113. Domestic violence grant account (55067).
23 114. Centralized technology services account (55069).
24 115. Labor contact center account (55071).
25 116. Human services contact center account (55072).
26 117. Tax contact center account (55073).
27 118. Department of law civil recoveries account (55074).
28 119. Executive direction internal audit account (55251).
29 120. CIO Information technology centralized services account (55252).
30 121. Health insurance internal service account (55300).
31 122. Civil service employee benefits division administrative account
32 (55301).
33 123. Correctional industries revolving fund (55350).
34 124. Employees health insurance account (60201).
35 125. Medicaid management information system escrow fund (60900).
36 126. Virtual currency assessments account.
37 § 1-a. The state comptroller is hereby authorized and directed to loan
38 money in accordance with the provisions set forth in subdivision 5 of
39 section 4 of the state finance law to any account within the following
40 federal funds, provided the comptroller has made a determination that
41 sufficient federal grant award authority is available to reimburse such
42 loans:
43 1. Federal USDA-food and nutrition services fund (25000).
44 2. Federal health and human services fund (25100).
45 3. Federal education fund (25200).
46 4. Federal block grant fund (25250).
47 5. Federal miscellaneous operating grants fund (25300).
48 6. Federal unemployment insurance administration fund (25900).
49 7. Federal unemployment insurance occupational training fund (25950).
50 8. Federal emergency employment act fund (26000).
51 9. Federal capital projects fund (31350).
52 § 2. Notwithstanding any law to the contrary, and in accordance with
53 section 4 of the state finance law, the comptroller is hereby authorized
54 and directed to transfer, upon request of the director of the budget, on
55 or before March 31, 2024, up to the unencumbered balance or the follow-
56 ing amounts:

1 Economic Development and Public Authorities:

2 1. \$1,175,000 from the miscellaneous special revenue fund, underground
3 facilities safety training account (22172), to the general fund.

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

7 3. \$19,810,000 from the miscellaneous special revenue fund, code
8 enforcement account (21904), to the general fund.

9 4. \$3,000,000 from the general fund to the miscellaneous special
10 revenue fund, tax revenue arrearage account (22168).

11 Education:

12 1. \$2,303,000,000 from the general fund to the state lottery fund,
13 education account (20901), as reimbursement for disbursements made from
14 such fund for supplemental aid to education pursuant to section 92-c of
15 the state finance law that are in excess of the amounts deposited in
16 such fund for such purposes pursuant to section 1612 of the tax law.

17 2. \$1,033,000,000 from the general fund to the state lottery fund, VLT
18 education account (20904), as reimbursement for disbursements made from
19 such fund for supplemental aid to education pursuant to section 92-c of
20 the state finance law that are in excess of the amounts deposited in
21 such fund for such purposes pursuant to section 1612 of the tax law.

22 3. \$137,789,000 from the general fund to the New York state commercial
23 gaming fund, commercial gaming revenue account (23701), as reimbursement
24 for disbursements made from such fund for supplemental aid to education
25 pursuant to section 97-nnnn of the state finance law that are in excess
26 of the amounts deposited in such fund for purposes pursuant to section
27 1352 of the racing, pari-mutuel wagering and breeding law.

28 4. \$1,061,047,000 from the general fund to the mobile sports wagering
29 fund, education account (24955), as reimbursement for disbursements made
30 from such fund for supplemental aid to education pursuant to section
31 92-c of the state finance law that are in excess of the amounts deposit-
32 ed in such fund for such purposes pursuant to section 1367 of the
33 racing, pari-mutuel wagering and breeding law.

34 5. \$7,000,000 from the interactive fantasy sports fund, fantasy sports
35 education account (24950), to the state lottery fund, education account
36 (20901), as reimbursement for disbursements made from such fund for
37 supplemental aid to education pursuant to section 92-c of the state
38 finance law.

39 6. An amount up to the unencumbered balance in the fund on March 31,
40 2024 from the charitable gifts trust fund, elementary and secondary
41 education account (24901), to the general fund, for payment of general
42 support for public schools pursuant to section 3609-a of the education
43 law.

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

48 8. \$300,000 from the New York state local government records manage-
49 ment improvement fund, local government records management account
50 (20501), to the New York state archives partnership trust fund, archives
51 partnership trust maintenance account (20351).

52 9. \$900,000 from the general fund to the miscellaneous special revenue
53 fund, Batavia school for the blind account (22032).

54 10. \$900,000 from the general fund to the miscellaneous special reven-
55 ue fund, Rome school for the deaf account (22053).

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

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

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

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

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

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

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

Environmental Affairs:

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

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

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

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

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

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

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

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

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

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

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

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

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

Family Assistance:

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

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

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

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

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

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

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

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

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

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

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

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

General Government:

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

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

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

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

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

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

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

4 8. \$1,000,000 from the miscellaneous special revenue fund, parking
5 account (22007), to the general fund, for the purpose of reimbursing the
6 costs of debt service related to state parking facilities.

7 9. \$11,460,000 from the general fund to the agencies internal service
8 fund, central technology services account (55069), for the purpose of
9 enterprise technology projects.

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

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

15 12. \$30,000,000 from the general fund to the internal service fund,
16 business services center account (55022).

17 13. \$8,000,000 from the general fund to the internal service fund,
18 building support services account (55018).

19 14. \$1,500,000 from the combined expendable trust fund, plaza special
20 events account (20120), to the general fund.

21 15. \$50,000,000 from the New York State cannabis revenue fund (24800)
22 to the general fund.

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

26 17. \$6,000,000 from the miscellaneous special revenue fund, standards
27 and purchasing account (22019), to the general fund.

28 Health:

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

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

37 3. A transfer from the general fund to the combined gifts, grants and
38 bequests fund, Alzheimer's disease research and assistance account
39 (20143), up to an amount equal to the moneys collected and deposited
40 into that account in the previous fiscal year.

41 4. \$8,940,000 from the HCRA resources fund (20800) to the miscella-
42 neous special revenue fund, empire state stem cell trust fund account
43 (22161).

44 5. \$3,600,000 from the miscellaneous special revenue fund, certificate
45 of need account (21920), to the miscellaneous capital projects fund,
46 healthcare IT capital subfund (32216).

47 6. \$4,000,000 from the miscellaneous special revenue fund, vital
48 health records account (22103), to the miscellaneous capital projects
49 fund, healthcare IT capital subfund (32216).

50 7. \$6,000,000 from the miscellaneous special revenue fund, profes-
51 sional medical conduct account (22088), to the miscellaneous capital
52 projects fund, healthcare IT capital subfund (32216).

53 8. \$114,500,000 from the HCRA resources fund (20800) to the capital
54 projects fund (30000).

55 9. \$6,550,000 from the general fund to the medical cannabis trust
56 fund, health operation and oversight account (23755).

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

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

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

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

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

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

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

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

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

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

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

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

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

Labor:

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

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

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

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

Mental Hygiene:

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

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

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

1 4. \$20,000,000 from the miscellaneous capital projects fund, opioid
2 settlement capital account to the opioid settlement fund (23817).

3 Public Protection:

4 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
5 management account (21944), to the general fund.

6 2. \$2,587,000 from the general fund to the miscellaneous special
7 revenue fund, recruitment incentive account (22171).

8 3. \$23,773,000 from the general fund to the correctional industries
9 revolving fund, correctional industries internal service account
10 (55350).

11 4. \$2,000,000,000 from any of the division of homeland security and
12 emergency services special revenue federal funds to the general fund.

13 5. \$115,420,000 from the state police motor vehicle law enforcement
14 and motor vehicle theft and insurance fraud prevention fund, state
15 police motor vehicle enforcement account (22802), to the general fund
16 for state operation expenses of the division of state police.

17 6. \$138,272,000 from the general fund to the correctional facilities
18 capital improvement fund (32350).

19 7. \$5,000,000 from the general fund to the dedicated highway and
20 bridge trust fund (30050) for the purpose of work zone safety activities
21 provided by the division of state police for the department of transpor-
22 tation.

23 8. \$10,000,000 from the miscellaneous special revenue fund, statewide
24 public safety communications account (22123), to the capital projects
25 fund (30000).

26 9. \$9,830,000 from the miscellaneous special revenue fund, legal
27 services assistance account (22096), to the general fund.

28 10. \$1,000,000 from the general fund to the agencies internal service
29 fund, neighborhood work project account (55059).

30 11. \$7,980,000 from the miscellaneous special revenue fund, finger-
31 print identification & technology account (21950), to the general fund.

32 12. \$1,100,000 from the state police motor vehicle law enforcement and
33 motor vehicle theft and insurance fraud prevention fund, motor vehicle
34 theft and insurance fraud account (22801), to the general fund.

35 13. \$14,400,000 from the general fund to the miscellaneous special
36 revenue fund, criminal justice improvement account (21945).

37 14. \$2,000,000 from the general fund to the miscellaneous special
38 revenue fund, hazard mitigation revolving loan account.

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

41 Transportation:

42 1. \$20,000,000 from the general fund to the mass transportation oper-
43 ating assistance fund, public transportation systems operating assist-
44 ance account (21401), of which \$12,000,000 constitutes the base need for
45 operations.

46 2. \$727,500,000 from the general fund to the dedicated highway and
47 bridge trust fund (30050).

48 3. \$244,250,000 from the general fund to the MTA financial assistance
49 fund, mobility tax trust account (23651).

50 4. \$5,000,000 from the miscellaneous special revenue fund, transporta-
51 tion regulation account (22067) to the dedicated highway and bridge
52 trust fund (30050), for disbursements made from such fund for motor
53 carrier safety that are in excess of the amounts deposited in the dedi-
54 cated highway and bridge trust fund (30050) for such purpose pursuant to
55 section 94 of the transportation law.

1 5. \$477,000 from the miscellaneous special revenue fund, traffic adju-
2 dication account (22055), to the general fund.

3 6. \$5,000,000 from the miscellaneous special revenue fund, transporta-
4 tion regulation account (22067) to the general fund, for disbursements
5 made from such fund for motor carrier safety that are in excess of the
6 amounts deposited in the general fund for such purpose pursuant to
7 section 94 of the transportation law.

8 Miscellaneous:

9 1. \$250,000,000 from the general fund to any funds or accounts for the
10 purpose of reimbursing certain outstanding accounts receivable balances.

11 2. \$500,000,000 from the general fund to the debt reduction reserve
12 fund (40000).

13 3. \$450,000,000 from the New York state storm recovery capital fund
14 (33000) to the revenue bond tax fund (40152).

15 4. \$15,500,000 from the general fund, community projects account GG
16 (10256), to the general fund, state purposes account (10050).

17 5. \$100,000,000 from any special revenue federal fund to the general
18 fund, state purposes account (10050).

19 6. \$8,250,000,000 from the special revenue federal fund, ARPA-Fiscal
20 Recovery Fund (25546) to the general fund, state purposes account
21 (10050) to cover eligible costs incurred by the state.

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

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

31 2. Upon request of the commissioner of agriculture and markets, up to
32 \$3,000,000 from any special revenue fund or enterprise fund within the
33 department of agriculture and markets to the general fund, to pay appro-
34 priate administrative expenses.

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

40 4. Upon request of the commissioner of the division of housing and
41 community renewal, up to \$5,500,000 may be transferred from any miscel-
42 laneous special revenue fund account, to any miscellaneous special
43 revenue fund.

44 5. Upon request of the commissioner of health up to \$13,694,000 from
45 revenues credited to any of the department of health's special revenue
46 funds, to the miscellaneous special revenue fund, administration account
47 (21982).

48 6. Upon the request of the attorney general, up to \$4,000,000 from
49 revenues credited to the federal health and human services fund, federal
50 health and human services account (25117) or the miscellaneous special
51 revenue fund, recoveries and revenue account (22041), to the miscella-
52 neous special revenue fund, litigation settlement and civil recovery
53 account (22117).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and directed to transfer, at the request of the director of the budget,
2 up to \$100 million from any non-general fund or account, or combination
3 of funds and accounts, to the miscellaneous special revenue fund, tech-
4 nology financing account (22207), the miscellaneous capital projects
5 fund, the federal capital projects account (31350), information technol-
6 ogy capital financing account (32215), or the centralized technology
7 services account (55069), for the purpose of consolidating technology
8 procurement and services. The amounts transferred to the miscellaneous
9 special revenue fund, technology financing account (22207) pursuant to
10 this authorization shall be equal to or less than the amount of such
11 monies intended to support information technology costs which are
12 attributable, according to a plan, to such account made in pursuance to
13 an appropriation by law. Transfers to the technology financing account
14 shall be completed from amounts collected by non-general funds or
15 accounts pursuant to a fund deposit schedule or permanent statute, and
16 shall be transferred to the technology financing account pursuant to a
17 schedule agreed upon by the affected agency commissioner. Transfers from
18 funds that would result in the loss of eligibility for federal benefits
19 or federal funds pursuant to federal law, rule, or regulation as assent-
20 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
21 1951 are not permitted pursuant to this authorization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 60. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022; provided, however, that the provisions of sections one, one-a, two, three, four, five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty~~[7]~~ and twenty-two~~[7 and twenty-three]~~ of this act shall expire March 31, 2023 when upon such date the provisions of such sections shall be deemed repealed; provided, further, that the amendments to section 89-h of the state finance law made by section twenty-eight of this act shall not affect the repeal of such

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

5 § 24. Subdivision 5 of section 183 of the military law, as amended by
6 section 2 of part 0 of chapter 55 of the laws of 2018, is amended to
7 read as follows:

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

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

17 2. Such fund shall have a maximum balance not to exceed [~~fifteen~~]
18 twenty-five per centum of the aggregate amount projected to be disbursed
19 from the general fund during [~~the fiscal year immediately following~~] the
20 then-current fiscal year. At the request of the director of the budget,
21 the state comptroller shall transfer monies to the rainy day reserve
22 fund up to and including an amount equivalent to [~~three~~] fifteen per
23 centum of the aggregate amount projected to be disbursed from the gener-
24 al fund during the then-current fiscal year, unless such transfer would
25 increase the rainy day reserve fund to an amount in excess of [~~fifteen~~]
26 twenty-five per centum of the aggregate amount projected to be disbursed
27 from the general fund during the [~~fiscal year immediately following the~~]
28 then-current fiscal year, in which event such transfer shall be limited
29 to such amount as will increase the rainy day reserve fund to such
30 [~~fifteen~~] twenty-five per centum limitation.

31 § 26. Notwithstanding any other law, rule, or regulation to the
32 contrary, the state comptroller is hereby authorized and directed to use
33 any balance remaining in the mental health services fund debt service
34 appropriation, after payment by the state comptroller of all obligations
35 required pursuant to any lease, sublease, or other financing arrangement
36 between the dormitory authority of the state of New York as successor to
37 the New York state medical care facilities finance agency, and the
38 facilities development corporation pursuant to chapter 83 of the laws of
39 1995 and the department of mental hygiene for the purpose of making
40 payments to the dormitory authority of the state of New York for the
41 amount of the earnings for the investment of monies deposited in the
42 mental health services fund that such agency determines will or may have
43 to be rebated to the federal government pursuant to the provisions of
44 the internal revenue code of 1986, as amended, in order to enable such
45 agency to maintain the exemption from federal income taxation on the
46 interest paid to the holders of such agency's mental services facilities
47 improvement revenue bonds. Annually on or before each June 30th, such
48 agency shall certify to the state comptroller its determination of the
49 amounts received in the mental health services fund as a result of the
50 investment of monies deposited therein that will or may have to be
51 rebated to the federal government pursuant to the provisions of the
52 internal revenue code of 1986, as amended.

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

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

3 1. Subject to the provisions of chapter 59 of the laws of 2000, but
4 notwithstanding the provisions of section 18 of section 1 of chapter 174
5 of the laws of 1968, the New York state urban development corporation is
6 hereby authorized to issue bonds, notes and other obligations in an
7 aggregate principal amount not to exceed [~~nine billion five hundred two~~
8 ~~million seven hundred thirty-nine thousand dollars \$9,502,739,000~~] nine
9 billion eight hundred sixty-five million eight hundred fifty-nine thou-
10 sand dollars \$9,865,859,000, and shall include all bonds, notes and
11 other obligations issued pursuant to chapter 56 of the laws of 1983, as
12 amended or supplemented. The proceeds of such bonds, notes or other
13 obligations shall be paid to the state, for deposit in the correctional
14 facilities capital improvement fund to pay for all or any portion of the
15 amount or amounts paid by the state from appropriations or reappropri-
16 ations made to the department of corrections and community supervision
17 from the correctional facilities capital improvement fund for capital
18 projects. The aggregate amount of bonds, notes or other obligations
19 authorized to be issued pursuant to this section shall exclude bonds,
20 notes or other obligations issued to refund or otherwise repay bonds,
21 notes or other obligations theretofore issued, the proceeds of which
22 were paid to the state for all or a portion of the amounts expended by
23 the state from appropriations or reappropriations made to the department
24 of corrections and community supervision; provided, however, that upon
25 any such refunding or repayment the total aggregate principal amount of
26 outstanding bonds, notes or other obligations may be greater than [~~nine~~
27 ~~billion five hundred two million seven hundred thirty-nine thousand~~
28 ~~dollars \$9,502,739,000~~] nine billion eight hundred sixty-five million
29 eight hundred fifty-nine thousand dollars \$9,865,859,000, only if the
30 present value of the aggregate debt service of the refunding or repay-
31 ment bonds, notes or other obligations to be issued shall not exceed the
32 present value of the aggregate debt service of the bonds, notes or other
33 obligations so to be refunded or repaid. For the purposes hereof, the
34 present value of the aggregate debt service of the refunding or repay-
35 ment bonds, notes or other obligations and of the aggregate debt service
36 of the bonds, notes or other obligations so refunded or repaid, shall be
37 calculated by utilizing the effective interest rate of the refunding or
38 repayment bonds, notes or other obligations, which shall be that rate
39 arrived at by doubling the semi-annual interest rate (compounded semi-
40 annually) necessary to discount the debt service payments on the refund-
41 ing or repayment bonds, notes or other obligations from the payment
42 dates thereof to the date of issue of the refunding or repayment bonds,
43 notes or other obligations and to the price bid including estimated
44 accrued interest or proceeds received by the corporation including esti-
45 mated accrued interest from the sale thereof.

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

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

1 \$538,100,000, excluding bonds issued to finance one or more debt service
2 reserve funds, to pay costs of issuance of such bonds, and bonds or
3 notes issued to refund or otherwise repay such bonds or notes previously
4 issued, for the purpose of financing capital projects including IT
5 initiatives for the division of state police, debt service and leases;
6 and to reimburse the state general fund for disbursements made therefor.
7 Such bonds and notes of such authorized issuer shall not be a debt of
8 the state, and the state shall not be liable thereon, nor shall they be
9 payable out of any funds other than those appropriated by the state to
10 such authorized issuer for debt service and related expenses pursuant to
11 any service contract executed pursuant to subdivision (b) of this
12 section and such bonds and notes shall contain on the face thereof a
13 statement to such effect. Except for purposes of complying with the
14 internal revenue code, any interest income earned on bond proceeds shall
15 only be used to pay debt service on such bonds.

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

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

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

38 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
39 notwithstanding the provisions of section 18 of the urban development
40 corporation act, the corporation is hereby authorized to issue bonds or
41 notes in one or more series in an aggregate principal amount not to
42 exceed [~~three hundred eighty three million five hundred thousand dollars~~
43 ~~\$383,500,000~~] five hundred one million five hundred thousand dollars
44 \$501,500,000, excluding bonds issued to fund one or more debt service
45 reserve funds, to pay costs of issuance of such bonds, and bonds or
46 notes issued to refund or otherwise repay such bonds or notes previously
47 issued, for the purpose of financing capital costs related to homeland
48 security and training facilities for the division of state police, the
49 division of military and naval affairs, and any other state agency,
50 including the reimbursement of any disbursements made from the state
51 capital projects fund, and is hereby authorized to issue bonds or notes
52 in one or more series in an aggregate principal amount not to exceed
53 [~~one billion six hundred four million nine hundred eighty six thousand~~
54 ~~dollars \$1,604,986,000~~] one billion seven hundred thirteen million
55 eighty-six thousand dollars \$1,713,086,000, excluding bonds issued to
56 fund one or more debt service reserve funds, to pay costs of issuance of

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

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

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

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

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

6 (c) Subject to the provisions of chapter fifty-nine of the laws of two
7 thousand, (i) the dormitory authority shall not deliver a series of
8 bonds for city university community college facilities, except to refund
9 or to be substituted for or in lieu of other bonds in relation to city
10 university community college facilities pursuant to a resolution of the
11 dormitory authority adopted before July first, nineteen hundred eighty-
12 five or any resolution supplemental thereto, if the principal amount of
13 bonds so to be issued when added to all principal amounts of bonds
14 previously issued by the dormitory authority for city university commu-
15 nity college facilities, except to refund or to be substituted in lieu
16 of other bonds in relation to city university community college facili-
17 ties will exceed the sum of four hundred twenty-five million dollars and
18 (ii) the dormitory authority shall not deliver a series of bonds issued
19 for city university facilities, including community college facilities,
20 pursuant to a resolution of the dormitory authority adopted on or after
21 July first, nineteen hundred eighty-five, except to refund or to be
22 substituted for or in lieu of other bonds in relation to city university
23 facilities and except for bonds issued pursuant to a resolution supple-
24 mental to a resolution of the dormitory authority adopted prior to July
25 first, nineteen hundred eighty-five, if the principal amount of bonds so
26 to be issued when added to the principal amount of bonds previously
27 issued pursuant to any such resolution, except bonds issued to refund or
28 to be substituted for or in lieu of other bonds in relation to city
29 university facilities, will exceed [~~ten billion two hundred fifty-four~~
30 ~~million six hundred eighty-six thousand dollars \$10,254,686,000~~] eleven
31 billion three hundred fourteen million three hundred fifty-two thousand
32 dollars \$11,314,352,000. The legislature reserves the right to amend or
33 repeal such limit, and the state of New York, the dormitory authority,
34 the city university, and the fund are prohibited from covenanting or
35 making any other agreements with or for the benefit of bondholders which
36 might in any way affect such right.

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

40 10-a. Subject to the provisions of chapter fifty-nine of the laws of
41 two thousand, but notwithstanding any other provision of the law to the
42 contrary, the maximum amount of bonds and notes to be issued after March
43 thirty-first, two thousand two, on behalf of the state, in relation to
44 any locally sponsored community college, shall be [~~one billion one~~
45 ~~hundred twenty-three million one hundred forty thousand dollars~~
46 ~~\$1,123,140,000~~] one billion two hundred twenty-seven million ninety-
47 five thousand dollars \$1,227,095,000. Such amount shall be exclusive of
48 bonds and notes issued to fund any reserve fund or funds, costs of issu-
49 ance and to refund any outstanding bonds and notes, issued on behalf of
50 the state, relating to a locally sponsored community college.

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

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

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

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

1 of mental health services facilities pursuant to paragraph a of this
2 subdivision, the payment of interest on mental health services improve-
3 ment bonds and mental health services improvement notes issued for such
4 purposes, the establishment of reserves to secure such bonds and notes,
5 the cost or premium of bond insurance or the costs of any financial
6 mechanisms which may be used to reduce the debt service that would be
7 payable by the agency on its mental health services facilities improve-
8 ment bonds and notes and all other expenditures of the agency incident
9 to and necessary or convenient to providing the facilities development
10 corporation, or any successor agency, with funds for the financing or
11 refinancing of or for any such design, construction, acquisition, recon-
12 struction, rehabilitation or improvement and for the refunding of mental
13 hygiene improvement bonds issued pursuant to section 47-b of the private
14 housing finance law; provided, however, that the agency shall not issue
15 mental health services facilities improvement bonds and mental health
16 services facilities improvement notes in an aggregate principal amount
17 exceeding [~~ten billion nine hundred forty-two million eight hundred~~
18 ~~thirty-three thousand dollars \$10,942,833,000~~] twelve billion four
19 hundred eighteen million three hundred thirty-seven thousand dollars
20 \$12,418,337,000, excluding mental health services facilities improvement
21 bonds and mental health services facilities improvement notes issued to
22 refund outstanding mental health services facilities improvement bonds
23 and mental health services facilities improvement notes; provided,
24 however, that upon any such refunding or repayment of mental health
25 services facilities improvement bonds and/or mental health services
26 facilities improvement notes the total aggregate principal amount of
27 outstanding mental health services facilities improvement bonds and
28 mental health facilities improvement notes may be greater than [~~ten~~
29 ~~billion nine hundred forty-two million eight hundred thirty-three thou-~~
30 ~~sand dollars \$10,942,833,000~~] twelve billion four hundred eighteen
31 million three hundred thirty-seven thousand dollars \$12,418,337,000,
32 only if, except as hereinafter provided with respect to mental health
33 services facilities bonds and mental health services facilities notes
34 issued to refund mental hygiene improvement bonds authorized to be
35 issued pursuant to the provisions of section 47-b of the private housing
36 finance law, the present value of the aggregate debt service of the
37 refunding or repayment bonds to be issued shall not exceed the present
38 value of the aggregate debt service of the bonds to be refunded or
39 repaid. For purposes hereof, the present values of the aggregate debt
40 service of the refunding or repayment bonds, notes or other obligations
41 and of the aggregate debt service of the bonds, notes or other obli-
42 gations so refunded or repaid, shall be calculated by utilizing the
43 effective interest rate of the refunding or repayment bonds, notes or
44 other obligations, which shall be that rate arrived at by doubling the
45 semi-annual interest rate (compounded semi-annually) necessary to
46 discount the debt service payments on the refunding or repayment bonds,
47 notes or other obligations from the payment dates thereof to the date of
48 issue of the refunding or repayment bonds, notes or other obligations
49 and to the price bid including estimated accrued interest or proceeds
50 received by the authority including estimated accrued interest from the
51 sale thereof. Such bonds, other than bonds issued to refund outstanding
52 bonds, shall be scheduled to mature over a term not to exceed the aver-
53 age useful life, as certified by the facilities development corporation,
54 of the projects for which the bonds are issued, and in any case shall
55 not exceed thirty years and the maximum maturity of notes or any
56 renewals thereof shall not exceed five years from the date of the

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

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

20 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
21 notwithstanding any provisions of law to the contrary, one or more
22 authorized issuers as defined by section 68-a of the state finance law
23 are hereby authorized to issue bonds or notes in one or more series in
24 an aggregate principal amount not to exceed ~~[one hundred ninety-seven~~
25 ~~million dollars \$197,000,000]~~ two hundred forty-seven million dollars
26 \$247,000,000, excluding bonds issued to finance one or more debt service
27 reserve funds, to pay costs of issuance of such bonds, and bonds or
28 notes issued to refund or otherwise repay such bonds or notes previously
29 issued, for the purpose of financing capital projects for public
30 protection facilities in the Division of Military and Naval Affairs,
31 debt service and leases; and to reimburse the state general fund for
32 disbursements made therefor. Such bonds and notes of such authorized
33 issuer shall not be a debt of the state, and the state shall not be
34 liable thereon, nor shall they be payable out of any funds other than
35 those appropriated by the state to such authorized issuer for debt
36 service and related expenses pursuant to any service contract executed
37 pursuant to subdivision (b) of this section and such bonds and notes
38 shall contain on the face thereof a statement to such effect. Except for
39 purposes of complying with the internal revenue code, any interest
40 income earned on bond proceeds shall only be used to pay debt service on
41 such bonds.

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

46 § 53. 1. Notwithstanding the provisions of any other law to the
47 contrary, the dormitory authority and the urban development corporation
48 are hereby authorized to issue bonds or notes in one or more series for
49 the purpose of funding project costs for the acquisition of equipment,
50 including but not limited to the creation or modernization of informa-
51 tion technology systems and related research and development equipment,
52 health and safety equipment, heavy equipment and machinery, the creation
53 or improvement of security systems, and laboratory equipment and other
54 state costs associated with such capital projects. The aggregate princi-
55 pal amount of bonds authorized to be issued pursuant to this section
56 shall not exceed ~~[three hundred ninety-three million dollars~~

1 ~~\$393,000,000~~ four hundred ninety-three million dollars \$493,000,000,
2 excluding bonds issued to fund one or more debt service reserve funds,
3 to pay costs of issuance of such bonds, and bonds or notes issued to
4 refund or otherwise repay such bonds or notes previously issued. Such
5 bonds and notes of the dormitory authority and the urban development
6 corporation shall not be a debt of the state, and the state shall not be
7 liable thereon, nor shall they be payable out of any funds other than
8 those appropriated by the state to the dormitory authority and the urban
9 development corporation for principal, interest, and related expenses
10 pursuant to a service contract and such bonds and notes shall contain on
11 the face thereof a statement to such effect. Except for purposes of
12 complying with the internal revenue code, any interest income earned on
13 bond proceeds shall only be used to pay debt service on such bonds.

14 2. Notwithstanding any other provision of law to the contrary, in
15 order to assist the dormitory authority and the urban development corpo-
16 ration in undertaking the financing for project costs for the acquisi-
17 tion of equipment, including but not limited to the creation or modern-
18 ization of information technology systems and related research and
19 development equipment, health and safety equipment, heavy equipment and
20 machinery, the creation or improvement of security systems, and labora-
21 tory equipment and other state costs associated with such capital
22 projects, the director of the budget is hereby authorized to enter into
23 one or more service contracts with the dormitory authority and the urban
24 development corporation, none of which shall exceed thirty years in
25 duration, upon such terms and conditions as the director of the budget
26 and the dormitory authority and the urban development corporation agree,
27 so as to annually provide to the dormitory authority and the urban
28 development corporation, in the aggregate, a sum not to exceed the prin-
29 cipal, interest, and related expenses required for such bonds and notes.
30 Any service contract entered into pursuant to this section shall provide
31 that the obligation of the state to pay the amount therein provided
32 shall not constitute a debt of the state within the meaning of any
33 constitutional or statutory provision and shall be deemed executory only
34 to the extent of monies available and that no liability shall be
35 incurred by the state beyond the monies available for such purpose,
36 subject to annual appropriation by the legislature. Any such contract or
37 any payments made or to be made thereunder may be assigned and pledged
38 by the dormitory authority and the urban development corporation as
39 security for its bonds and notes, as authorized by this section.

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

45 (b) Any service contract or contracts for projects authorized pursuant
46 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
47 14-k of the transportation law, and entered into pursuant to subdivision
48 (a) of this section, shall provide for state commitments to provide
49 annually to the thruway authority a sum or sums, upon such terms and
50 conditions as shall be deemed appropriate by the director of the budget,
51 to fund, or fund the debt service requirements of any bonds or any obli-
52 gations of the thruway authority issued to fund or to reimburse the
53 state for funding such projects having a cost not in excess of [~~thirteen~~
54 ~~billion fifty-three million eight hundred eighty-one thousand dollars~~
55 ~~\$13,053,881,000~~] thirteen billion nine hundred forty-nine million two
56 hundred thirty-four thousand dollars \$13,949,234,000 cumulatively by the

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

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

14 1. The dormitory authority is authorized to issue bonds, at the
15 request of the commissioner of education, to finance eligible library
16 construction projects pursuant to section two hundred seventy-three-a of
17 the education law, in amounts certified by such commissioner not to
18 exceed a total principal amount of [~~three hundred thirty-three million~~
19 ~~dollars \$333,000,000~~] three hundred sixty-seven million dollars
20 \$367,000,000.

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

25 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
26 provisions of any other law to the contrary, the dormitory authority and
27 the corporation are hereby authorized to issue bonds or notes in one or
28 more series for the purpose of funding project costs for the regional
29 economic development council initiative, the economic transformation
30 program, state university of New York college for nanoscale and science
31 engineering, projects within the city of Buffalo or surrounding envi-
32 rons, the New York works economic development fund, projects for the
33 retention of professional football in western New York, the empire state
34 economic development fund, the clarkson-trudeau partnership, the New
35 York genome center, the cornell university college of veterinary medi-
36 cine, the olympic regional development authority, projects at nano
37 Utica, onondaga county revitalization projects, Binghamton university
38 school of pharmacy, New York power electronics manufacturing consortium,
39 regional infrastructure projects, high tech innovation and economic
40 development infrastructure program, high technology manufacturing
41 projects in Chautauqua and Erie county, an industrial scale research and
42 development facility in Clinton county, upstate revitalization initi-
43 ative projects, downstate revitalization initiative, market New York
44 projects, fairground buildings, equipment or facilities used to house
45 and promote agriculture, the state fair, the empire state trail, the
46 moynihan station development project, the Kingsbridge armory project,
47 strategic economic development projects, the cultural, arts and public
48 spaces fund, water infrastructure in the city of Auburn and town of
49 Owasco, a life sciences laboratory public health initiative, not-for-
50 profit pounds, shelters and humane societies, arts and cultural facili-
51 ties improvement program, restore New York's communities initiative,
52 heavy equipment, economic development and infrastructure projects,
53 Roosevelt Island operating corporation capital projects, Lake Ontario
54 regional projects, Pennsylvania station and other transit projects,
55 athletic facilities for professional football in Orchard Park, New York
56 and other state costs associated with such projects. The aggregate prin-

1 cipal amount of bonds authorized to be issued pursuant to this section
2 shall not exceed [~~fourteen billion nine hundred sixty eight million four~~
3 ~~hundred two thousand dollars \$14,968,402,000~~] seventeen billion six
4 hundred fifty-five million six hundred two thousand dollars
5 \$17,655,602,000, excluding bonds issued to fund one or more debt service
6 reserve funds, to pay costs of issuance of such bonds, and bonds or
7 notes issued to refund or otherwise repay such bonds or notes previously
8 issued. Such bonds and notes of the dormitory authority and the corpo-
9 ration shall not be a debt of the state, and the state shall not be
10 liable thereon, nor shall they be payable out of any funds other than
11 those appropriated by the state to the dormitory authority and the
12 corporation for principal, interest, and related expenses pursuant to a
13 service contract and such bonds and notes shall contain on the face
14 thereof a statement to such effect. Except for purposes of complying
15 with the internal revenue code, any interest income earned on bond
16 proceeds shall only be used to pay debt service on such bonds.

17 2. Notwithstanding any other provision of law to the contrary, in
18 order to assist the dormitory authority and the corporation in undertak-
19 ing the financing for project costs for the regional economic develop-
20 ment council initiative, the economic transformation program, state
21 university of New York college for nanoscale and science engineering,
22 projects within the city of Buffalo or surrounding environs, the New
23 York works economic development fund, projects for the retention of
24 professional football in western New York, the empire state economic
25 development fund, the clarkson-trudeau partnership, the New York genome
26 center, the cornell university college of veterinary medicine, the olym-
27 pic regional development authority, projects at nano Utica, onondaga
28 county revitalization projects, Binghamton university school of pharma-
29 cy, New York power electronics manufacturing consortium, regional
30 infrastructure projects, New York State Capital Assistance Program for
31 Transportation, infrastructure, and economic development, high tech
32 innovation and economic development infrastructure program, high tech-
33 nology manufacturing projects in Chautauqua and Erie county, an indus-
34 trial scale research and development facility in Clinton county, upstate
35 revitalization initiative projects, downstate revitalization initiative,
36 market New York projects, fairground buildings, equipment or facilities
37 used to house and promote agriculture, the state fair, the empire state
38 trail, the moynihan station development project, the Kingsbridge armory
39 project, strategic economic development projects, the cultural, arts and
40 public spaces fund, water infrastructure in the city of Auburn and town
41 of Owasco, a life sciences laboratory public health initiative, not-for-
42 profit pounds, shelters and humane societies, arts and cultural facili-
43 ties improvement program, restore New York's communities initiative,
44 heavy equipment, economic development and infrastructure projects,
45 Roosevelt Island operating corporation capital projects, Lake Ontario
46 regional projects, Pennsylvania station and other transit projects,
47 athletic facilities for professional football in Orchard Park, New York
48 and other state costs associated with such projects the director of the
49 budget is hereby authorized to enter into one or more service contracts
50 with the dormitory authority and the corporation, none of which shall
51 exceed thirty years in duration, upon such terms and conditions as the
52 director of the budget and the dormitory authority and the corporation
53 agree, so as to annually provide to the dormitory authority and the
54 corporation, in the aggregate, a sum not to exceed the principal, inter-
55 est, and related expenses required for such bonds and notes. Any service
56 contract entered into pursuant to this section shall provide that the

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

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

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

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

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

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

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

17 1. Notwithstanding the provisions of any other law to the contrary,
18 the dormitory authority and the urban development corporation are hereby
19 authorized to issue bonds or notes in one or more series for the purpose
20 of funding project costs undertaken by or on behalf of the state educa-
21 tion department, special act school districts, state-supported schools
22 for the blind and deaf, approved private special education schools,
23 non-public schools, community centers, day care facilities, residential
24 camps, day camps, Native American Indian Nation schools, and other state
25 costs associated with such capital projects. The aggregate principal
26 amount of bonds authorized to be issued pursuant to this section shall
27 not exceed [~~three hundred one million seven hundred thousand dollars~~
28 ~~\$301,700,000~~] three hundred twenty-one million seven hundred ninety-nine
29 thousand dollars \$321,799,000, excluding bonds issued to fund one or
30 more debt service reserve funds, to pay costs of issuance of such bonds,
31 and bonds or notes issued to refund or otherwise repay such bonds or
32 notes previously issued. Such bonds and notes of the dormitory authority
33 and the urban development corporation shall not be a debt of the state,
34 and the state shall not be liable thereon, nor shall they be payable out
35 of any funds other than those appropriated by the state to the dormitory
36 authority and the urban development corporation for principal, interest,
37 and related expenses pursuant to a service contract and such bonds and
38 notes shall contain on the face thereof a statement to such effect.
39 Except for purposes of complying with the internal revenue code, any
40 interest income earned on bond proceeds shall only be used to pay debt
41 service on such bonds.

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

46 1. Notwithstanding the provisions of any other law to the contrary,
47 the dormitory authority and the corporation are hereby authorized to
48 issue bonds or notes in one or more series for the purpose of funding
49 project costs for the office of information technology services, depart-
50 ment of law, and other state costs associated with such capital
51 projects. The aggregate principal amount of bonds authorized to be
52 issued pursuant to this section shall not exceed [~~one billion one~~
53 ~~hundred fifty-two million five hundred sixty-six thousand dollars~~
54 ~~\$1,152,566,000~~] one billion three hundred fifty-three million eight
55 hundred fifty-two thousand dollars \$1,353,852,000, excluding bonds
56 issued to fund one or more debt service reserve funds, to pay costs of

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

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

15 (b) The authority is hereby authorized, as additional corporate
16 purposes thereof solely upon the request of the director of the budget:
17 (i) to issue special emergency highway and bridge trust fund bonds and
18 notes for a term not to exceed thirty years and to incur obligations
19 secured by the moneys appropriated from the dedicated highway and bridge
20 trust fund established in section eighty-nine-b of the state finance
21 law; (ii) to make available the proceeds in accordance with instructions
22 provided by the director of the budget from the sale of such special
23 emergency highway and bridge trust fund bonds, notes or other obli-
24 gations, net of all costs to the authority in connection therewith, for
25 the purposes of financing all or a portion of the costs of activities
26 for which moneys in the dedicated highway and bridge trust fund estab-
27 lished in section eighty-nine-b of the state finance law are authorized
28 to be utilized or for the financing of disbursements made by the state
29 for the activities authorized pursuant to section eighty-nine-b of the
30 state finance law; and (iii) to enter into agreements with the commis-
31 sioner of transportation pursuant to section ten-e of the highway law
32 with respect to financing for any activities authorized pursuant to
33 section eighty-nine-b of the state finance law, or agreements with the
34 commissioner of transportation pursuant to sections ten-f and ten-g of
35 the highway law in connection with activities on state highways pursuant
36 to these sections, and (iv) to enter into service contracts, contracts,
37 agreements, deeds and leases with the director of the budget or the
38 commissioner of transportation and project sponsors and others to
39 provide for the financing by the authority of activities authorized
40 pursuant to section eighty-nine-b of the state finance law, and each of
41 the director of the budget and the commissioner of transportation are
42 hereby authorized to enter into service contracts, contracts, agree-
43 ments, deeds and leases with the authority, project sponsors or others
44 to provide for such financing. The authority shall not issue any bonds
45 or notes in an amount in excess of [~~nineteen billion seven hundred~~
46 ~~seventy six million nine hundred twenty thousand dollars~~
47 ~~\$19,776,920,000~~] twenty billion six hundred forty-eight million five
48 hundred seven thousand dollars \$20,648,507,000, plus a principal amount
49 of bonds or notes: (A) to fund capital reserve funds; (B) to provide
50 capitalized interest; and, (C) to fund other costs of issuance. In
51 computing for the purposes of this subdivision, the aggregate amount of
52 indebtedness evidenced by bonds and notes of the authority issued pursu-
53 ant to this section, as amended by a chapter of the laws of nineteen
54 hundred ninety-six, there shall be excluded the amount of bonds or notes
55 issued that would constitute interest under the United States Internal

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

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

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

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

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

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

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

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

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

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

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

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

1 assisting the state to temporarily finance its budgetary needs;
2 provided, however, that the total principal amounts of such draws for
3 each fiscal year shall not exceed [~~two~~] one billion dollars; and (iii)
4 secure repayment of all draws under such line of credit facilities and
5 the payment of related expenses and fees, which repayment and payment
6 obligations shall not constitute a debt of the state within the meaning
7 of any constitutional or statutory provision and shall be deemed execu-
8 tory only to the extent moneys are available and that no liability shall
9 be incurred by the state beyond the moneys available for such purpose,
10 and that such payment obligation is subject to annual appropriation by
11 the legislature. Any line of credit facility agreements entered into by
12 the dormitory authority of the state of New York and/or the urban devel-
13 opment corporation with financial institutions pursuant to this section
14 may contain such provisions that the dormitory authority of the state of
15 New York and/or the urban development corporation deem necessary or
16 desirable for the establishment of such credit facilities. The maximum
17 term of any line of credit facility shall be one year from the date of
18 incurrence; provided however that no draw on any such line of credit
19 facility shall occur after March 31, [~~2023~~] 2024, and provided further
20 that any such line of credit facility whose term extends beyond March
21 31, [~~2023~~] 2024 shall be supported by sufficient appropriation authority
22 enacted by the legislature that provides for the repayment of all
23 amounts drawn and remaining unpaid as of March 31, [~~2023~~] 2024, as well
24 as the payment of related expenses and fees incurred and to become due
25 and payable by the dormitory authority of the state of New York and/or
26 the urban development corporation.

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

32 2. Definitions. When used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

3 2. \$5,000,000 from the miscellaneous special revenue fund, state
4 university dormitory income reimbursable account (21937).

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

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

11 § 59. The dormitory authority of the state of New York, the New York
12 state urban development corporation, and the New York state thruway
13 authority are hereby authorized to issue bonds in one or more series
14 under either article 5-C or article 5-F of the state finance law for the
15 purpose of refunding obligations of the power authority of the state of
16 New York to fund energy efficiency projects at state agencies including,
17 but not limited to, the state university of New York, city university of
18 New York, the New York state office of general services, New York state
19 office of mental health, state education department, and New York state
20 department of agriculture and markets. The aggregate principal amount
21 of bonds authorized to be issued pursuant to this section shall not
22 exceed [~~two hundred million dollars (\$200,000,000)~~] four hundred seven-
23 ty-five million dollars (\$475,000,000), excluding bonds issued to pay
24 costs of issuance of such bonds and to refund or otherwise repay such
25 bonds. Such bonds issued by the dormitory authority of the state of New
26 York, the New York state urban development corporation, and New York
27 state thruway authority shall not be a debt of the state, and the state
28 shall not be liable thereon, nor shall they be payable out of any funds
29 other than those appropriated by the state under article 5-C or article
30 5-F of the state finance law, as applicable.

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

34 1. Notwithstanding any other provision of law to the contrary, the
35 authority, the dormitory authority and the urban development corporation
36 are hereby authorized to issue bonds or notes in one or more series for
37 the purpose of assisting the metropolitan transportation authority in
38 the financing of transportation facilities as defined in subdivision
39 seventeen of section twelve hundred sixty-one of this chapter or other
40 capital projects. The aggregate principal amount of bonds authorized to
41 be issued pursuant to this section shall not exceed twelve billion five
42 hundred fifteen million eight hundred fifty-six thousand dollars
43 \$12,515,856,000, excluding bonds issued to fund one or more debt service
44 reserve funds, to pay costs of issuance of such bonds, and to refund or
45 otherwise repay such bonds or notes previously issued. Such bonds and
46 notes of the authority, the dormitory authority and the urban develop-
47 ment corporation shall not be a debt of the state, and the state shall
48 not be liable thereon, nor shall they be payable out of any funds other
49 than those appropriated by the state to the authority, the dormitory
50 authority and the urban development corporation for principal, interest,
51 and related expenses pursuant to a service contract and such bonds and
52 notes shall contain on the face thereof a statement to such effect.
53 Except for purposes of complying with the internal revenue code, any
54 interest income earned on bond proceeds shall only be used to pay debt
55 service on such bonds. Notwithstanding any other provision of law to
56 the contrary, including the limitations contained in subdivision four of

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

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

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

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

32 PART QQ

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

35 27-a. (a) The authority is authorized and directed, to:

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

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

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

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

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

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

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

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

13 (A) information developed pursuant to paragraph (d) of this subdivi-
14 sion;

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

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

19 (D) the fiscal condition of the authority and the impacts of potential
20 renewable energy generating projects on the authority and its subsid-
21 aries;

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

25 (F) the timing, characteristics and size of the renewable energy
26 generating projects in the interconnection queue of the federally desig-
27 nated electric bulk system operator for New York state;

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

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

35 (iii) The strategic plan shall address the purposes stated in para-
36 graph (a) of this subdivision, and prioritize projects that:

37 (A) actively benefit disadvantaged communities;

38 (B) serve publicly-owned facilities; and

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

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

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

43 (B) priority locations for the development of renewable energy gener-
44 ating projects;

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

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

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

51 (F) which of the intended purposes in paragraph (a) of this subdivi-
52 sion each renewable energy generating project is intended to support;

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

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

1 (I) any benefits to rate payers;
2 (J) the state's progress towards achieving the renewable energy goals
3 of the climate leadership and community protection act; and
4 (K) any other information the authority determines to be appropriate.
5 (v) The plan shall include a list of proposed renewable energy gener-
6 ating projects. Such list shall include projects that are planned to be
7 commenced prior to the next update or version of the plan, and at the
8 authority's discretion need not include any projects in the planning
9 stage. Each proposed project listed shall include, without limitation:
10 (A) location of the project, to the extent that property associated
11 with such location has been secured for the proposed project;
12 (B) the type, or types, of renewable energy resources utilized;
13 (C) the potential generating capacity of each project;
14 (D) the estimated project cost;
15 (E) the timeline for completion; and
16 (F) the entity undertaking the proposed project and any public part-
17 nership agreements the authority or its subsidiaries enter into for such
18 project.
19 (vi) In developing the strategic plan, the authority shall consult
20 with stakeholders including, without limitation, climate and resiliency
21 experts, labor organizations, environmental justice communities, disad-
22 vantaged community members, residential and small business ratepayer
23 advocates, and community organizations. The authority shall also seek,
24 where possible, community input through the regional clean energy hubs
25 program administered by the energy research and development authority.
26 (vii) The authority shall post a draft of the strategic plan on its
27 website for public comment for a period of at least sixty days, and
28 shall hold at least three public hearings on the draft strategic plan in
29 regionally diverse parts of the state.
30 (viii) The authority shall after considering the stakeholder input
31 publish the first final strategic plan on its website no later than
32 January thirty-first, two thousand twenty-five.
33 (ix) The authority, until two thousand thirty-five, shall update
34 each biennial strategic plan annually, after a public comment period of
35 at least thirty days and at least one public hearing. Such updated
36 strategic plan shall include a review of the implementation of the
37 projects previously included in the strategic plan with necessary
38 updates, including status in the interconnection queue. The authority
39 may update the plan more often than annually provided that it follows
40 the public comment and public hearing process for updated plans
41 prescribed by this paragraph.
42 (x) The strategic plan and any update thereof shall not be deemed
43 final until it is approved by the authority's trustees.
44 (f) The authority shall have the right to exercise and perform all or
45 part of its powers and functions pursuant to this subdivision or subdi-
46 vision twenty-seven-b of this section, through one or more wholly owned
47 subsidiaries. The authority may form such subsidiary by acquiring the
48 voting shares thereof or by resolution of the board directing any of its
49 trustees, officers or employees to organize a subsidiary pursuant to the
50 business corporation law, or the not-for-profit corporation law, or as
51 otherwise authorized by law. Such resolution shall prescribe the purpose
52 for which such subsidiary is to be formed, which shall not be inconsis-
53 ent with the provisions of this subdivision. Each such subsidiary pursu-
54 ant to this subdivision shall be subject to any provision of this chap-
55 ter pertaining to subsidiaries of public authorities, except that
56 subdivision three of section twenty-eight hundred twenty-seven-a of this

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

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

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

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

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

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

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

(C) any public entity or authority customer;

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

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

4 (E) any CCA community.

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

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

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

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

16 (iv) "Disadvantaged communities" has the meaning ascribed to that term
17 by subdivision five of section 75-0101 of the environmental conservation
18 law.

19 (v) "Public entity" has the same meaning as in subparagraph five of
20 paragraph (b) of subdivision seventeen of this section.

21 (vi) "Renewable energy generating project" or "project" means:

22 (A) facilities that generate power and energy by means of a renewable
23 energy system;

24 (B) facilities that store and discharge power and energy; and

25 (C) facilities, including generator lead lines, for interconnection of
26 renewable energy generating projects to delivery points within the state
27 of New York.

28 (vii) "Renewable energy system" has the same meaning as section
29 sixty-six-p of the public service law.

30 (j) The authority shall complete and submit a report, on or before
31 January thirty-first, two thousand twenty-five, and annually thereafter,
32 to the governor, the speaker of the assembly, and the temporary presi-
33 dent of the senate, and shall post such report on the authority's
34 website such that the report is accessible for public review. Such
35 report shall include, but not be limited to:

36 (i) a description of the renewable energy projects the authority has
37 planned, designed, developed, financed, or constructed and that it owns,
38 operates, maintains or improves, alone or jointly with other entities,
39 under the authority of this subdivision;

40 (ii) a description of the acquisition, lease or other disposition of
41 interests in renewable energy generating projects by the authority under
42 this subdivision;

43 (iii) a listing of all renewable power, energy, ancillary services and
44 related credits and attributes sold or purchased by the authority from
45 such projects;

46 (iv) a listing of the entities to which the authority has supplied,
47 allocated or sold any renewable power, energy, ancillary services or
48 related credits or attributes from such projects;

49 (v) a listing and description of all subsidiaries that the authority
50 formed, public-private partnerships the authority has joined, and the
51 subsidiaries and public-private partnerships from and to which the
52 authority acquired or transferred any interests;

53 (vi) the total amount of revenues generated from the sale of renewable
54 energy products from such projects; and

55 (vii) an explanation of how each renewable energy generation project
56 supports the purposes listed in paragraph (a) of this subdivision.

1 (k) All renewable energy generating projects subject to this subdivi-
2 sion and subdivision twenty-seven-b of this section shall be deemed
3 public work and subject to and performed in accordance with articles
4 eight and nine of the labor law. Each contract for such renewable energy
5 generating project shall contain a provision that such projects may only
6 be undertaken pursuant to a project labor agreement. For purposes of
7 this subdivision and subdivision twenty-seven-b of this section,
8 "project labor agreement" shall mean a pre-hire collective bargaining
9 agreement between the authority, or a third party on behalf of the
10 authority, and a bona fide building and construction trade labor organ-
11 ization establishing the labor organization as the collective bargaining
12 representative for all persons who will perform work on a public work
13 project, and which provides that only contractors and subcontractors who
14 sign a pre-negotiated agreement with the labor organization can perform
15 project work. All contractors and subcontractors associated with this
16 work shall be required to utilize apprenticeship agreements as defined
17 by article twenty-three of the labor law.

18 (l) The authority shall include requirements in any procurement or
19 development of a renewable energy generating project, as defined in this
20 subdivision, that the components and parts shall be produced or made in
21 whole or substantial part in the United States, its territories or
22 possessions. The authority's president and chief executive officer, or
23 his or her designee may waive the procurement and development require-
24 ments set forth in this paragraph if such official determines that: the
25 requirements would not be in the public interest; the requirements would
26 result in unreasonable costs; obtaining such infrastructure components
27 and parts in the United States would increase the cost of a renewable
28 energy generating project by an unreasonable amount; or such components
29 or parts cannot be produced, made, or assembled in the United States in
30 sufficient and reasonably available quantities or of satisfactory quali-
31 ty. Such determination must be made on an annual basis no later than
32 December thirty-first, after providing notice and an opportunity for
33 public comment, and such determination shall be made publicly available,
34 in writing, on the authority's website with a detailed explanation of
35 the findings leading to such determination. If the authority's president
36 and chief executive officer, or his or her designee, has issued determi-
37 nations for three consecutive years finding that no such waiver is
38 warranted pursuant to this paragraph, then the authority shall no longer
39 be required to provide the annual determination required by this para-
40 graph.

41 (m) (i) Nothing in this subdivision or subdivision twenty-seven-b of
42 this section shall alter the rights or benefits, and privileges, includ-
43 ing, but not limited to terms and conditions of employment, civil
44 service status, and collective bargaining unit membership, of any
45 current employees of the authority.

46 (ii) Nothing in this article shall result in: (A) the discharge,
47 displacement, or loss of position, including partial displacement such
48 as a reduction in the hours of non-overtime work, wages, or employment
49 benefits; (B) the impairment of existing collective bargaining agree-
50 ments; (C) the transfer of existing duties and functions; or (D) the
51 transfer of future duties and functions, of any currently employed work-
52 er of the state or any agency, public authority or the state university
53 of New York.

54 (n) The authority shall enter into a memorandum of understanding for
55 the operation and maintenance of a renewable energy generating project
56 developed pursuant to this subdivision or subdivision twenty-seven of

1 this section with a bona fide labor organization of jurisdiction that is
2 actively engaged in representing transitioning employees from non-renew-
3 able generation facilities. Such memorandum shall be entered into prior
4 to the completion date of a renewable energy generating project and
5 shall be an ongoing material condition of authorization to operate and
6 maintain a renewable energy generating project developed pursuant to
7 this subdivision or subdivision twenty-seven-b of this section. The
8 memorandum shall only apply to the employees necessary for the mainte-
9 nance and operation of such renewable energy generating projects. Such
10 memorandum shall contain but not be limited to safety and training stan-
11 dards, disaster response measures, guaranteed hours, staffing levels,
12 pay rate protection, and retraining programs. The employees eligible for
13 these positions shall first be selected from a pool of transitioning
14 workers who have lost their employment or will be losing their employ-
15 ment in the non-renewable energy generation sector. Such list of poten-
16 tial employees will be provided by affected labor organizations and
17 provided to the department of labor. The department of labor shall
18 update and provide such list to the authority ninety days prior to
19 purchase, acquisition, and/or construction of any project under this
20 subdivision or subdivision twenty-seven-b of this section.

21 (o) For the purposes of article fifteen-A of the executive law, any
22 person entering into a contract for a project authorized pursuant to
23 this section shall be deemed a state agency as that term is defined in
24 such article and such contracts shall be deemed state contracts within
25 the meaning of that term as set forth in such article.

26 (p) Nothing in this subdivision or subdivision twenty-seven-b of this
27 section, shall be construed as exempting the authority, its subsid-
28 iaries, or any renewable energy generating projects undertaken pursuant
29 to this section from the requirements of section ninety-four-c of the
30 executive law respecting any renewable energy system developed by the
31 authority or an authority subsidiary after the effective date of this
32 subdivision that meets the definition of "major renewable energy facili-
33 ty" as defined in section ninety-four-c of the executive law and section
34 eight of part JJJ of chapter fifty-eight of the laws of two thousand
35 twenty, as it relates to host community benefits, and section 11-0535-c
36 of the environmental conservation law as it relates to an endangered and
37 threatened species mitigation bank fund.

38 (q) All renewable energy generating projects the authority plans to
39 undertake pursuant to the authority and directive of paragraph (a) of
40 this subdivision, and identified in the strategic plan, shall be subject
41 to review and approval of the authority's board of trustees.

42 § 2. Section 1005 of the public authorities law is amended by adding a
43 new subdivision 27-b to read as follows:

44 27-b. (a) Definitions. For purposes of this subdivision, the follow-
45 ing terms shall have the following meanings:

46 (i) "bill credit" means a monthly monetary credit which is funded by
47 the authority, as further determined by the public service commission
48 and appears on the utility bill of a low-income or moderate-income end-
49 use electricity consumer located in a disadvantaged community, for
50 renewable energy produced by renewable energy systems developed,
51 constructed, owned, or contracted for by the power authority of the
52 state of New York and injected into a distribution or transmission
53 facility at one or more points in New York state, together with any
54 enhanced incentive payments for a community distributed generation
55 project serving a disadvantaged community provided for in paragraph (b)
56 of subdivision seven of section sixty-six-p of the public service law,

1 together with any other funding made available by the authority for such
2 purposes;

3 (ii) "disadvantaged community" means a community defined as a disad-
4 vantaged community in accordance with article seventy-five of the envi-
5 ronmental conservation law;

6 (iii) "jurisdictional load serving entity" has the same meaning as
7 defined in paragraph (a) of subdivision one of section sixty-six-p of
8 the public service law;

9 (iv) "low-income or moderate-income end-use consumer" shall mean end-
10 use customers of electric corporations and combination gas and electric
11 corporations regulated by the public service commission whose income is
12 found to be below the state median income based on household size;

13 (v) "renewable energy" means electrical energy produced by a renewable
14 energy system;

15 (vi) "renewable energy systems" has the same meaning as defined in
16 paragraph (b) of subdivision one of section sixty-six-p of the public
17 service law; and

18 (vii) "qualified energy storage system" has the same meaning as
19 defined in subdivision one of section seventy-four of the public service
20 law.

21 (b) The authority is authorized and directed, as deemed feasible and
22 advisable by its trustees, to establish a program, as soon as practica-
23 ble, to be known as the "renewable energy access and community help
24 program" or "REACH", that will enable low-income or moderate-income
25 end-use electricity consumers in disadvantaged communities, including
26 such end-use electricity customers who reside in buildings that have
27 on-site net-metered generation or who participate in a community choice
28 aggregation or community distributed generation project, unless they opt
29 out of REACH, to receive bill credits generated by the production of
30 renewable energy by a renewable energy system planned, designed, devel-
31 oped, financed, constructed, owned, operated, maintained or improved, or
32 contracted for by the authority as a renewable energy generating project
33 pursuant to subdivision twenty-seven-a of this section. Such bill cred-
34 its shall be in addition to any other renewable energy program or any
35 other program or benefit that end-use electricity consumers in disadvan-
36 tagged communities receive. For purposes of this subdivision, a renewable
37 energy system developed, constructed, owned, or contracted for by the
38 authority shall be: (i) sized up to and including five megawatts alter-
39 nating current and interconnected to the distribution system or trans-
40 mission system in the service territory of the electric utility that
41 serves the end-use electricity consumers that receive bill credits; or
42 (ii) sized above five megawatts alternating current and interconnected
43 to the distribution or transmission system at one or more points
44 anywhere within the state.

45 (c) For purposes of implementing REACH, the authority is authorized
46 and directed, as deemed feasible and advisable by the trustees, to:

47 (i) pursuant to the authority provided in paragraph (a) of subdivision
48 twenty-seven-a of this section, develop, construct, own, and/or operate
49 renewable energy generating projects;

50 (ii) contract for the development, construction and/or operation of
51 renewable energy systems;

52 (iii) sell, purchase, and otherwise contract regarding renewable ener-
53 gy, renewable energy credits or attributes and other energy products and
54 services generated by renewable energy generating projects; and

55 (iv) enter into contracts for purposes of implementing REACH, includ-
56 ing but not limited to agreements with developers, owners and operators

1 of renewable energy systems, and agreements with jurisdictional load
2 serving entities and the Long Island power authority, or its service
3 provider, to provide for bill credits to end-use electricity consumers
4 in disadvantaged communities for renewable energy produced by renewable
5 energy systems, upon terms and conditions approved by the public service
6 commission pursuant to subdivisions seven and eight of section sixty-
7 six-p of the public service law.

8 (d) The authority shall complete and submit a report, on or before
9 January thirty-first, two thousand twenty-five, and annually thereafter,
10 to the governor, the speaker of the assembly, the temporary president of
11 the senate, the minority leader of the assembly, and the minority leader
12 of the senate which shall be posted on the authority's website, and
13 shall include, but not be limited to:

14 (i) contracts entered into by the authority for the development,
15 construction and/or operation of renewable energy systems that are
16 intended in whole or in part to support REACH, and the planned location
17 of such projects;

18 (ii) renewable energy systems that are being planned and developed or
19 that have been developed by or for the authority that are intended in
20 whole or in part to support REACH, and the location of such projects;

21 (iii) an estimate of the aggregate amount of bill credits provided to
22 end-use electricity consumers in disadvantaged communities under REACH;

23 (iv) an estimate of: (A) the total amount of revenues generated from
24 the sale of renewable capacity, energy, renewable credits or attributes,
25 and related ancillary services that are used to fund bill credits; and
26 (B) any other authority funds, as determined to be feasible and advis-
27 able by the trustees, the authority has contributed for the purpose of
28 funding bill credits under REACH;

29 (v) the amount of energy produced by each facility; and

30 (vi) the kilowatt-hour sales by project.

31 (e) The authority may request from any department, division, office,
32 commission or other agency of the state or any state public authority,
33 and the same are authorized to provide, such assistance, services and
34 data as may be required by the authority in carrying out the purposes of
35 this subdivision.

36 (f) Within one year of the effective date of this subdivision, the
37 authority shall issue a report to the governor, the speaker of the
38 assembly, the temporary president of the senate, the minority leader of
39 the assembly, and the minority leader of the senate that addresses the
40 feasibility and advisability of implementing a program similar to REACH
41 for the purpose of providing bill credits to low-income or moderate-in-
42 come end-use electricity consumers located in disadvantaged communities
43 in the service territories of municipal distribution utilities and rural
44 electric cooperatives located in New York state. The authority may
45 confer with any municipal distribution utility or its representatives,
46 and any rural electric cooperative or its representatives, and may
47 request from any municipal distribution utility, rural electric cooper-
48 ative, department, division, office, commission or other agency of the
49 state or state public authority, and the same are authorized to provide,
50 such assistance, services and data as may be required by the authority
51 to complete the report.

52 (g) Nothing in this subdivision shall be construed as authorizing any
53 private entity that enters into a public-private partnership or a simi-
54 lar agreement, or any contract authorized herein, with the authority or
55 an authority subsidiary, to receive, exercise or claim entitlement to

any of the privileges, immunities, tax exemptions or other exemptions of the authority or any authority subsidiary.

§ 3. Subdivision 1 of section 66-p of the public service law, as added by chapter 106 of the laws of 2019, is amended to read as follows:

1. As used in this section:

(a) "jurisdictional load serving entity" means any entity subject to the jurisdiction of the commission that secures energy to serve the electrical energy requirements of end-use customers in New York state[+].

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

(c) "bill credit" shall have the same meaning as in subparagraph (i) of paragraph (a) of subdivision twenty-seven-b of section one thousand five of the public authorities law.

(d) "disadvantaged community" means a community defined as a disadvantaged community under article seventy-five of the environmental conservation law.

(e) "renewable energy" means electrical energy produced by a renewable energy system.

(f) "low-income or moderate-income end-use consumer" shall mean end-use customers of electric corporations and combination gas and electric corporations regulated by the public service commission whose income is found to be below the state median income based on household size.

§ 4. Section 66-p of the public service law is amended by adding a new subdivision 8 to read as follows:

8. The power authority of the state of New York shall, no later than twelve months after the effective date of this subdivision, file a petition to commence, and the commission shall commence, necessary proceedings to enable the power authority of the state of New York to provide bill credits from renewable energy generating projects under the renewable energy access and community help program, or "REACH", established pursuant to subdivision twenty-seven-b of section one thousand five of the public authorities law, to low-income or moderate-income end-use electricity consumers in disadvantaged communities for renewable energy produced by renewable energy generating projects developed, constructed, owned, or contracted for by the power authority of the state of New York pursuant to subdivision twenty-seven-a of section one thousand five of the public authorities law. Such bill credits shall be in addition to any other renewable energy program or any other program or benefit that low-income or moderate-income end-use electricity consumers in disadvantaged communities receive, and any other incentives made available by the power authority of the state of New York. For purposes of this subdivision, a renewable energy system developed, constructed, owned, or contracted for by the authority shall be:

(a) sized up to and including five megawatts alternating current and interconnected to the distribution system or transmission system in the service territory of the electric utility that serves the low-income or moderate-income end-use consumers that receive bill credits; or

(b) sized above five megawatts alternating current and interconnected to the distribution or transmission system at one or more points anywhere in New York state. The commission shall, after public notice and comment, establish such programs implementing REACH which:

1 (i) provide that jurisdictional load serving entities shall enter into
2 agreements with the power authority of the state of New York to carry
3 out REACH;

4 (ii) provide that jurisdictional load serving entities shall file
5 tariffs and other solutions determined by the commission to implement
6 REACH at a reasonable cost while ensuring safe and reliable electric
7 service;

8 (iii) provide that, unless they opt out, low-income or moderate-income
9 end-use electricity consumers in disadvantaged communities, including
10 such end-use electricity customers who have or who reside in buildings
11 that have on-site net-metered generation or who participate in a commu-
12 nity choice aggregation or community distributed generation project,
13 shall receive bill credits for renewable energy produced by a renewable
14 energy system developed, constructed, owned, or contracted for by the
15 power authority of the state of New York pursuant to subdivision twen-
16 ty-seven-a of section one thousand five of the public authorities law;

17 (iv) consider enhanced incentive payments in bill credits to low-in-
18 come or moderate-income end-use electricity consumers in disadvantaged
19 communities for renewable energy systems including solar and community
20 distributed generation projects as provided for in paragraph (b) of
21 subdivision seven of this section;

22 (v) to the extent practicable include energy storage in renewable
23 energy systems to deliver clean energy benefits to low-income or moder-
24 ate-income end-use electricity consumers in disadvantaged communities as
25 provided for in paragraphs (a) and (b) of subdivision seven of this
26 section; and

27 (vi) address recovery by jurisdictional load serving entities of their
28 prudently incurred costs of administering REACH in electric service
29 delivery rates of the utility in whose service territory low-income or
30 moderate-income end-use electricity consumers in a disadvantaged commu-
31 nity participate in REACH.

32 § 5. Section 1005 of the public authorities law is amended by adding a
33 new subdivision 27-c to read as follows:

34 27-c. (a) Within two years of the effective date of this subdivision,
35 the authority shall publish a plan providing for the proposed phase out,
36 by December thirty-first, two thousand thirty, of the production of
37 electric energy from its small natural gas power plants. The plan shall
38 include a proposed strategy to replace, where appropriate, the small
39 natural gas power plants with renewable energy systems, as defined in
40 section sixty-six-p of the public service law, including renewable ener-
41 gy generating projects authorized pursuant to subdivision twenty-seven-a
42 of this section provided such projects shall be included in the strate-
43 gic plan established pursuant to subdivision twenty-seven-a of this
44 section. By December thirty-first, two thousand thirty, the authority
45 shall cease production of electricity at each of its small natural gas
46 power plants should the authority determine that such plant or plants,
47 or the electricity production therefrom are not needed for any of the
48 following purposes: (i) emergency power service; or (ii) electric system
49 reliability, including but not limited to, operating facilities to main-
50 tain power system requirements for facility thermal limits, voltage
51 limits, frequency limits, fault current duty limits, or dynamic stabi-
52 lity limits, in accordance with the system reliability standards of the
53 North American electric reliability corporation, criteria of the north-
54 east power coordinating council, rules of the New York state reliability
55 council, and as applicable, reliability rules of the utility in whose
56 service territory a small natural gas power plant is located. Notwith-

1 standing any other provision of this paragraph, the authority may
2 continue to produce electric energy at any of the small natural gas
3 power plants if existing or proposed replacement generation resources
4 would result in more than a de minimis net increase of emissions of
5 carbon dioxide or criteria air pollutants within a disadvantaged commu-
6 nity as defined in subdivision five of section 75-0101 of the environ-
7 mental conservation law. The authority shall file deactivation notices
8 with the federally designated electric bulk system operator for the
9 state of New York for the purpose of ceasing electricity production from
10 the small natural gas power plants in a timeframe sufficient to facili-
11 tate the cessation of electricity production pursuant to this paragraph.

12 (b) In determining whether to cease electricity production from any
13 small natural gas power plant, the authority is authorized to confer
14 with the federally designated electric bulk system operator for the
15 state, the New York state energy research and development authority, the
16 department of public service, and the distribution utility in whose
17 service territory such small natural gas power plant operates, in addi-
18 tion to such other stakeholders as the authority determines to be appro-
19 priate. Determinations shall be on a plant by plant basis, be updated
20 no less than every two years, and be made publicly available along with
21 the supporting documentation on which the determination was based. In
22 making such determinations, the authority shall provide an opportunity
23 for public comment of not less than sixty days prior to the public hear-
24 ing and shall hold at least one public hearing in the affected communi-
25 ty.

26 (c) Nothing in this subdivision is intended to, nor shall be construed
27 to, prohibit the authority in its discretion from using, or permitting
28 the use of, including through lease, sale, or other arrangement, any
29 small natural gas power plant or its site or associated infrastructure
30 in whole or in part for electric system purposes that does not involve
31 the combustion of fossil fuels, including, but not limited to providing
32 system voltage support, energy storage, interconnection of existing or
33 new renewable generation, or the use of the generator step up transfor-
34 mers and substations for transmission or distribution purposes provided
35 that such use, lease, sale, or other arrangement shall comply with
36 existing law.

37 (d) For purposes of this subdivision, the term "small natural gas
38 power plant" or "plant" means each of the seven electric generating
39 power plants owned and operated by the authority located at six sites in
40 Bronx, Brooklyn, Queens and Staten Island and one site in Brentwood,
41 Suffolk county, which each use one or more simple cycle combustion
42 turbine units, totaling eleven units, fueled by natural gas and which
43 typically operate during periods of peak electric system demand.

44 § 6. Section 1020-f of the public authorities law, as added by chapter
45 517 of the laws of 1986, is amended by adding a new subdivision (jj) to
46 read as follows:

47 (jj) As deemed feasible and advisable by the trustees, to enter into
48 contracts with the power authority of the state of New York for the
49 provision of bill credits generated by the production of renewable ener-
50 gy by a renewable energy system developed, constructed, owned, or
51 contracted for by the power authority of the state of New York under the
52 renewable energy access and community help program established pursuant
53 to subdivision twenty-seven-b of section one thousand five of this arti-
54 cle and, unless such end-use electricity consumers opt out, to provide
55 such bill credits to low-income or moderate-income end-use electricity
56 consumers in disadvantaged communities, including such end-use electric-

ity customers who have or who reside in buildings that have on-site net-metered generation or who participate in a community choice aggregation or community distributed generation project.

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

27-d. Beginning in state fiscal year two thousand twenty-four--two thousand twenty-five, the authority is authorized, as deemed feasible and advisable by the trustees, to make available an amount up to twenty-five million dollars annually to the department of labor to fund programs established or implemented by or within the department of labor, including but not limited to the office of just transition and programs for workforce training and retraining, to prepare workers for employment for work in the renewable energy field.

§ 8. Paragraph (a) and subparagraph 1 of paragraph (b) of subdivision 13-b of section 1005 of the public authorities law, as added by section 4 of part CC of chapter 60 of the laws of 2011, are amended to read as follows:

(a) Residential consumer electricity cost discount. Notwithstanding any provision of this title or article six of the economic development law to the contrary, the authority is authorized, as deemed feasible and advisable by the trustees, to use revenues from the sale of hydroelectric power, and such other funds of the authority as deemed feasible and advisable by the trustees, to fund monthly payments to be made for the benefit of such classes of electricity consumers as enjoyed the benefits of authority hydroelectric power withdrawn pursuant to subdivision thirteen-a of this section, for the purpose of mitigating price impacts associated with the reallocation of such power in the manner described in this subdivision. Such monthly payments shall commence after such hydroelectric power is withdrawn and shall cease August first, two thousand twenty-three. The total annual amount of monthly payments for each of the three twelve month periods following withdrawal of such ~~[hydroelectric]~~ hydroelectric power shall be one hundred million dollars. The total annual amount of monthly payments for each of the two subsequent twelve month periods shall be seventy million dollars and fifty million dollars, respectively. Thereafter, the total annual amount of monthly payments for each twelve month period through the final period ending August first, two thousand twenty-three shall be thirty million dollars. The total amount of monthly payments shall be apportioned by the authority among the utility corporations that, prior to the effective date of this subdivision, purchased such hydroelectric power for the benefit of their domestic and rural consumers according to the relative amounts of such power purchased by such corporations. The monthly payments shall be credited to the electricity bills of such corporations' domestic and rural consumers in a manner to be determined by the public service commission of the state of New York. The monthly credit provided by any such corporation to any one consumer shall not exceed the total monthly electric utility cost incurred by such consumer.

(1) Beginning with the second twelve month period after such hydroelectric power is withdrawn, up to eight million dollars of the residential consumer electricity cost discount established by paragraph (a) of this subdivision shall be dedicated for monthly payments to agricultural producers who receive electric service at the residential rate, provided that in the final twelve month period ending August first, two thousand twenty-three, the amount dedicated for agricultural producers shall not exceed twenty percent of the amount made available for the overall residential consumer electricity cost discount. The total amount of monthly

1 payments shall be apportioned by the authority among the utility corpo-
2 rations in the same manner as they are apportioned in paragraph (a) of
3 this subdivision. Monthly payments shall be credited to the electricity
4 bills of such corporations' agricultural consumers in a manner to be
5 determined by the public service commission of the state of New York.
6 The combined monthly credit, under this paragraph and paragraph (a) of
7 this subdivision, provided by any such corporation to any one consumer
8 shall not exceed the total monthly electric utility cost incurred by
9 such consumer.

10 § 9. Subdivision 13-b of section 1005 of the public authorities law,
11 as added by section 4 of part CC of chapter 60 of the laws of 2011,
12 paragraph (a) and subparagraph 1 of paragraph (b) as amended by section
13 eight of this act, is amended to read as follows:

14 13-b. ~~[Residential consumer discount programs. (a) Residential consum-~~
15 ~~er electricity cost discount. Notwithstanding any provision of this~~
16 ~~title or article six of the economic development law to the contrary,~~
17 ~~the authority is authorized, as deemed feasible and advisable by the~~
18 ~~trustees, to use revenues from the sale of hydroelectric power, and such~~
19 ~~other funds of the authority as deemed feasible and advisable by the~~
20 ~~trustees, to fund monthly payments to be made for the benefit of such~~
21 ~~classes of electricity consumers as enjoyed the benefits of authority~~
22 ~~hydroelectric power withdrawn pursuant to subdivision thirteen-a of this~~
23 ~~section, for the purpose of mitigating price impacts associated with the~~
24 ~~reallocation of such power in the manner described in this subdivision.~~
25 ~~Such monthly payments shall commence after such hydroelectric power is~~
26 ~~withdrawn and shall cease August first, two thousand twenty-three. The~~
27 ~~total annual amount of monthly payments for each of the three twelve~~
28 ~~month periods following withdrawal of such hydroelectric power shall be~~
29 ~~one hundred million dollars. The total annual amount of monthly payments~~
30 ~~for each of the two subsequent twelve month periods shall be seventy~~
31 ~~million dollars and fifty million dollars, respectively. Thereafter, the~~
32 ~~total annual amount of monthly payments for each twelve month period~~
33 ~~through the final period ending August first, two thousand twenty-three~~
34 ~~shall be thirty million dollars. The total amount of monthly payments~~
35 ~~shall be apportioned by the authority among the utility corporations~~
36 ~~that, prior to the effective date of this subdivision, purchased such~~
37 ~~hydroelectric power for the benefit of their domestic and rural consum-~~
38 ~~ers according to the relative amounts of such power purchased by such~~
39 ~~corporations. The monthly payments shall be credited to the electricity~~
40 ~~bills of such corporations' domestic and rural consumers in a manner to~~
41 ~~be determined by the public service commission of the state of New York.~~
42 ~~The monthly credit provided by any such corporation to any one consumer~~
43 ~~shall not exceed the total monthly electric utility cost incurred by~~
44 ~~such consumer.~~

45 (b)] Agricultural consumer electricity cost discount. (1) ~~[Beginning~~
46 ~~with the second twelve month period after such hydroelectric power is~~
47 ~~withdrawn, up to eight million dollars of the residential consumer elec-~~
48 ~~tricity cost discount established by paragraph (a) of this subdivision~~
49 ~~shall be dedicated for monthly payments to agricultural producers who~~
50 ~~receive electric service at the residential rate, provided that in the~~
51 ~~final twelve month period ending August first, two thousand twenty-~~
52 ~~three, the amount dedicated for agricultural producers shall not exceed~~
53 ~~twenty percent of the amount made available for the overall residential~~
54 ~~consumer electricity cost discount. The total amount of monthly payments~~
55 ~~shall be apportioned by the authority among the utility corporations in~~
56 ~~the same manner as they are apportioned in paragraph (a) of this subdi-~~

~~vision. Monthly payments shall be credited to the electricity bills of such corporations' agricultural consumers in a manner to be determined by the public service commission of the state of New York. The combined monthly credit, under this paragraph and paragraph (a) of this subdivision, provided by any such corporation to any one consumer shall not exceed the total monthly electric utility cost incurred by such consumer.]~~ Notwithstanding any provision of this title or article six of the economic development law to the contrary, the authority is authorized, beginning in two thousand twenty-four, as deemed feasible and advisable by the trustees, to use revenues from the sale of hydroelectric power, and such other funds of the authority as deemed feasible and advisable by the trustees, to fund monthly payments to be made for the benefit of agricultural producers who receive electric service at the residential rate who enjoyed the benefits of authority hydroelectric power withdrawn pursuant to subdivision thirteen-a of this section, and who were previously eligible to receive benefits under the agricultural consumer electricity cost discount created by section four of part CC of chapter sixty of the laws of two thousand eleven, for the purpose of mitigating price impacts associated with the reallocation of such power in the manner described in this subdivision. Such monthly payments shall commence September first, two thousand twenty-four. The total annual amount of monthly payments shall not exceed five million dollars.

(2) The authority shall work cooperatively with the department of public service to evaluate the agricultural consumer electricity cost discount, which shall include an assessment of the benefits to recipients compared to the benefits the recipients received from the authority's hydroelectric power, withdrawn pursuant to subdivision thirteen-a of this section, during the twelve month period ending December thirty-first, two thousand ten, and compared to other agricultural consumers that did not choose to receive the discount.

~~(a)~~ (b) Energy efficiency program. (1) Beginning with the withdrawal of such hydroelectric power, the authority or the New York state energy research and development authority, shall conduct an energy efficiency program for five years to provide energy efficiency improvements for the purpose of reducing energy consumption for domestic and rural consumers. Such energy efficiency program may be undertaken in cooperation with other energy efficiency programs offered by utility corporations, state agencies and authorities including but not limited to the New York state energy research and development authority; provided however that energy savings attributable to such other energy efficiency programs shall not be included in determining the amount of energy saved pursuant to the program established by this paragraph;

(2) The authority or the New York state energy research and development authority shall annually post on their website a report evaluating the energy efficiency program, including but not limited to, the number of domestic and rural consumers who opted to participate in the program and, if practicable, the estimated savings the domestic and rural consumers received by participating in the energy efficiency program.

§ 10. Nothing in this act is intended to limit, impair, or affect the legal authority of the Power Authority of the State of New York under any other provision of law.

§ 11. Severability. If any word, phrase, clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section, or part ther-

1 eof directly involved in the controversy in which such judgment shall
2 have been rendered.

3 § 12. This act shall take effect immediately; provided, however, that
4 section nine of this act shall take effect January 1, 2024.

5 PART RR

6 Section 1. Subdivision 6 of section 11-104 of the energy law, as added
7 by chapter 374 of the laws of 2022, is amended and two new subdivisions
8 7 and 8 are added to read as follows:

9 6. (a) To the fullest extent feasible, the standards for construction
10 of buildings in the code shall be designed to help achieve the state's
11 clean energy and climate agenda, including but not limited to greenhouse
12 gas reduction, set forth within chapter one hundred six of the laws of
13 two thousand nineteen, also known as the New York state climate leader-
14 ship and community protection act, and as further identified by the New
15 York state climate action council established pursuant to section
16 75-0103 of the environmental conservation law.

17 (b) In addition to the foregoing, to support the goal of zero on-site
18 greenhouse gas emissions and help achieve the state's clean energy and
19 climate agenda, including but not limited to greenhouse gas reduction
20 requirements set forth within chapter one hundred six of the laws of two
21 thousand nineteen, also known as the New York state climate leadership
22 and community protection act, the code shall prohibit the installation
23 of fossil-fuel equipment and building systems, in any new building not
24 more than seven stories in height, except for a new commercial or indus-
25 trial building greater than one hundred thousand square feet in condi-
26 tioned floor area, on or after December thirty-first, two thousand twen-
27 ty-five, and the code shall prohibit the installation of fossil-fuel
28 equipment and building systems, in all new buildings after December
29 thirty-first, two thousand twenty-eight.

30 7. (a) The provisions set forth in paragraph (b) of subdivision six of
31 this section shall not be construed as applying to buildings existing
32 prior to the effective date of the applicable prohibition, including to:

33 (i) the repair, alteration, addition, relocation, or change of occu-
34 pancy or use of such buildings; and

35 (ii) the installation or continued use and maintenance of fossil-fuel
36 equipment and building systems, including as related to cooking equip-
37 ment, in any such buildings.

38 (b) In addition, in effectuating the provisions set forth in paragraph
39 (b) of subdivision six of this section the code shall include exemptions
40 for the purposes of allowing the installation and use of fossil-fuel
41 equipment and building systems where such are installed and used:

42 (i) for generation of emergency back-up power and standby power
43 systems;

44 (ii) in a manufactured home as defined in subdivision seven of section
45 six hundred one of the executive law; or

46 (iii) in a building or part of a building that is used as a manufac-
47 turing facility, commercial food establishment, laboratory, car wash,
48 laundromat, hospital, other medical facility, critical infrastructure,
49 including but not limited to emergency management facilities, wastewater
50 treatment facilities, and water treatment and pumping facilities, agri-
51 cultural building, fuel cell system, or crematorium, as such terms are
52 defined by the code council.

53 (c) Where the code includes an allowed exemption pursuant to subpara-
54 graph (i) or (iii) of paragraph (b) of this subdivision, other than

agricultural buildings as defined by the council, such exemption shall include provisions that, to the fullest extent feasible, limit the use of fossil-fuel equipment and building systems to the system and area of the building for which a prohibition on fossil-fuel equipment and building systems is infeasible; require the area or service within a new building where fossil-fuel equipment and building systems are installed be electrification ready, except with respect to servicing manufacturing or industrial processes; and minimize emissions from the fossil-fuel equipment and building systems that are allowed to be used, provided that the provisions set forth in this paragraph do not adversely affect health, safety, security, or fire protection. Financial considerations shall not be sufficient basis to determine physical or technical infeasibility.

(d) Exemptions included in the code pursuant to this subdivision shall be periodically reviewed by the state fire prevention and building code council to assure that they continue to effectuate the purposes of subdivision six of this section to the fullest extent feasible.

(e) The code shall allow for exemption of a new building construction project that requires an application for new or expanded electric service, pursuant to subdivision one of section thirty-one of the public service law and/or section twelve of the transportation corporations law, when electric service cannot be reasonably provided by the grid as operated by the local electric corporation or municipality pursuant to subdivision one of section sixty-five of the public service law; provided, however, that the public service commission shall determine reasonableness for purposes of this exemption. For the purposes of this paragraph, "grid" shall have the same meaning as electric plant, as defined in subdivision twelve of section two of the public service law.

8. For the purposes of this section:

(a) "Fossil-fuel equipment and building systems" shall mean (i) equipment, as such term is defined in section 11-102 of this article, that uses fossil-fuel for combustion; or (ii) systems, other than items supporting an industrial or commercial process as referred to in the definition of equipment in section 11-102 of the energy law, associated with a building that will be used for or to support the supply, distribution, or delivery of fossil-fuel for any purpose, other than for use by motor vehicles.

(b) "Electrification ready" means the new building or portion thereof where fossil-fuel equipment and building systems are allowed to be used which contains electrical systems and designs that provide sufficient capacity for a future replacement of such fossil-fuel equipment and building systems with electric-powered equipment, including but not limited to sufficient space, drainage, electrical conductors or raceways, bus bar capacity, and overcurrent protective devices for such electric-powered equipment.

§ 2. Section 371 of the executive law, as added by chapter 707 of the laws of 1981, is amended to read as follows:

§ 371. Statement of legislative findings and purposes. 1. The legislature hereby finds and declares that:

a. The present level of loss of life, injury to persons, and damage to property as a result of fire demonstrates that the people of the state have yet to receive the basic level of protection to which they are entitled in connection with the construction and maintenance of buildings;

b. There does not exist for all areas of the state a single, adequate, enforceable code establishing minimum standards for fire protection and

1 construction, maintenance and use of materials in buildings. Instead,
2 there exists a multiplicity of codes and requirements for various types
3 of buildings administered at various levels of state and local govern-
4 ment. There are, in addition, extensive areas of the state in which no
5 code at all is in effect for the general benefit of the people of the
6 state;

7 c. The present system of enforcement of fire protection and building
8 construction codes is characterized by a lack of adequately trained
9 personnel, as well as inconsistent qualifications for personnel who
10 administer and enforce those codes;

11 d. Whether because of the absence of applicable codes, inadequate code
12 provisions or inadequate enforcement of codes, the threat to the public
13 health and safety posed by fire remains a real and present danger for
14 the people of the state; and

15 e. The multiplicity of fire protection and building construction code
16 requirements poses an additional problem for the people of the state
17 since it increases the cost of doing business in the state by perpetuat-
18 ing multiple requirements, jurisdictional overlaps and business uncer-
19 tainties, and, in some instances, by artificially inducing high
20 construction costs.

21 2. The legislature declares that it shall be the public policy of the
22 state of New York to:

23 a. Immediately provide for a minimum level of protection from the
24 hazards of fire in every part of the state;

25 b. Provide for the promulgation of a uniform code addressing building
26 construction and fire prevention in order to provide a basic minimum
27 level of protection to all people of the state from hazards of fire and
28 inadequate building construction. In providing for such a uniform code,
29 it is declared to be the policy of the state of New York to:

30 (1) reconcile the myriad existing and potentially conflicting regu-
31 lations which apply to different types of buildings and occupancies;

32 (2) recognize that fire prevention and fire prevention codes are
33 closely related to the adequacy of building construction codes, that the
34 greatest portion of a building code's requirements are fire safety
35 oriented, and that fire prevention and building construction concerns
36 should be the subject of a single code;

37 (3) recognize that the decarbonization of new and existing buildings
38 is closely related to the state's clean energy and climate agenda as
39 described in the New York climate leadership and community protection
40 act set forth in chapter one hundred six of the laws of two thousand
41 nineteen, and that the uniform code shall enable the state's clean ener-
42 gy objectives;

43 (4) place public and private buildings on an equal plane with respect
44 to fire prevention and adequacy of building construction;

45 [~~4~~] (5) require new and existing buildings alike to keep pace with
46 advances in technology concerning fire prevention and building
47 construction, including, where appropriate, that provisions apply on a
48 retroactive basis; and

49 [~~5~~] (6) provide protection to both residential and non-residential
50 buildings;

51 c. Insure that the uniform code be in full force and effect in every
52 area of the state;

53 d. Encourage local governments to exercise their full powers to admin-
54 ister and enforce the uniform code; and

1 e. Provide for a uniform, statewide approach to the training and qual-
2 ification of personnel engaged in the administration and enforcement of
3 the uniform code.

4 § 3. Subdivision 19 of section 378 of the executive law, as renumbered
5 by chapter 47 of the laws of 2022, is renumbered subdivision 20 and a
6 new subdivision 19 is added to read as follows:

7 19. a. To support the goal of zero on-site greenhouse gas emissions
8 and help achieve the state's clean energy and climate agenda, including
9 but not limited to greenhouse gas reduction requirements set forth with-
10 in chapter one hundred six of the laws of two thousand nineteen, also
11 known as the New York state climate leadership and community protection
12 act, the uniform code shall prohibit the installation of fossil-fuel
13 equipment and building systems, in any new building not more than seven
14 stories in height, except for a new commercial or industrial building
15 greater than one hundred thousand square feet in conditioned floor area,
16 on or after December thirty-first, two thousand twenty-five, and the
17 uniform code shall prohibit the installation of fossil-fuel equipment
18 and building systems, in all new buildings on or after December thirty-
19 first, two thousand twenty-eight.

20 b. The provisions set forth in paragraph a of this subdivision shall
21 not be construed as applying to buildings existing prior to the effec-
22 tive date of the applicable prohibition, including to:

23 (i) the repair, alteration, addition, relocation, or change of occu-
24 pancy or use of such buildings; and

25 (ii) the installation or continued use and maintenance of fossil-fuel
26 equipment and building systems, including as related to cooking equip-
27 ment, in any such buildings.

28 c. In addition, in effectuating the provisions set forth in paragraph
29 a of this subdivision the code shall include exemptions for the purposes
30 of allowing the installation and use of fossil-fuel equipment and build-
31 ing systems where such systems are installed and used:

32 (i) for generation of emergency back-up power and standby power
33 systems;

34 (ii) in a manufactured home as defined in subdivision seven of section
35 six hundred one of the executive law; or

36 (iii) in a building or part of a building that is used as a manufac-
37 turing facility, commercial food establishment, laboratory, car wash,
38 laundromat, hospital, other medical facility, critical infrastructure,
39 including but not limited to emergency management facilities, wastewater
40 treatment facilities, and water treatment and pumping facilities, agri-
41 cultural building, fuel cell system, or crematorium, as such terms are
42 defined by the code council.

43 d. Where the uniform code includes an allowed exemption pursuant to
44 subparagraph (i) or (iii) of paragraph c of this subdivision, other than
45 agricultural buildings as defined by the council, such exemption shall
46 include provisions that, to the fullest extent feasible, limit the use
47 of fossil-fuel equipment and building systems to the system and area of
48 the building for which a prohibition on fossil-fuel equipment and build-
49 ing systems is infeasible; except with respect to servicing manufactur-
50 ing or industrial processes, require the area or service within a new
51 building where fossil-fuel equipment and building systems are installed
52 be electrification ready; and minimize emissions from the fossil-fuel
53 equipment and building systems that are allowed to be used, provided
54 that such provisions do not adversely affect health, safety, security,
55 or fire protection. Financial considerations shall not be sufficient
56 basis to determine physical or technical infeasibility.

e. Exemptions included in the uniform code pursuant to this subdivision shall be periodically reviewed by the code council to assure that they continue to effectuate the purposes of paragraph a of this subdivision and subparagraph three of paragraph b of subdivision two of section three hundred seventy-one of this article to the fullest extent feasible.

f. The code shall allow for exemption of a new building construction project that requires an application for new or expanded electric service, pursuant to subdivision one of section thirty-one of the public service law and/or section twelve of the transportation corporations law, when electric service cannot be reasonably provided by the grid as operated by the local electric corporation or municipality pursuant to subdivision one of section sixty-five of the public service law; provided, however, that the public service commission shall determine reasonableness for purposes of this exemption. For the purposes of this paragraph, "grid" shall have the same meaning as electric plant, as defined in subdivision twelve of section two of the public service law.

g. For the purposes of this subdivision:

(i) "Fossil-fuel equipment and building systems" shall mean (A) equipment, as such term is defined in section 11-102 of the energy law, that uses fossil-fuel for combustion; or (B) systems, other than items supporting an industrial or commercial process as referred to in the definition of equipment in section 11-102 of the energy law, associated with a building that will be used for or to support the supply, distribution, or delivery of fossil-fuel for any purpose, other than for use by motor vehicles.

(ii) "Electrification ready" means the new building or portion thereof where fossil-fuel equipment and building systems are allowed to be used which contains electrical systems and designs that provide sufficient capacity for a future replacement of such fossil-fuel equipment and building systems with electric-powered equipment, including but not limited to sufficient space, drainage, electrical conductors or raceways, bus bar capacity, and overcurrent protective devices for such electric-powered equipment.

§ 4. Section 1005 of the public authorities law is amended by adding a new subdivision 30 to read as follows:

30. To establish decarbonization action plans for state-owned facilities as provided for in section ninety of the public buildings law, and to consult, cooperate, and coordinate with any state entity, as required or authorized in article four-D of the public buildings law.

§ 5. The public buildings law is amended by adding a new article 4-D to read as follows:

ARTICLE 4-D

DECARBONIZATION OF STATE-OWNED FACILITIES

Section 90. Definitions.

91. Decarbonization action plans.

§ 90. Definitions. As used in this article:

1. "Authority" shall mean the power authority of the state of New York established under title one of article five of the public authorities law.

2. "Decarbonization" and "decarbonize" means eliminating all on-site combustion of fossil-fuels and associated co-pollutants with the exception of back-up emergency generators and redundant systems needed to address public health, safety and security, providing heating and cooling through thermal energy, and thermal energy networks, from non-com-

1 bustion sources, and to the greatest extent feasible producing on-site
2 electricity that is one hundred percent renewable.

3 3. "Highest-emitting facilities" means state-owned facilities that are
4 among the highest producers of greenhouse gas emissions and collectively
5 account for at least thirty percent of the greenhouse gas emissions as
6 recorded by the authority's Build Smart NY program established pursuant
7 to Executive Order 88 of 2012.

8 4. "Thermal energy" shall have the meaning provided in subdivision
9 twenty-eight of section two of the public service law.

10 5. "Thermal energy network" shall have the same meaning as defined in
11 subdivision twenty-nine of section two of the public service law.

12 6. "State energy research and development authority" shall mean the
13 New York state energy research and development authority established
14 under title nine of article eight of the public authorities law.

15 7. "State-owned facilities" or "facilities" includes "building" as
16 defined by section eighty-one of this chapter, "dormitory" as defined by
17 section three hundred seventy of the education law, and "facility" as
18 defined by section three hundred seventy of the education law.

19 § 91. Decarbonization action plans. 1. The authority is hereby author-
20 ized and directed to establish decarbonization action plans for fifteen
21 of the highest-emitting facilities that will serve as a basis for decar-
22 bonizing the facilities to the maximum extent practicable, and subject
23 to any needed redundant systems and back-up systems needed for public
24 safety and security. Decarbonization action plans shall address the
25 following matters at a minimum:

26 (a) A comprehensive accounting and analysis of all energy uses at the
27 facilities.

28 (b) Greenhouse gas and other harmful emissions (e.g., NOx, SOx, parti-
29 culate matter) resulting from the on-site and source energy usage of the
30 facilities.

31 (c) Analysis of the feasibility of using thermal energy and thermal
32 energy networks at the facility, including any anticipated limitations
33 on the use of thermal energy networks, along with a characterization of
34 any such limitations, including whether they are permanent, temporary,
35 or resolvable on a cost-effective basis.

36 (d) Identification and analysis of energy efficiency measures that
37 could be designed and constructed in later decarbonization project phas-
38 es.

39 (e) An analysis of the availability and/or feasibility of providing
40 clean energy through electrification technologies and associated elec-
41 trical upgrades to meet the facility energy needs, as demonstrated by
42 the reduced load profiles determined to be practicable based on the
43 energy efficiency measures identified, either through on-site generation
44 and/or other procurement.

45 (f) Investigation of the resiliency and redundant capacity of the
46 existing critical infrastructure, such as heating, cooling and backup
47 electrical power systems.

48 (g) Identification of any parts of the facilities that cannot be
49 decarbonized, with explanations.

50 (h) Geotechnical investigations into the on-site potential for clean
51 energy sources, including drilling test geothermal wells as needed.

52 (i) Determination of the feasibility and advisability of gathering,
53 combining, or expanding any clean energy sources or central thermal
54 energy networks with neighboring or nearby related state facilities.

55 (j) Investigation of the infrastructure, planning and funding needed
56 to electrify transportation resources regularly used to serve the facil-

ities, such as public transit, vehicle fleets or employee/resident/student electric vehicle charging stations.

(k) An economic and feasibility analysis based upon the potential to decarbonize the facility, considering among other things the net present value of the life cycle cost of the thermal systems and other systems proposed, inclusive of the social cost of carbon, capital expenses for initial implementation and major equipment replacements, and operational expenses, including labor costs.

2. The authority shall complete the decarbonization action plans no later than January thirty-first, two thousand twenty-six, provided that such date shall be extended for justifiable delay outside the control of the authority, including, but not limited to, previously planned or current major renovations or replacements to the facilities, delayed permitting or approval by building owners, local authorities, or other essential parties, external resource bottlenecks, pending or unresolved investigations into utility grid capacity or similar circumstances where crucial information is not yet available or determined. Such extension shall be limited to the time necessary to address the factors causing such delay.

3. The authority shall complete and submit a report, on or before January thirty-first, two thousand twenty-five, and annually thereafter, to the governor, the speaker of the assembly, and the temporary president of the senate, and shall post such report on the authority's website so that it is accessible for public review. Such report shall include, but not be limited to: (a) the progress of the decarbonization action plans; (b) any difficulties in preparing the decarbonization action plans; and (c) any anticipated delays in completing the decarbonization action plans by January thirty-first, two thousand twenty-seven.

4. The authority is authorized to allocate up to thirty million dollars to prepare the decarbonization action plans. The owner or operator of state-owned facilities shall not be responsible for reimbursing the authority for the costs the authority incurs to establish the decarbonization action plans provided for in this section, provided that the authority is authorized to obtain reimbursement of such costs from any other available funding sources, and provided further, that nothing in this subdivision is intended to limit the authority from receiving compensation for any services it provides to any owner or operator of state-owned facilities, including services related to implementation of decarbonization plans and decarbonization projects, on such terms and conditions as the parties agree.

5. The authority may ask and shall receive from the state energy research and development authority, the office of general services, the state university of New York, the dormitory authority, the department of environmental conservation, and any owners and operators of state-owned facilities, any information or staff technical assistance necessary to carry out its powers and duties under this section.

6. The chiller. The state university of New York shall utilize up to thirty million dollars of the 2023-24 New York state urban development corporation capital appropriation for the replacement of absorption chillers in the central chiller plant of the state university of New York at Albany.

7. Any project, including any thermal energy project, that may be funded as a result of a decarbonization action plan completed pursuant to this section shall: (a) be deemed a public work project subject to article eight of the labor law; (b) require that the component parts of any geothermal systems or any other heating or cooling systems are

1 produced or made in whole or substantial part in the United States, its
2 territories or possessions, subject to a waiver provision similar to the
3 one contained in subdivision two of section sixty-six-s of the public
4 service law; (c) contain a requirement that any public owner or third
5 party acting on behalf of a public owner enter into a project labor
6 agreement as defined by section two hundred twenty-two of the labor law
7 for all construction work; and (d) require the payment of prevailing
8 wage standards consistent with article nine of the labor law for build-
9 ing services work. Notwithstanding any provision of law to the contrary,
10 all rights or benefits, including terms and conditions of employment,
11 and protection of civil service and collective bargaining status of all
12 existing public employees and the work jurisdiction, covered job titles,
13 and work assignments, set forth in the civil service law and collective
14 bargaining agreements with labor organizations representing public
15 employees shall be preserved and protected. Any such project shall not
16 result in the: (i) displacement of any currently employed worker or loss
17 of position (including partial displacement as such a reduction in the
18 hours of non-overtime work, wages, or employment benefits) or result in
19 the impairment of existing collective bargaining agreements; (ii) trans-
20 fer of existing duties and functions related to maintenance and oper-
21 ations currently performed by existing employees of authorized entities
22 to a contracting entity; or (iii) transfer of future duties and func-
23 tions ordinarily performed by employees of authorized entities to a
24 contracting entity.

25 § 6. This act shall take effect immediately.

26 PART SS

27 Section 1. Section 4 of part LL of chapter 58 of the laws of 2019
28 amending the public authorities law relating to the provision of renewa-
29 ble power and energy by the Power Authority of the State of New York is
30 amended to read as follows:

31 § 4. This act shall take effect immediately; provided, however, that
32 sections two and three of this act shall expire and be deemed repealed
33 on June 30, 2033, provided, however, that [~~the provisions of sections~~]
34 subparagraph (2) of paragraph (a) of subdivision 27 of section 1005 of
35 the public authorities law as added by section two [~~and three~~] of this
36 act shall expire on June 30, 2024 when upon such date [~~the~~] such
37 provisions [~~of such sections~~] shall be deemed repealed, provided that
38 such repeal shall not affect or impair any act done, any right, permit
39 or authorization accrued or acquired, or any liability incurred, prior
40 to the time such repeal takes effect, and provided further that any
41 project or contract that was awarded by the power authority of the state
42 of New York prior to such repeal shall be permitted to continue under
43 this act notwithstanding such repeal.

44 § 2. This act shall take effect immediately.

45 PART TT

46 Section 1. Section 1854 of the public authorities law is amended by
47 adding three new subdivisions 24, 25 and 26 to read as follows:

48 24. All revenues generated pursuant to regulations or actions taken by
49 the department, the authority or any other state entity, pursuant to
50 sections 75-0107 and 75-0109 of the environmental conservation law,
51 shall be placed into a segregated authority funding account, estab-
52 lished pursuant to section eighteen hundred fifty-nine of this title,

1 prior to programmatic or administrative allocation, and shall not be
2 commingled with other authority funds.

3 25. Within thirty days following receipt of revenues generated pursu-
4 ant to regulations or actions taken by the department, the authority or
5 any other state entity pursuant to sections 75-0107 and 75-0109 of the
6 environmental conservation law, the authority shall make the following
7 transfers from such segregated authority funding account:

8 (a) Not less than thirty percent to the New York climate action fund
9 consumer climate action account established pursuant to section ninety-
10 nine-qq of the state finance law;

11 (b) Up to three percent to the New York climate action fund industrial
12 small business climate action account established pursuant to section
13 ninety-nine-qq of the state finance law; and

14 (c) Not less than sixty-seven percent to the New York climate action
15 fund climate investment account established pursuant to section ninety-
16 nine-qq of the state finance law.

17 26. Climate affordability study. The authority and the department of
18 environmental conservation, in consultation with the division of the
19 budget, the department of public service, and the department of taxation
20 and finance, shall conduct a study and issue a report with recommenda-
21 tions for the use of moneys transferred to the consumer climate action
22 account established pursuant to section ninety-nine-qq of the state
23 finance law. Such report shall be guided by the final scoping plan
24 prepared pursuant to section 75-0103 of the environmental conservation
25 law and shall consider, among other things: (a) structure and distrib-
26 ution of benefits in an equitable manner, accounting for potential
27 disproportionate impacts to low-income households and disadvantaged
28 communities; (b) implementation of a variety of mechanisms to meet the
29 varied needs of the people of the state, which may include direct
30 payments, tax credits, transit vouchers, utility assistance, or other
31 financial benefits that are reasonable and practicable; (c) financial
32 benefits that ensure that individuals receiving means-tested government
33 assistance receive benefits that will not constitute income for purposes
34 of any such means-tested government assistance programs; and (d) benefit
35 programs that limit the administrative effort required of recipients.
36 Such study shall be completed by the first of January, two thousand
37 twenty-four, and shall be delivered to the governor and the legislature.

38 § 2. The state finance law is amended by adding a new section 99-qq to
39 read as follows:

40 § 99-qq. New York climate action fund. 1. There is hereby established
41 in the joint custody of the commissioner of taxation and finance and the
42 state comptroller a special fund to be known as the "New York climate
43 action fund".

44 2. The comptroller shall establish the following separate and
45 distinct accounts within the New York climate action fund:

46 (a) consumer climate action account;

47 (b) industrial small business climate action account; and

48 (c) climate investment account.

49 3. (a) The New York climate action fund consumer climate action
50 account shall consist of moneys received by the state pursuant to para-
51 graph (a) of subdivision twenty-five of section eighteen hundred fifty-
52 four of the public authorities law, and all other moneys appropriated,
53 credited, or transferred thereto from any other fund or source pursuant
54 to law. Moneys of the account shall be expended for the purposes of
55 providing benefits to help reduce potential increased costs of various
56 goods and services to consumers in the state.

(b) The New York climate action fund industrial small business climate action account shall consist of moneys received by the state pursuant to paragraph (b) of subdivision twenty-five of section eighteen hundred fifty-four of the public authorities law, and all other moneys appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Moneys of the account shall be expended for the purposes of providing benefits to help reduce potential increased costs of various goods and services to industrial small businesses incorporated, formed or organized, and doing business in the state of New York.

(c) The New York climate action fund climate investment account shall consist of moneys received by the state pursuant to paragraph (c) of subdivision twenty-five of section eighteen hundred fifty-four of the public authorities law, and all other moneys appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Moneys of the account shall be made available for the purposes of assisting the state in transitioning to a less carbon intensive economy, including but not limited to: (i) purposes which are consistent with the general findings of the scoping plan prepared pursuant to section 75-0103 of the environmental conservation law; (ii) administrative and implementation costs, auction design and support costs, program design, evaluation, and other associated costs; and (iii) measures which prioritize disadvantaged communities by supporting actions consistent with the requirements of paragraph d of subdivision three of section 75-0109 and of section 75-0117 of the environmental conservation law, identified through community decision-making and stakeholder input, including early action to reduce greenhouse gas emissions in disadvantaged communities.

4. Moneys in the New York climate action fund shall be kept separate from and shall not be commingled with any other moneys in the custody of the comptroller or the commissioner of taxation and finance. Provided, however, that any moneys of the fund not required for immediate use may, at the discretion of the comptroller, in consultation with the director of the division of budget, be invested by the comptroller in obligations of the United States or the state. The proceeds of any such investment shall be retained by the fund as assets to be used for purposes of the fund.

§ 3. The labor law is amended by adding a new section 224-f to read as follows:

§ 224-f. Wage requirements for certain climate risk-related and energy transition projects. 1. For purposes of this section, a "covered climate risk-related and energy transition project" means a construction project that receives at least one hundred thousand dollars of funds from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law.

2. A covered climate risk-related and energy transition project shall be subject to prevailing wage requirements in accordance with sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-i, two hundred twenty-three, and two hundred twenty-four-b of this article, provided that a covered climate risk-related and energy transition project may still otherwise be considered a covered project pursuant to section two hundred twenty or two hundred twenty-four-a of this article if it meets the definition therein.

3. For purposes of this section, a covered climate risk-related and energy transition project shall exclude:

a. Privately owned construction work performed under a pre-hire collective bargaining agreement between an owner or developer and a bona

fide building and construction trades labor organization which has established itself, and/or its affiliates, as the collective bargaining representative for all persons who will perform work on such a project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform work on such a project; or

b. Construction work on one- or two-family dwellings where the property is the owner's primary residence, or construction work performed on property where the owner of the property owns no more than four dwelling units; or

c. Construction work performed on a multiple residence and/or ancillary amenities or installations that is wholly privately owned in any of the following circumstances:

(i) where no less than twenty-five percent of the residential units are affordable and shall be retained subject to an anticipated regulatory agreement with a local, state, or federal governmental entity, or a not-for-profit entity with an anticipated formal agreement with a local, state, or federal governmental entity for purposes of providing affordable housing in a given locality or region provided that the period of affordability for a residential unit deemed affordable under the provisions of this paragraph shall be for no less than fifteen years from the date of construction; or

(ii) where no less than thirty-five percent of the residential units involves the provision of supportive housing services for vulnerable populations provided that such units are subject to an anticipated regulatory agreement with a local, state, or federal governmental entity.

4. As a condition of receiving funds from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law for a covered climate risk-related and energy transition project, the owner or developer of such covered climate risk-related and energy transition project, or a third party acting on such owner's or developer's behalf, shall agree to enter into a labor peace agreement with at least one bona fide labor organization either:

a. where such bona fide labor organization is actively representing non-construction employees who will be working within the covered climate risk-related and energy transition project once built; or

b. upon notice by a bona fide labor organization that is attempting to represent such non-construction employees.

5. For purposes of this section "labor peace agreement" means an agreement between an owner and/or developer and labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference.

6. The owner or developer using funds from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law for a covered climate risk-related and energy transition project pursuant to this section shall:

a. require the use of apprenticeship agreements as defined by article twenty-three of this chapter; or for industries without apprenticeship programs, require the use of workforce training, preferably in conjunction with a bona fide labor organization; and

b. consider use of registered pre-apprenticeship direct entry programs for the recruitment of local and/or disadvantaged workers.

7. For purposes of this section, the "fiscal officer" shall be deemed to be the commissioner. The enforcement of any covered climate risk-re-

lated and energy transition project under this section shall be subject to the requirements of sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-i, two hundred twenty-three, two hundred twenty-four-b of this article, and section two hundred twenty-seven of this chapter and within the jurisdiction of the fiscal officer; provided, however, nothing contained in this section shall be deemed to construe any covered climate risk-related and energy transition project as otherwise being considered public work pursuant to this article.

8. The fiscal officer may issue rules and regulations governing the provisions of this section. Violations of this section shall be grounds for determinations and orders pursuant to section two hundred twenty-b of this article.

9. For any building service work on a covered climate risk-related and energy transition project, prevailing wage shall be paid consistent with article nine of this chapter.

10. Any public entity receiving at least five million dollars in funds from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law for a project which involves the construction, reconstruction, alteration, maintenance, moving, demolition, excavation, development or other improvement of any building, structure or land, shall be subject to section two hundred twenty-two of this article.

§ 4. The labor law is amended by adding a new section 21-f to read as follows:

§ 21-f. Job transition plan for certain climate risk-related and energy transition projects. 1. The commissioner, in consultation with labor organizations, shall develop a comprehensive plan to transition, train, or retrain employees that are impacted by climate risk-related and energy transition projects funded from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law. This plan shall include a method of allowing displaced and transitioning workers, including affected labor organizations, to notify the commissioner of the loss of employment, their previous title, and previous wage rates including whether they previously received medical benefits, retirement benefits, and/or other benefits. The plan shall require employers to notify the commissioner of workers laid off or discharged due to climate risk-related and energy transition projects funded from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law.

2. Funding shall be made available for worker transition and retraining, which shall include funding as provided by subdivision twenty-seven-d of section one thousand five of the public authorities law.

3. The commissioner shall create a program pursuant to which, where applicable and feasible, newly created job opportunities shall be offered to a pool of transitioning workers who have lost their employment or will be losing their employment in the energy sector due to climate risk-related and energy transition projects funded from the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law. Such program shall include a method for the commissioner to communicate names and contact information for displaced or transitioning workers to public entities that may have job opportunities for such workers every ninety days.

§ 5. Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and

1 protection of civil service and collective bargaining status of all
2 existing public employees and the work jurisdiction, covered job titles,
3 and work assignments, set forth in the civil service law and collective
4 bargaining agreements with labor organizations representing public
5 employees shall be preserved and protected. Nothing in this section
6 shall result in the: (i) displacement of any currently employed worker
7 or loss of position (including partial displacement as such a reduction
8 in the hours of non-overtime work, wages, or employment benefits) or
9 result in the impairment of existing collective bargaining agreements;
10 (ii) transfer of existing duties and functions related to maintenance
11 and operations currently performed by existing employees of authorized
12 entities to a contracting entity; or (iii) transfer of future duties and
13 functions ordinarily performed by employees of authorized entities to a
14 contracting entity.

15 § 6. The public service law is amended by adding a new section 66-v to
16 read as follows:

17 § 66-v. Requirements for certain climate risk-related and energy tran-
18 sition projects. 1. Each contract using funds from the New York climate
19 action fund climate investment account established pursuant to section
20 ninety-nine-gg of the state finance law for a covered climate risk-re-
21 lated and energy transition project shall contain a provision that the
22 iron and steel used or supplied in the performance of the contract or
23 any subcontract thereto and that is permanently incorporated into the
24 project, shall be produced or made in whole or substantial part in the
25 United States, its territories or possessions. In the case of an iron or
26 steel product, all manufacturing must take place in the United States,
27 its territories or possessions, from the initial melting stage through
28 the application of coatings, except metallurgical processes involving
29 the refinement of steel additives. For the purposes of this subdivision,
30 "permanently incorporated" shall mean an iron or steel product that is
31 required to remain in place at the end of the project contract, in a
32 fixed location, affixed to the project to which it was incorporated.
33 Iron and steel products that are capable of being moved from one
34 location to another shall not be considered permanently incorporated.

35 2. The provisions of subdivision one of this section shall not apply
36 if the head of the public entity providing funds, in his or her sole
37 discretion, determines that the provisions would not be in the public
38 interest, would result in unreasonable costs, or that obtaining such
39 steel or iron in the United States, its territories or possessions would
40 increase the cost of the contract by an unreasonable amount, or such
41 iron or steel, including without limitation iron and steel, cannot be
42 produced or made in the United States its territories or possessions in
43 sufficient and reasonably available quantities and of satisfactory qual-
44 ity.

45 3. The head of the public entity providing funds generated from the
46 New York climate action fund climate investment account established
47 pursuant to section ninety-nine-gg of the state finance law may, in his
48 or her sole discretion, provide for in a request for proposal, invita-
49 tion for bid, or solicitation of proposal, or any other method provided
50 for by law or regulation for soliciting a response from offerors intend-
51 ing to result in a contract in support of a project, a competitive proc-
52 ess in which the evaluation of competing bids gives significant consid-
53 eration in the evaluation process to the procurement of equipment and
54 supplies from businesses located in New York state.

55 § 7. This act shall take effect immediately.

1

PART UU

2 Section 1. The Legislature hereby finds and declares that the Marijuana
3 Regulation and Taxation Act (MRTA) envisioned the creation of new
4 legal industries in which cannabis is regulated, controlled and taxed,
5 and the generation of new revenue streams that enable substantial
6 investments into communities and for the people most impacted by cannabis
7 criminalization. The Legislature further finds that additional
8 regulations to curb illegal cannabis retail establishments are necessary
9 to fully effectuate the MRTA and ensure that the goals of the MRTA are
10 achieved.

11 § 2. Subdivisions (a) and (g) of section 492 of the tax law, as added
12 by chapter 92 of the laws of 2021, are amended and a new subdivision (l)
13 is added to read as follows:

14 (a) "Adult-use cannabis product" [~~or "adult-use cannabis" has the same~~
15 ~~meaning as the term is defined in section three of the cannabis law~~]
16 means cannabis, concentrated cannabis, and cannabis-infused products, as
17 reflected on the product label, whether or not such adult-use cannabis
18 product is for use by a cannabis consumer as such a consumer is defined
19 in subdivision six of section three of the cannabis law. For purposes of
20 this article, under no circumstances shall adult-use cannabis product
21 include medical cannabis or cannabinoid hemp product as defined in
22 section three of the cannabis law.

23 (g) "Illicit cannabis" means and includes [~~cannabis flower, concen-~~
24 ~~trated cannabis, cannabis edible product and cannabis plant~~] any adult-
25 use cannabis product, including concentrated cannabis and cannabis
26 edible products on which any tax required to have been paid under this
27 chapter has not been paid. Illicit cannabis shall not include any cannabis
28 lawfully possessed in accordance with the cannabis law or penal law.

29 (l) "Possession for sale" or "possessed for sale" means possession of
30 more than five pounds of adult-use cannabis products, or one pound of
31 concentrated cannabis products or cannabis edible products, at a busi-
32 ness or other location used for the storage, distribution or sale of
33 such cannabis products with the intent that such products be sold at
34 retail. Possession shall be presumed to be for sale when the adult-use
35 cannabis products are possessed in any place of business used for the
36 buying and selling of such adult-use cannabis products. Possession shall
37 not be presumed to be for sale when the adult-use cannabis products are
38 possessed in a residence or other real property, or any personal vehicle
39 on or about such property, not being used as a business for the buying
40 and selling of such adult-use cannabis products.

41 § 3. Section 494 of the tax law, as added by chapter 92 of the laws of
42 2021, is amended to read as follows:

43 § 494. Registration and renewal. (a) [~~(i)~~] (1) Every distributor on
44 whom tax is imposed under this article and every person who sells
45 adult-use cannabis products at retail must file with the commissioner a
46 properly completed application for a certificate of registration and
47 obtain such certificate before engaging in business, provided, however,
48 this section shall not apply to a natural person engaged in lawful
49 activity pertaining to personal use or personal cultivation pursuant to
50 article two hundred twenty-two of the penal law. An application for a
51 certificate of registration must be submitted electronically, on a form
52 prescribed by the commissioner, and must be accompanied by a non-refund-
53 able application fee of six hundred dollars. A certificate of registra-
54 tion shall not be assignable or transferable and shall be destroyed

1 immediately upon such person ceasing to do business as specified in such
2 certificate, or in the event that such business never commenced.

3 [~~(1)~~] (2) Provided, however, that the commissioner shall refund or
4 credit an application fee paid with respect to the registration of an
5 adult-use cannabis business in this state if, prior to the beginning of
6 the period with respect to which such registration relates, the certifi-
7 cate of registration described in [~~subparagraph (1)~~] paragraph one
8 of this ~~paragraph~~ subdivision is returned to the department or, if such
9 certificate has been destroyed, the operator of such business satisfac-
10 torily accounts to the commissioner for the missing certificate, but
11 such business may not sell adult-use cannabis products in this state
12 during such period, unless it is re-registered. Such refund or credit
13 shall be deemed a refund of tax paid in error, provided, however, no
14 interest shall be allowed or paid on any such refund.

15 (b) (1) The commissioner shall refuse to issue a certificate of regis-
16 tration to any applicant and shall revoke the certificate of registra-
17 tion of any such person who does not possess a valid license from the
18 office of cannabis management.

19 (2) The commissioner may refuse to issue a certificate of registration
20 to any applicant where such applicant:

21 (i) has a past-due liability as that term is defined in section one
22 hundred seventy-one-v of this chapter;

23 (ii) has had a certificate of registration under this article, a
24 license from the office of cannabis management, or any license or regis-
25 tration provided for in this chapter revoked or suspended where such
26 revocation or suspension was in effect on the date the application was
27 filed or ended within one year from the date on which such application
28 was filed;

29 (iii) has been convicted of a crime provided for in this chapter with-
30 in one year from the date on which such application was filed or the
31 certificate was issued, as applicable;

32 (iv) willfully fails to file a report or return required by this arti-
33 cle;

34 (v) willfully files, causes to be filed, gives or causes to be given a
35 report, return, certificate or affidavit required by this article which
36 is false; ~~or~~

37 (vi) willfully fails to collect or truthfully account for or pay over
38 any tax imposed by this article~~;~~;

39 (vii) has been determined to have possessed illicit cannabis within
40 one year from the date on which such application was filed;

41 (viii) is a distributor that has been determined to have knowingly
42 sold adult-use cannabis products to any person who sells adult-use
43 cannabis products at retail and who is not registered under this
44 section, or whose registration has been suspended or revoked; or

45 (ix) has a place of business at the same premises as that of a
46 distributor upon whom tax is imposed under this article, or person who
47 sells adult-use cannabis products at retail, whose registration has been
48 revoked and where such revocation is still in effect, unless the appli-
49 cant provides the commissioner with adequate documentation demonstrating
50 that such applicant acquired the premises or business through an arm's
51 length transaction as defined in paragraph (e) of subdivision one of
52 section four hundred eighty-a of this chapter and that the sale or lease
53 was not conducted, in whole or in part, for the purpose of permitting
54 the original registrant to avoid the effect of the previous revocation
55 for the same premises.

(3) The commissioner may revoke the certificate of registration issued to any person who:

(i) has had any license or registration provided for in this chapter revoked or suspended;

(ii) has been convicted of a crime provided for in this chapter where such conviction occurred not more than one year prior to the date of revocation;

(iii) willfully fails to file a report or return required by this article;

(iv) willfully files, causes to be filed, gives or causes to be given a report, return, certificate or affidavit required by this article which is false;

(v) willfully fails to collect or truthfully account for or pay over any tax imposed by this article; or

(vi) is a distributor that has been determined to have knowingly sold adult-use cannabis products to any person who sells adult-use cannabis products at retail and who is not registered under this section, or whose registration has been suspended or revoked.

~~[(2)]~~ (4) In addition to the grounds for revocation in ~~[paragraph (1) of]~~ this subdivision, where a person who holds a certificate of registration is determined to have possessed or sold illicit cannabis:

(1) such registration may be revoked (i) for a period of up to one year for the first such possession or sale by such person;

~~[(2)]~~ (ii) for a period of up to three years for a second such possession or sale within a period of five years by such person~~[, the registration of such person may be revoked for a period of up to three years]; and~~

~~[(3)]~~ (iii) for a period of up to five years for a third such possession or sale within a period of ~~[up to]~~ five years by such person~~[, the registration of such person may be revoked for a period of five years]~~. A certificate of registration may be revoked pursuant to this paragraph immediately upon such person's receipt of written notice of revocation from the commissioner.

A person who is notified of a revocation of their certificate of registration pursuant to this paragraph shall have the right to have the revocation reviewed by the commissioner or their designee by contacting the department at a telephone number or an address to be disclosed in the notice of revocation within ten days of such person's receipt of such notification. Such person may present written evidence or argument in support of their defense to the revocation or may appear at a scheduled conference with the commissioner or their designee to present oral arguments and written and oral evidence in support of such defense. The commissioner or their designee is authorized to delay the effective date of the revocation to enable such person to present further evidence or arguments in connection with the revocation. The commissioner or their designee shall cancel the revocation of the certificate of registration if the commissioner or their designee is not satisfied by a preponderance of the evidence that a basis for revocation pursuant to this paragraph exists. An order of revocation of a certificate of registration under this paragraph shall not be reviewable by the division of tax appeals but may be reviewed pursuant to article seventy-eight of the civil practice law and rules by a proceeding commenced in the supreme court within four months of the revocation petitioning that the order of revocation be enjoined or set aside. Such proceeding shall be instituted in the county where the commissioner has their principal office. Upon the filing of such petition the court shall have jurisdiction to set

1 aside such order of revocation, in whole or in part, or to dismiss the
2 petition. The jurisdiction of the supreme court shall be exclusive and
3 its order dismissing the petition or enjoining or setting aside such
4 order, in whole or in part, shall be final, subject to review by the
5 appellate division of the supreme court and the court of appeals in the
6 same manner and form and with the same effect as provided by law for
7 appeals from a judgment in a special proceeding. All such proceedings
8 shall be heard and determined by the court and by any appellate court as
9 expeditiously as possible and with lawful precedence over other civil
10 matters. All such proceedings for review shall be heard on the petition,
11 transcript and other papers, and on appeal shall be heard on the record,
12 without requirement of printing.

13 (c) Where a person that does not possess a certificate of registration
14 under this section has been determined to have possessed or sold any
15 adult-use cannabis product or illicit cannabis:

16 (1) The commissioner may revoke a certificate of authority issued to
17 such person pursuant to section eleven hundred thirty-four of this chap-
18 ter for a place of business where such person has been determined to
19 have possessed for sale or to have sold adult-use cannabis product or
20 illicit cannabis three or more times within a period of five years with-
21 out a certificate of registration.

22 (2) The commissioner may refuse to issue a certificate of authority
23 under section eleven hundred thirty-four of this chapter to a distribu-
24 tor upon whom tax is imposed under this article, or a person who sells
25 adult-use cannabis products at retail, who has a place of business at
26 the same premises as that of a person whose certificate of authority has
27 been revoked pursuant to paragraph one of this subdivision and where
28 such revocation is still in effect, unless the applicant provides the
29 commissioner with adequate documentation demonstrating that such appli-
30 cant acquired the premises or business through an arm's length trans-
31 action as defined in paragraph (e) of subdivision one of section four
32 hundred eighty-a of this chapter and that the sale or lease was not
33 conducted, in whole or in part, for the purpose of permitting the
34 original registrant to avoid the effect of the previous revocation for
35 the same premises.

36 (d) A certificate of registration shall be valid for the period speci-
37 fied thereon, unless earlier suspended or revoked. Upon the expiration
38 of the term stated on a certificate of registration, such certificate
39 shall be null and void.

40 ~~[(d)]~~ (e) Every holder of a certificate of registration must notify
41 the commissioner of changes to any of the information stated on the
42 certificate, or of changes to any information contained in the applica-
43 tion for the certificate of registration. Such notification must be made
44 on or before the last day of the month in which a change occurs and must
45 be made electronically on a form prescribed by the commissioner.

46 ~~[(e)]~~ (f) Every holder of a certificate of registration under this
47 article shall be required to reapply prior to such certificate's expira-
48 tion, during a reapplication period established by the commissioner.
49 Such reapplication period shall not occur more frequently than every two
50 years. Such reapplication shall be subject to the same requirements and
51 conditions as an initial application, including grounds for refusal and
52 the payment of the application fee.

53 ~~[(f)]~~ (g) Any person who is required to obtain a certificate of regis-
54 tration under subdivision (a) of this section who possesses adult-use
55 cannabis products without such certificate shall be subject to a penalty
56 of ~~[five hundred dollars for each month or part thereof during which~~

~~adult-use cannabis products are possessed without such certificate, not to exceed ten thousand dollars in the aggregate]~~ up to seven thousand five hundred dollars for a first violation and up to fifteen thousand dollars for a second or subsequent violation within three years following a prior violation. Any such adult-use cannabis product shall be subject to immediate forfeiture to, and seizure by, the commissioner or their duly authorized representatives, or the duly authorized representatives of the office of cannabis management.

(h) No distributor on whom tax is imposed under this article shall sell any adult-use cannabis product to any person who sells adult-use cannabis products at retail and who is not registered under this section, or whose registration has been suspended or revoked.

§ 4. Section 496 of the tax law is amended by adding a new subdivision (c) to read as follows:

(c) The failure of any person who sells adult-use cannabis products at retail, except a person who possesses a valid registered organization adult-use cultivator processor distributor retail dispensary license or microbusiness license issued by the office of cannabis management, to comply with subdivision (a) of this section for the adult-use cannabis products in such person's possession shall be presumptive evidence that the tax thereon has not been paid, and that such person shall be liable for the tax thereon unless evidence of such invoice, payment or assumption shall later be produced.

§ 5. Section 496-c of the tax law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

§ 496-c. ~~[Illicit cannabis penalty]~~ Additional penalties. (a) In addition to any other civil or criminal penalties that may apply, any person knowingly in possession of or knowingly having control over any type of illicit cannabis, as defined in section four hundred ninety-two of this article, after notice and an opportunity for a hearing, shall be liable for a civil penalty ~~[of not less than two hundred dollars per ounce of illicit cannabis flower, five dollars per milligram of the total weight of any illicit cannabis edible product, fifty dollars per gram of the total weight of any product containing illicit cannabis concentrate, and five hundred dollars per ounce of illicit cannabis flower, ten dollars per milligram of the total weight of any illicit cannabis edible product, one hundred dollars per gram of the total weight of any product containing illicit cannabis concentrate, and one thousand dollars per ounce of illicit cannabis plant]~~ in an amount up to two times the amount of tax otherwise required to be paid for such product for a first violation, and for a second ~~[and]~~ or subsequent violation within three years following a prior violation ~~[shall]~~ may be liable for a civil penalty ~~[of not less than four hundred dollars per ounce of illicit cannabis flower, ten dollars per milligram of the total weight of any illicit cannabis edible product, one hundred dollars per gram of the total weight of any product containing illicit cannabis concentrate, and one thousand dollars per ounce of illicit cannabis flower, twenty dollars per milligram of the total weight of any illicit cannabis edible product, two hundred dollars per gram of the total weight of any product containing illicit cannabis concentrate, and two thousand dollars per ounce of illicit cannabis plant]~~ in an amount up to three times the amount of tax otherwise required to be paid for such product.

(b) In addition to any other penalty authorized by this chapter or any other law:

(1) Any person who knowingly possesses for sale, as such term is defined in section four hundred ninety-two of this article, more than five pounds but less than twelve pounds of illicit cannabis or more than one pound but less than four pounds of illicit concentrated cannabis or illicit cannabis edible product, after notice and an opportunity for a hearing, may be liable for a civil penalty of up to twenty-five thousand dollars for a first violation and may be liable for a civil penalty of up to fifty thousand dollars for a second or subsequent violation within three years following a prior violation.

(2) Any person who knowingly possesses for sale, as such term is defined in section four hundred ninety-two of this article, over twelve or more pounds of illicit cannabis or four or more pounds of illicit concentrated cannabis or illicit cannabis edible product, after notice and an opportunity for a hearing, may be liable for a civil penalty of up to seventy-five thousand dollars for a first violation and may be liable for a civil penalty of up to one hundred thousand dollars for a second or subsequent violation within three years following a prior violation.

(3) In addition to any penalty imposed pursuant to paragraphs one or two of this subdivision, any person who knowingly possesses for sale, as such term is defined in section four hundred ninety-two of this article, more than five pounds of illicit cannabis, or more than one pound of illicit concentrated cannabis or illicit cannabis edible product, in a commercial location, after notice and an opportunity for a hearing, may be subject to an additional civil penalty of up to fifty thousand dollars for a first violation and may be liable for a civil penalty of up to one hundred thousand dollars for a second or subsequent violation within three years following a prior violation. For purposes of this paragraph, "commercial location" means real property or a vehicle held out as open to the public or otherwise being used to conduct wholesale or retail transactions, including a storage area in or adjacent to such property or vehicle. Such term shall not include a residence or a personally-owned vehicle located at such residence.

(c) Any distributor on whom tax is imposed under this article that knowingly sells any adult-use cannabis product to any person who sells at retail adult-use cannabis products who is not registered under section four hundred ninety-four of this article, or whose registration has been suspended or revoked, may, after notice and an opportunity for a hearing, be liable for a civil penalty of up to fifty thousand dollars for a first violation and up to one hundred thousand dollars for a second or subsequent violation within three years following a prior violation.

(d) No enforcement action taken under this section shall be construed to limit any other criminal or civil liability of anyone in possession of illicit cannabis.

~~[(e)]~~ (e) The ~~[penalty]~~ penalties imposed by this section shall not apply to natural persons lawfully in possession of ~~[less than two ounces of]~~ adult-use cannabis or ~~[ten grams of]~~ concentrated cannabis ~~[in accordance with the cannabis law or penal law]~~ for personal use as provided in article two hundred twenty-two of the penal law.

§ 6. The tax law is amended by adding two new sections 496-d and 496-e to read as follows:

§ 496-d. Enforcement. The commissioner or the commissioner's duly authorized representatives are hereby authorized:

(a) To conduct regulatory inspections during normal business hours of any place of business, including a vehicle used for such business,

1 where adult-use cannabis products are distributed, placed, stored, sold
2 or offered for sale. For the purposes of this section, "place of busi-
3 ness" shall not include a residence or other real property, or any
4 personal vehicle on or about such property, not held out as open to the
5 public or otherwise being utilized in a business or commercial manner,
6 unless probable cause exists to believe that such residence, real prop-
7 erty or vehicle is being used in such a business or commercial manner
8 for the buying or selling of adult-use cannabis products.

9 (b) To examine any adult-use cannabis products and the books, papers,
10 invoices and other records of any place of business or vehicle where
11 adult-use cannabis products are distributed, placed, stored, sold or
12 offered for sale. Any person in possession, control or occupancy of any
13 such business is required to give to the commissioner or the commis-
14 sioner's duly authorized representatives or the duly authorized represen-
15 tatives of the office of cannabis management, the means, facilities, and
16 opportunity for such examinations. For the purposes of this section,
17 "place of business" shall not include a residence or other real proper-
18 ty, or any personal vehicle on or about such property, not held out as
19 open to the public or otherwise being utilized in a business or commer-
20 cial manner, unless probable cause exists to believe that such resi-
21 dence, real property or vehicle is being used in such a business or
22 commercial manner for the buying or selling of adult-use cannabis
23 products.

24 (c) If any person registered under section four hundred ninety-four of
25 this article, or their agents, refuses to give the commissioner, or the
26 commissioner's duly authorized representatives, the means, facilities
27 and opportunity for the inspections and examinations required by this
28 section, the commissioner, after notice and an opportunity for a hear-
29 ing, may revoke their registration to distribute or sell adult-use
30 cannabis products at retail:

31 (i) for a period of one year for the first such failure;
32 (ii) for a period of up to three years for a second such failure with-
33 in a period of three years; and
34 (iii) for a period of up to seven years for a third such failure with-
35 in five years.

36 (d) The commissioner or the commissioner's duly authorized represen-
37 tatives shall seize any illicit cannabis found in any place of business
38 or vehicle where adult-use cannabis products are distributed, placed,
39 stored, sold or offered for sale by any person who does not possess a
40 certificate of registration as described in section four hundred nine-
41 ty-four of this chapter.

42 (e) All illicit cannabis seized pursuant to the authority of this
43 chapter or any other law of this state shall be turned over to the
44 office of cannabis management or their authorized representative. Such
45 seized illicit cannabis shall, after notice and an opportunity for a
46 hearing, be forfeited to the state. If the office of cannabis manage-
47 ment determines the illicit cannabis cannot be used for law enforcement
48 purposes, it may, within a reasonable time after the forfeiture of such
49 illicit cannabis, upon publication in the state registry, destroy such
50 forfeited illicit cannabis.

51 § 496-e. Notification of enforcement actions. The commissioner shall
52 notify the cannabis control board and the office of cannabis management
53 of the commencement of any enforcement actions taken under this article
54 as well as the conclusion, outcomes, and the amount of penalties
55 collected as a result of such actions.

§ 7. Paragraph 8 of subdivision (a) of section 1801 of the tax law, as added by section 15 of subpart I of part V-1 of chapter 57 of the laws of 2009, is amended and a new paragraph 9 is added to read as follows:

(8) issues an exemption certificate, interdistributor sales certificate, resale certificate, or any other document capable of evidencing a claim that taxes do not apply to a transaction, which he or she does not believe to be true and correct as to any material matter, which omits any material information, or which is false, fraudulent, or counterfeited; ~~or~~

(9) (a) knowingly fails to collect or remit any taxes imposed by section four hundred ninety-three of this chapter on the sale of any adult-use cannabis product; or (b) knowingly possesses for sale, as such term is defined in section four hundred ninety-two of this chapter, any such product on which the tax required to be paid under subdivision (a) of such section has not been paid.

§ 8. Section 3 of the cannabis law is amended by adding two new subdivisions 40-a and 46-a to read as follows:

40-a. "Person" means an individual, institution, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

46-a. "Indirect retail sale" means to give any cannabis, cannabis product, cannabinoid hemp, hemp extract product, or any product marketed or labeled as such by any person engaging in a commercial business venture or otherwise providing or offering goods or services to the general public for remuneration for such goods and/or services, where any such cannabis, cannabis product, cannabinoid hemp or hemp extract product, or any product marketed or labeled as such, accompanies (a) the sale of any tangible or intangible property; or (b) the provision of any service, including but not limited to entry to a venue or event, or a benefit of a membership to a club, association, or other organization.

§ 9. Subdivisions 3 and 8 of section 10 of the cannabis law are amended and a new subdivision 3-a is added to read as follows:

3. ~~[Sole discretion to]~~ To revoke, cancel or suspend ~~[for cause], after notice and an opportunity to be heard,~~ any registration, license, or permit issued under this chapter ~~[and/or to impose a civil penalty for cause, after notice and an opportunity for a hearing, against any holder of a registration, license, or permit issued pursuant to this chapter]~~ for a violation of this chapter or any regulation pursuant thereto.

3-a. To impose or recover a civil penalty, as otherwise authorized under this chapter, against any person found to have violated any provision of this chapter, whether or not a registration, license, or permit has been issued to such person pursuant to this chapter.

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

1 any private vehicle on or about the same such property, unless probable
2 cause exists to believe that such residence, real property, or vehicle
3 are being used in such business or commercial manner for the activity
4 described herein.

5 § 10. Subdivisions 3 and 5 of section 11 of the cannabis law are
6 amended and three new subdivisions 13, 14 and 15 are added to read as
7 follows:

8 3. To ~~[inspect or provide for the inspection]~~ conduct regulatory
9 inspections during normal business hours of any ~~[premises]~~ place of
10 business, including a vehicle used for such business, where ~~[medical]~~
11 cannabis, [adult-use cannabis] cannabis product, cannabinoid hemp
12 [cannabis], hemp extract products, or any products marketed or labeled
13 as such, are cultivated, processed, manufactured or sold, irrespective
14 of whether a registration, license, or permit has been issued under this
15 chapter. For the purposes of this subdivision, "place of business" shall
16 not include a residence or other real property not otherwise held out as
17 open to the public or otherwise being utilized in a business or commer-
18 cial manner or any private vehicle on or about the same such property,
19 unless probable cause exists to believe that such residence, real prop-
20 erty, or vehicle are being used in such business or commercial manner
21 for the activity described herein.

22 5. To ~~[inspect or provide for the inspection]~~ conduct regulatory
23 inspections during normal business hours of any registered, licensed or
24 permitted [premises] place of business, including a vehicle used for
25 such business, where medical cannabis, adult-use [ex] cannabis, cannabi-
26 noid hemp [is], hemp extract products, or any products marketed or
27 labeled as such, are cultivated, processed, stored, distributed or sold.
28 For the purposes of this subdivision, "place of business" shall not
29 include a residence or other real property not otherwise held out as
30 open to the public or otherwise being utilized in a business or commer-
31 cial manner or any private vehicle on or about the same such property,
32 unless probable cause exists to believe that such residence, real prop-
33 erty, or vehicle are being used in such business or commercial manner
34 for the activity described herein.

35 13. To create and maintain a publicly available directory of the names
36 and locations of persons licensed or registered pursuant to this chapter
37 to engage in retail sales.

38 14. To create a system whereby persons registered, licensed, or
39 permitted under this chapter can confirm the registration, license, or
40 permit of another person for the purposes of ensuring compliance with
41 this chapter.

42 15. Beginning January first, two thousand twenty-four and annually
43 thereafter, report on enforcement actions taken under this chapter and
44 the enforcement actions taken by the department of taxation and finance,
45 including the information required to be provided in section four
46 hundred ninety-six-e of the tax law and to submit such annual report to
47 the legislature and post it publicly on its website.

48 § 11. Subdivisions 1, 2, 3 and 4 of section 16 of the cannabis law are
49 amended and a new subdivision 6 is added to read as follows:

50 1. Any person who violates, disobeys or disregards any term or
51 provision of this chapter or of any lawful notice, order or regulation
52 pursuant thereto for which a civil ~~[ex-criminal]~~ penalty is not other-
53 wise expressly prescribed in this chapter by law, ~~[shall]~~ may be liable
54 to the people of the state for a civil penalty of not to exceed five
55 thousand dollars for ~~[every]~~ each such violation or subsequent
56 violation. In assessing the civil penalty under this subdivision, the

1 board or office, as may be applicable shall take into consideration the
2 nature of such violation and shall assess a penalty that is propor-
3 tionate to the violation.

4 2. The penalty provided for in subdivision one of this section may be
5 recovered by an action or proceeding in a court of competent jurisdic-
6 tion brought by the board or the office, as may be applicable, or by the
7 attorney general at the request of the board [~~in any court of competent~~
8 ~~jurisdiction~~] or the office.

9 3. Such civil penalty may be released or compromised by the board or
10 the office, as may be applicable, before the matter has been referred to
11 the attorney general, and where such matter has been referred to the
12 attorney general, any such penalty may be released or compromised and
13 any action or proceeding commenced to recover the same may be settled
14 and discontinued by the attorney general with the consent of the board.

15 4. It shall be the duty of the attorney general upon the request of
16 the board or office, as may be applicable, to bring an action [~~for an~~
17 ~~injunction~~] or proceeding against any person who violates, disobeys or
18 disregards any term or provision of this chapter or of any lawful
19 notice, order or regulation pursuant thereto for any relief authorized
20 under this chapter, including equitable and/or injunctive relief and the
21 recovery of civil penalties; provided, however, that the board or execu-
22 tive director shall furnish the attorney general with such material,
23 evidentiary matter or proof as may be requested by the attorney general
24 for the prosecution of such an action or proceeding.

25 6. The board or the office, as may be applicable, shall forward any
26 final findings of a violation under this chapter to any other statewide
27 licensing agency where such findings were entered against a business
28 holding any other such license, for any such other licensing agency to
29 review the findings to determine if there has been a violation of any
30 such license issued by such agency.

31 § 12. The cannabis law is amended by adding a new section 16-a to read
32 as follows:

33 § 16-a. Emergency relief. Following service of a notice of violation
34 and order requiring immediate cessation of unlicensed activity under
35 this chapter, the office of cannabis management, or the attorney gener-
36 al, at the request of and on behalf of the office may bring and maintain
37 a civil proceeding in the supreme court of the county in which the
38 building or premises is located to permanently enjoin such unlicensed
39 activity when conducted, maintained, or permitted in such building or
40 premises, occupied as a place of business as described in subdivision
41 eight of section ten of this chapter, in violation of subdivision one or
42 one-a of section one hundred twenty-five of this chapter or subdivision
43 eight of section one hundred thirty-two of this chapter, which shall
44 constitute an unlicensed activity that presents a danger to the public
45 health, safety, and welfare, and shall also enjoin the person or persons
46 conducting or maintaining such unlicensed activity, in accordance with
47 the following procedures:

48 1. Proceeding for permanent injunction. (a) To the extent known, the
49 owner, lessor, and lessee of a building or premises wherein the unli-
50 censed activity is being conducted, maintained, or permitted shall be
51 made defendants in the proceeding. The venue of such proceeding shall be
52 in the county where the unlicensed activity is being conducted, main-
53 tained, or permitted. The existence of an adequate remedy at law shall
54 not prevent the granting of temporary or permanent relief pursuant to
55 this section.

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

5 (c) In rem jurisdiction shall be complete over the building or prem-
6 ises wherein the unlicensed activity is being conducted, maintained, or
7 permitted by affixing the notice of petition to the door of the building
8 or premises and by mailing the notice of petition by certified or regis-
9 tered mail, return receipt requested, to one of the owners of some part
10 of or interest in the property. Proof of service shall be filed within
11 two days thereafter with the clerk of the court designated in the notice
12 of petition. In any county where e-filing is unavailable, proof of
13 service may be mailed to the clerk. Service shall be complete upon such
14 filing or mailing.

15 (d) Defendants, other than the building or premises wherein the unli-
16 censed activity is being conducted, maintained, or permitted, shall be
17 served with the notice of petition as provided in the civil practice law
18 and rules or pursuant to court order. No more than thirty days prior to
19 such service, the office shall mail a copy, by certified mail, of any
20 prior notice of violation or letter or order to cease and desist relat-
21 ing to the unlicensed activity at the building or premises to the person
22 in whose name the real estate affected by the proceeding is recorded in
23 the office of the city register or the county clerk, as the case may be,
24 who shall be presumed to be the owner thereof. Such mailing shall
25 constitute notice to the owner and shall be deemed to be complete upon
26 such mailing by the office as provided above. No more than fifteen days
27 prior to such service, the office, or the attorney general, at the
28 request of and on behalf of the office of cannabis management, shall
29 verify the ongoing occupancy of any natural person who is a tenant of
30 record and alleged to have caused or permitted the unlicensed activity
31 in the building or premises wherein the unlicensed activity is alleged
32 to have been conducted, maintained, or permitted. If at any time such
33 defendants vacate such building or premises, any action or proceeding
34 filed in accordance with these procedures relating to such building or
35 premises shall be withdrawn.

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

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

49 (g) Whenever there is evidence that a person was the manager, opera-
50 tor, supervisor or, in any other way, in charge of the premises, at the
51 time the unlicensed activity was being conducted, maintained, or permit-
52 ted, such evidence shall be presumptive that he or she was an agent or
53 employee of the owner or lessee of the building or premises.

54 (h) If a finding is made that the defendant has conducted, maintained,
55 or permitted the unlicensed activity a penalty, to be included in the
56 judgment, may be awarded in an amount not to exceed ten thousand dollars

1 for each day it is found that the defendant intentionally conducted,
2 maintained or permitted the unlicensed activity. Upon recovery, such
3 penalty shall be paid to the office of cannabis management.

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

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

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

24 3. Temporary closing order. (a) If, on a motion for a preliminary
25 injunction alleging unlicensed activity as described in this section in
26 a building or premises used for commercial purposes only, the office or
27 the attorney general demonstrates by clear and convincing evidence that
28 such unlicensed activity is being conducted, maintained, or permitted
29 and that the public health, safety, or welfare immediately requires a
30 temporary closing order, a temporary order closing such part of the
31 building or premises wherein such unlicensed activity is being
32 conducted, maintained, or permitted may be granted without notice, pend-
33 ing order of the court granting or refusing the preliminary injunction
34 and until further order of the court. Upon granting a temporary closing
35 order, the court shall direct the holding of a hearing for the prelimi-
36 nary injunction at the earliest possible time but no later than three
37 business days from the granting of such order; a decision on the motion
38 for a preliminary injunction shall be rendered by the court within three
39 business days after the conclusion of the hearing.

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

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

47 (d) No temporary closing order shall be issued against any building or
48 premises where, in addition to the unlicensed activity which is alleged,
49 activity that is licensed or otherwise lawful remains in place. In
50 addition, no temporary closing order shall be issued against any build-
51 ing or premises which is used in part as residence and pursuant to local
52 law or ordinance is zoned and lawfully occupied as a residence.

53 4. Temporary restraining order. (a) If, on a motion for a preliminary
54 injunction alleging unlicensed activity as described in this section in
55 a building or premises used for commercial purposes, the office or the
56 attorney general demonstrates by clear and convincing evidence that such

1 unlicensed activity is being conducted, maintained, or permitted and
2 that the public health, safety, or welfare immediately requires a tempo-
3 rary restraining order, a temporary restraining order may be granted
4 without notice restraining the defendants and all persons from removing
5 or in any manner interfering with the furniture, fixtures and movable
6 property used in conducting, maintaining or permitting such unlicensed
7 activity, including adult-use cannabis, and from further conducting,
8 maintaining or permitting such unlicensed activity, pending order of the
9 court granting or refusing the preliminary injunction and until further
10 order of the court. Upon granting a temporary restraining order, the
11 court shall direct the holding of a hearing for the preliminary injunc-
12 tion at the earliest possible time but no later than three business days
13 from the granting of such order; a decision on the motion for a prelimi-
14 nary injunction shall be rendered by the court within three business
15 days after the conclusion of the hearing.

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

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

25 (b) Upon the request of the office, any police officer or peace offi-
26 cer with jurisdiction may assist in the enforcement of a temporary clos-
27 ing order and temporary restraining order.

28 (c) The police officer or peace officer serving a temporary closing
29 order or a temporary restraining order shall forthwith make and return
30 to the court an inventory of personal property situated in and used in
31 conducting, maintaining, or permitting the unlicensed activity within
32 the scope of this chapter and shall enter upon the building or premises
33 for such purpose. Such inventory shall be taken in any manner which is
34 deemed likely to evidence a true and accurate representation of the
35 personal property subject to such inventory including, but not limited
36 to photographing such personal property.

37 (d) The police officer or peace officer serving a temporary closing
38 order shall, upon service of the order, command all persons present in
39 the building or premises to vacate the premises forthwith. Upon the
40 building or premises being vacated, the premises shall be securely
41 locked and all keys delivered to the officer serving the order who ther-
42 eafter shall deliver the keys to the fee owner, lessor, or lessee of the
43 building or premises involved. If the fee owner, lessor, or lessee is
44 not at the building or premises when the order is being executed, the
45 officer shall securely padlock the premises and retain the keys until
46 the fee owner, lessor, or lessee of the building is ascertained, in
47 which event, the officer shall deliver the keys to such owner, lessor,
48 or lessee.

49 (e) Upon service of a temporary closing order or a temporary restrain-
50 ing order, the police officer or peace officer shall post a copy thereof
51 in a conspicuous place or upon one or more of the principal doors at
52 entrances of such premises where the unlicensed activity is being
53 conducted, maintained, or permitted. In addition, where a temporary
54 closing order has been granted, the officer shall affix, in a conspicu-
55 ous place or upon one or more of the principal doors at entrances of
56 such premises, a printed notice that the premises have been closed by

1 court order, which notice shall contain the legend "closed by court
2 order" in block lettering of sufficient size to be observed by anyone
3 intending or likely to enter the premises, the date of the order, the
4 court from which issued, and the name of the officer or agency posting
5 the notice. In addition, where a temporary restraining order has been
6 granted, the police officer or peace officer shall affix, in the same
7 manner, a notice similar to the notice provided for in relation to a
8 temporary closing order except that the notice shall state that certain
9 described activity is prohibited by court order and that removal of
10 property is prohibited by court order. Mutilation or removal of such a
11 posted order or such a posted notice while it remains in force, in addi-
12 tion to any other punishment prescribed by law, shall be punishable, on
13 conviction, by a fine of not more than five thousand dollars or by
14 imprisonment not exceeding ninety days, or by both, provided such order
15 or notice contains therein a notice of such penalty. Any police officer
16 or peace officer with jurisdiction may, upon the request of the office,
17 assist in the enforcement of this section.

18 6. Temporary closing order; temporary restraining order; defendant's
19 remedies. (a) A temporary closing order or a temporary restraining
20 order shall be vacated, upon notice to the office, if the defendant
21 shows by affidavit and such other proof as may be submitted that the
22 unlicensed activity within the scope of this chapter has been abated. An
23 order vacating a temporary closing order or a temporary restraining
24 order shall include a provision authorizing the office to inspect the
25 building or premises which is the subject of a proceeding pursuant to
26 this subdivision, periodically without notice, during the pendency of
27 the proceeding for the purpose of ascertaining whether or not the unli-
28 censed activity has been resumed. Any police officer or peace officer
29 with jurisdiction may, upon the request of the office, assist in the
30 enforcement of an inspection provision of an order vacating a temporary
31 closing order or temporary restraining order.

32 (b) A temporary closing order or a temporary restraining order may be
33 vacated by the court, upon notice to the office, when the defendant
34 gives an undertaking and the court is satisfied that the public health,
35 safety, or welfare will be protected adequately during the pendency of
36 the proceeding. The undertaking shall be in an amount equal to the
37 assessed valuation of the building or premises where the unlicensed
38 activity is being conducted, maintained, or permitted or in such other
39 amount as may be fixed by the court. The defendant shall pay to the
40 office and the attorney general, in the event a judgment of permanent
41 injunction is obtained, their actual costs, expenses and disbursements
42 in bringing and maintaining the proceeding. In addition, the defendant
43 shall pay to the local government or law enforcement agency that
44 provided assistance in enforcing any order of the court issued pursuant
45 to a proceeding brought under this section, its actual costs, expenses
46 and disbursements in assisting with the enforcement of the proceeding.

47 7. Permanent injunction. (a) A judgment awarding a permanent injunc-
48 tion pursuant to this chapter shall direct that any illicit cannabis
49 seized shall be turned over to the office of cannabis management or
50 their authorized representative. The judgment may further direct any
51 police officer or peace officer with jurisdiction to seize and remove
52 from the building or premises all material, equipment, and instrumental-
53 ities used in the creation and maintenance of the unlicensed activity
54 and shall direct the sale by the sheriff of any such property in the
55 manner provided for the sale of personal property under execution pursu-
56 ant to the provisions of the civil practice law and rules. The net

1 proceeds of any such sale, after deduction of the lawful expenses
2 involved, shall be paid to the general fund of the state.

3 (b) A judgment awarding a permanent injunction pursuant to this chap-
4 ter may direct the closing of the building or premises by any police
5 officer or peace officer with jurisdiction to the extent necessary to
6 abate the unlicensed activity and shall direct any police officer or
7 peace officer with jurisdiction to post a copy of the judgment and a
8 printed notice of such closing conforming to the requirements of this
9 chapter. The closing directed by the judgment shall be for such period
10 as the court may direct but in no event shall the closing be for a peri-
11 od of more than one year from the posting of the judgment provided for
12 in this section. If the owner shall file a bond in the value of the
13 property ordered to be closed and submits proof to the court that the
14 unlicensed activity has been abated and will not be created, maintained,
15 or permitted for such period of time as the building or premises has
16 been directed to be closed in the judgment, the court may vacate the
17 provisions of the judgment that direct the closing of the building or
18 premises. A closing by a police officer or peace officer with jurisdic-
19 tion pursuant to the provisions of this section shall not constitute an
20 act of possession, ownership, or control by such police officer or peace
21 officer of the closed premises.

22 (c) Upon the request of the office of cannabis management or its
23 authorized representative, any police officer or peace officer with
24 jurisdiction may assist in the enforcement of a judgment awarding a
25 permanent injunction entered in a proceeding brought pursuant to this
26 chapter.

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

34 (e) A judgment awarding a permanent injunction pursuant to this chap-
35 ter shall provide, in addition to the costs and disbursements allowed by
36 the civil practice law and rules, upon satisfactory proof by affidavit
37 or such other evidence as may be submitted, the actual costs, expenses
38 and disbursements of the office and the attorney general in bringing and
39 maintaining the proceeding.

40 8. Civil proceedings. In addition to the authority granted in this
41 section to the office of cannabis management and the attorney general,
42 county attorney, corporation counsel, or local government in which such
43 building or premises is located may, after the office of cannabis
44 management grants permission in writing, bring and maintain a civil
45 proceeding in the supreme court of the county in which the building or
46 premises is located to permanently enjoin the unlicensed activity
47 described in this section and the person or persons conducting or main-
48 taining such unlicensed activity, in accordance with the procedures set
49 forth in this section. The office shall be permitted to intervene as of
50 right in any such proceeding. Any such governmental entity which obtains
51 a permanent injunction pursuant to this chapter shall be awarded, in
52 addition to the costs and disbursements allowed by the civil practice
53 law and rules, upon satisfactory proof by affidavit or such other
54 evidence as may be submitted, the actual costs, expenses and disburse-
55 ments in bringing and maintaining the proceeding. The authority provided
56 by this subdivision shall be in addition to, and shall not be deemed to

1 diminish or reduce, any rights of the parties described in this section
2 under existing law for any violation pursuant to this chapter or any
3 other law.

4 § 13. Subdivisions 3, 6 and 7 of section 17 of the cannabis law are
5 amended to read as follows:

6 3. Notice and right of hearing as provided in the state administrative
7 procedure act shall be served at least fifteen days prior to the date of
8 the hearing, provided that, whenever because of danger to the public
9 health, safety or welfare it appears prejudicial to the interests of the
10 people of the state to delay action for fifteen days or with respect to
11 a violation of subdivision one or one-a of section one hundred twenty-
12 five of this chapter, the board may serve the respondent with an order
13 requiring certain action or the cessation of certain activities imme-
14 diately or within a specified period of less than fifteen days.

15 6. Following a hearing, the board may make appropriate determinations
16 and issue a final order in accordance therewith. The respondent shall
17 have thirty days to submit a written appeal to the board. If the
18 respondent does not submit a written appeal within thirty days of the
19 determination of the board the order shall be final.

20 7. The board may adopt, amend and repeal administrative rules and
21 regulations governing the procedures to be followed with respect to
22 hearings, [~~such~~] investigations, and other administrative enforcement
23 actions taken pursuant to this chapter, including any such enforcement
24 actions taken against persons not registered, licensed, or permitted
25 under this chapter. Such rules [~~to~~] shall be consistent with the policy
26 and purpose of this chapter and the effective and fair enforcement of
27 its provisions.

28 § 14. Section 19 of the cannabis law is amended to read as follows:

29 § 19. Public health and education campaign. The office, in consulta-
30 tion with the commissioners of the department of health, office of
31 addiction services and supports, and office of mental health, shall
32 develop and implement a comprehensive public health monitoring, surveil-
33 lance and education campaign regarding the legalization of adult-use
34 cannabis and the impact of cannabis use on public health and safety. The
35 public health and education campaign shall also include general educa-
36 tion to the public about the cannabis law, including the potential risks
37 associated with patronizing unlicensed retail locations, or otherwise
38 procuring cannabis product, cannabinoid hemp or hemp extract product
39 through persons not authorized by the office.

40 § 15. Paragraphs (l) and (m) of subdivision 1 of section 64 of the
41 cannabis law are amended and a new paragraph (n) is added to read as
42 follows:

43 (l) the applicant satisfies any other conditions as determined by the
44 board; [~~and~~]

45 (m) if the applicant is a registered organization, the organization's
46 maintenance of effort in manufacturing and/or dispensing and/or research
47 of medical cannabis for certified patients and caregivers[~~;~~]; and

48 (n) whether the applicant or its managing officers have been found to
49 have engaged in activities in violation of this chapter.

50 § 16. Section 125 of the cannabis law is amended by adding a new
51 subdivision 1-a to read as follows:

52 1-a. No person shall engage in an indirect retail sale irrespective of
53 whether such person has obtained a registration, license, or permit
54 issued under this chapter.

§ 17. Subdivisions 1 and 6 of section 132 of the cannabis law are amended and three new subdivisions 1-a, 7, and 8 are added to read as follows:

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

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

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

1 (c) In assessing the civil penalties under this subdivision, the board
2 or office shall take into consideration the nature of such violation and
3 shall assess a penalty that is proportionate to the violation.

4 1-a. Any person found to have engaged in indirect retail sale in
5 violation of subdivision one-a of section one hundred twenty-five of
6 this chapter, shall be subject to a civil penalty in an amount equaling
7 the lesser of three times the revenue for such indirect retail sales or
8 up to two thousand five hundred dollars for each such sale, provided,
9 however, that where such conduct also constitutes a violation of subdivi-
10 vision one of this section, such person may only be subject to the civil
11 penalties under one such subdivision, and provided, further, that where
12 such person has been ordered to cease such conduct pursuant to subdivi-
13 sion one of section one hundred thirty-eight-a of this article, such
14 person may be assessed a civil penalty of up to five thousand dollars
15 for each day during which such violation continues in addition to any
16 civil penalties set forth above.

17 6. ~~[After due]~~ Except as otherwise provided for in this chapter, the
18 board shall promulgate rules and regulations providing for notice and
19 opportunity to be heard, ~~[as established by rules and regulations]~~ prior
20 to the imposition of any civil penalty under this section, except where
21 such civil penalty is being sought in an action or proceeding by the
22 attorney general as otherwise authorized in this chapter, provided,
23 further, nothing in this section shall prohibit the board from suspend-
24 ing, revoking, or denying a license, permit, registration, or applica-
25 tion in addition to the penalties ~~[prescribed in]~~ that may be assessed
26 under this section.

27 7. The penalties provided for in subdivision one of this section may
28 be recovered by the attorney general on behalf of the board or office in
29 an action or proceeding brought pursuant to section one hundred thirty-
30 eight-a of this chapter.

31 8. Any person who knowingly and unlawfully sells, gives, or causes to
32 be sold or given, any cannabis or cannabis products for which the sale
33 of such products requires a license, permit, or registration under this
34 chapter where such person owns and/or is principally responsible for the
35 operation of a business where such products were sold, given, or caused
36 to be sold or given without having obtained a valid license, permit or
37 registration therefor shall be guilty of a class A misdemeanor. For the
38 purposes of this section, "operation of a business" shall mean engaging
39 in the sale of, or otherwise offering for sale, goods and services to
40 the general public, including through indirect retail sales.

41 § 18. Subdivisions 6 and 8 of section 133 of the cannabis law are
42 amended to read as follows:

43 6. Any registration, license or permit issued by the board pursuant to
44 this chapter may be revoked, cancelled or suspended and/or be subjected
45 to the imposition of a monetary penalty set forth in this chapter in the
46 manner prescribed by this section. In addition to the grounds set forth
47 in this section, the board may also revoke, cancel, or suspend any
48 registration, license, or permit where such person holding such regis-
49 tration, license, or permit has been found to have refused to permit a
50 regulatory inspection by the board.

51 8. All other registrations, licenses or permits issued under this
52 chapter may be revoked, cancelled, suspended and/or made subject to the
53 imposition of a civil penalty by the office after a hearing to be held
54 in such manner and upon such notice as may be prescribed in regulation
55 by the board. In addition to the grounds set forth in this section, the
56 office may also revoke, cancel, or suspend any registration, license, or

1 permit where such person holding such registration, license, or permit
2 has been found to have refused to permit a regulatory inspection by the
3 office.

4 § 19. Subdivision 1 of section 137 of the cannabis law is amended by
5 adding a new paragraph (d-1) to read as follows:

6 (d-1) A person who has been found to have engaged in unlicensed,
7 unregistered, or unpermitted conduct under this chapter, until three
8 years after such finding;

9 § 20. Section 138-a of the cannabis law is amended to read as follows:

10 § 138-a. [~~Injunction~~] Action for unlawful [~~manufacturing, sale, or~~
11 ~~distribution of~~] business practices relating to cannabis. The board or
12 the office of cannabis management shall, in accordance with the authori-
13 ty otherwise conferred in this chapter, have the authority to [~~request~~
14 ~~an injunction~~]:

15 1. order any person who is unlawfully cultivating, processing,
16 distributing or selling cannabis, cannabis product, cannabinoid hemp or
17 hemp extract product, or any product marketed or labeled as such in this
18 state without obtaining the appropriate registration, license, or permit
19 therefor, or engaging in an indirect retail sale to cease such prohibit-
20 ed conduct;

21 2. seize any cannabis, cannabis product, cannabinoid hemp or hemp
22 extract product, or any product marketed or labeled as such, found in
23 the possession of a person engaged in the conduct described in subdivi-
24 sion one of this section;

25 3. initiate or refer the matter to the board for an administrative
26 proceeding to enforce the provisions of this section;

27 4. seek injunctive relief against any person [~~who is unlawfully culti-~~
28 ~~vating, processing, distributing or selling cannabis in this state with-~~
29 ~~out obtaining the appropriate registration, license, or permit therefor,~~
30 ~~in accordance with this chapter and any applicable state law~~] engaging
31 in conduct in violation of this section; and

32 5. request that the attorney general obtain judicial enforcement of an
33 order issued under subdivision one of this section or bring an action or
34 proceeding for any relief otherwise authorized under this chapter for a
35 violation of this chapter, including the recovery of any applicable
36 civil penalties.

37 § 21. The real property actions and proceedings law is amended by
38 adding a new section 715-a to read as follows:

39 § 715-a. Grounds and procedure for removal of commercial tenants for
40 unlicensed cannabis retail sale. 1. Any duly authorized enforcement
41 agency of the state or of a subdivision thereof, under a duty to enforce
42 the provisions of the penal law or of any state or local law, ordinance,
43 code, rule or regulation relating to buildings, or the cannabis control
44 board, office of cannabis management or the attorney general pursuant to
45 section one hundred thirty-eight-a of the cannabis law, may serve
46 personally upon the owner or landlord of real property authorized or
47 otherwise intended or advertised, in whole or part, for use to buy, sell
48 or otherwise provide goods or services, or for other business, commer-
49 cial, professional services or manufacturing activities, or upon their
50 agent, a written notice requiring the owner or landlord to make an
51 application for the removal of a commercial tenant so using or occupying
52 the same for a violation of article two hundred twenty-two of the penal
53 law or article six of the cannabis law involving the unlicensed sale of
54 cannabis, where such property, or the portion thereof being used for
55 such unlicensed activity, is not occupied for any other licensed or
56 lawful purpose. If the owner or landlord or their agent does not make

1 such application within five days thereafter; or, having made it, does
2 not in good faith diligently prosecute it, the enforcement agency giving
3 the notice may bring a proceeding under this article for such removal as
4 though the petitioner were the owner or landlord of the premises, and
5 shall have precedence over any similar proceeding thereafter brought by
6 such owner or landlord or to one theretofore brought by them and not
7 prosecuted diligently and in good faith. An enforcement agency author-
8 ized to bring a petition hereunder may do so on their own initiative or
9 upon a referral from an agency of the state or a subdivision thereof.
10 The person in possession of the property, as well as any lessee or
11 sublessee and the owner or landlord shall be made respondents in the
12 proceeding.

13 2. A court, upon a finding of such violation may, in addition to any
14 other order provided by law:

15 (a) grant a petition pursuant to this section ordering the immediate
16 removal of such tenant;

17 (b) impose and require the payment by any respondent not otherwise
18 subject to a civil penalty under section sixteen or one hundred twenty-
19 five of the cannabis law, who has been found to have knowingly permitted
20 such a violation, a civil penalty not exceeding three times the amount
21 of rent charged for the duration of the violation;

22 (c) order the payment of reasonable attorneys fees and the costs of
23 the proceeding to the petitioner; and

24 (d) order that any such multiple respondents shall be jointly and
25 severally liable for any payment so ordered under this subdivision.

26 3. For the purposes of a proceeding under this section, an enforcement
27 agency of the state or of a subdivision thereof, which may commence a
28 proceeding under this section, may subpoena witnesses, compel their
29 attendance, examine them under oath before themselves or a court and
30 require that any books, records, documents or papers relevant or materi-
31 al to the inquiry be turned over to them for inspection, examination or
32 audit, pursuant to the civil practice law and rules.

33 4. The use or occupancy of premises solely or primarily for the unli-
34 censed retail sale of cannabis shall constitute an illegal trade, manu-
35 facture, or other business for the purposes of section two hundred thir-
36 ty-one of the real property law.

37 § 22. Section 2.10 of the criminal procedure law is amended by adding
38 a new subdivision 86 to read as follows:

39 86. Investigators appointed by the cannabis control board, pursuant to
40 section ten of the cannabis law; provided, however, that nothing in this
41 subdivision shall be deemed to authorize such officer to carry, possess,
42 repair, or dispose of a firearm unless the appropriate license therefor
43 has been issued pursuant to section 400.00 of the penal law.

44 § 23. This act shall take effect immediately; provided, however, that
45 the provisions of section 16-a of the cannabis law as added by section
46 twelve of this act shall expire and be deemed repealed on May 1, 2028.

47 PART VV

48 Section 1. This Part enacts into law major components of legislation
49 relating to securing orders, mandatory arrests for domestic violence
50 cases, and data collection. Each component is wholly contained within a
51 Subpart identified as Subparts A through C. The effective date for each
52 particular provision contained within such Subpart is set forth in the
53 last section of such Subpart. Any provision in any section contained
54 within a Subpart, including the effective date of the Subpart, which

1 makes reference to a section "of this act", when used in connection with
2 that particular component, shall be deemed to mean and refer to the
3 corresponding section of the Subpart in which it is found. Section three
4 of this Part sets forth the general effective date of this act.

5 SUBPART A

6 Section 1. The opening paragraph and paragraphs (d) and (f) of subdivi-
7 sion 3-a and subdivision 5 of section 500.10 of the criminal procedure
8 law, the opening paragraph and paragraph (d) as amended and paragraph
9 (f) of subdivision 3-a as added by section 1 of part UU of chapter 56 of
10 the laws of 2020 and subdivision 5 as amended by section 1-e of part JJJ
11 of chapter 59 of the laws of 2019, are amended to read as follows:

12 "Release under non-monetary conditions." A court releases a principal
13 under non-monetary conditions when, having acquired control over a
14 person, it authorizes the person to be at liberty during the pendency of
15 the criminal action or proceeding involved under conditions ordered by
16 the court[~~, which~~]. The conditions ordered shall [be the least restric-
17 tive conditions that will] reflect the findings of the individualized
18 determination warranting such imposition of non-monetary conditions to
19 reasonably assure the principal's return to court and reasonably assure
20 the principal's compliance with court conditions. A principal shall not
21 be required to pay for any part of the cost of release on non-monetary
22 conditions. Such conditions may include, among other conditions reason-
23 able under the circumstances:

24 (d) that, [~~when it is shown pursuant to~~] upon a finding in accordance
25 with subdivision four of section 510.45 of this title [~~that no other~~
26 ~~realistic non-monetary condition or set of non-monetary conditions will~~
27 ~~suffice to reasonably assure the person's return to court~~], the person
28 be placed in reasonable pretrial supervision with a pretrial services
29 agency serving principals in that county, provided, however that where
30 non-monetary conditions are imposed in combination with a securing order
31 also fixing bail, the court shall not be required to make such separate
32 finding;

33 (f) that the principal be referred to a pretrial services agency for
34 placement in mandatory programming, including counseling, treatment,
35 including but not limited to mental health and chemical dependence
36 treatment, and intimate partner violence intervention programs. Where
37 applicable, the court may refer the principal to a crisis stabilization
38 center or direct that the principal be removed to a hospital pursuant to
39 section 9.43 of the mental hygiene law;

40 5. "Securing order" means an order of a court committing a principal
41 to the custody of the sheriff or fixing bail, where authorized, or
42 releasing the principal on the principal's own recognizance or releasing
43 the principal under non-monetary conditions, or, as otherwise authorized
44 under this title, ordering non-monetary conditions in conjunction with
45 fixing bail.

46 § 2. The opening paragraph of subdivision 1, subdivision 3 and the
47 opening paragraph of subdivision 4 of section 510.10 of the criminal
48 procedure law, the opening paragraph of subdivision 1 as amended by
49 section 1 of subpart C of part UU of chapter 56 of the laws of 2022,
50 subdivision 3 as added by section 2 of part JJJ of chapter 59 of the
51 laws of 2019, and the opening paragraph of subdivision 4 as amended by
52 section 2 of part UU of chapter 56 of the laws of 2020, are amended and
53 a new opening paragraph is added to read as follows:

The imposition of a specific type of securing order is in some cases required by law and in other cases within the discretion of the court in accordance with the principles of, and pursuant to its authority granted under, this title.

When a principal, whose future court attendance at a criminal action or proceeding is or may be required, comes under the control of a court, such court shall~~[7]~~ impose a securing order in accordance with this title~~[, by a securing order release the principal on the principal's own recognizance, release the principal under non-monetary conditions, or, where authorized, fix bail or commit the principal to the custody of the sheriff. In all such cases, except where another type of securing order is shown to be required by law, the court shall release the principal pending trial on the principal's own recognizance, unless it is demonstrated and].~~ Except as otherwise required by law, the court ~~[makes]~~ shall make an individualized determination ~~[that]~~ as to whether the principal poses a risk of flight to avoid prosecution, consider the kind and degree of control or restriction necessary to reasonably assure the principal's return to court, and select a securing order consistent with its determination under this subdivision. ~~[If such a finding is made, the court must select the least restrictive alternative and condition or conditions that will reasonably assure the principal's return to court.]~~

The court shall explain the basis for its determination and its choice of ~~[release, release with conditions, bail or remand]~~ securing order on the record or in writing. In making ~~[its]~~ a determination under this subdivision, the court must consider and take into account available information about the principal, including:

3. In cases other than as described in subdivision four of this section, the court shall release the principal pending trial on the principal's own recognizance, unless the court finds on the record or in writing that release on the principal's own recognizance will not reasonably assure the principal's return to court. In such instances, the court shall release the principal under non-monetary conditions~~[, selecting the least restrictive alternative and conditions]~~ as provided for in subdivision three-a of section 500.10 of this title that will reasonably assure the principal's return to court. The court shall explain its choice of ~~[alternative and conditions]~~ securing order on the record or in writing.

Where the principal stands charged with a qualifying offense, the court, unless otherwise prohibited by law, may in its discretion release the principal pending trial on the principal's own recognizance or under non-monetary conditions, fix bail, or order non-monetary conditions in conjunction with fixing bail, or, where the defendant is charged with a qualifying offense which is a felony, the court may commit the principal to the custody of the sheriff. A principal stands charged with a qualifying offense for the purposes of this subdivision when he or she stands charged with:

§ 3. Subdivision 1 and paragraph (b) of subdivision 2 of section 510.20 of the criminal procedure law, as amended by section 3 of part JJJ of chapter 59 of the laws of 2019, are amended and a new subdivision 3 is added to read as follows:

1. Upon any occasion when a court has issued a securing order with respect to a principal and the principal is confined in the custody of the sheriff as a result of the securing order or a previously issued securing order, the principal may make an application for recognizance, release under non-monetary conditions ~~[or]~~, bail, a reduction of bail,

1 or imposition of non-monetary conditions in conjunction with bail or a
2 reduction of bail.

3 (b) Upon such application, the principal must be accorded an opportu-
4 nity to be heard, present evidence and to contend that an order of
5 recognizance, release under non-monetary conditions or, where author-
6 ized, bail, a reduction of bail, or imposition of non-monetary condi-
7 tions in conjunction with bail or a reduction of bail, must or should
8 issue, that the court should release the principal on the principal's
9 own recognizance or under non-monetary conditions rather than fix bail,
10 or where bail has been imposed, reduce the amount of bail and impose
11 non-monetary conditions, where authorized under this title, and that if
12 bail is authorized and fixed it should be in a suggested amount and
13 form.

14 3. When an application for a change in securing order is brought under
15 this section and one or more of the charge or charges on which such
16 securing order was based have been dismissed and/or reduced such that
17 the securing order is no longer supported by the provisions of section
18 510.10 of this article, the court shall impose a new securing order in
19 accordance with such section.

20 § 4. Subdivision 1 of section 510.30 of the criminal procedure law, as
21 amended by section 2 of subpart C of part UU of chapter 56 of the laws
22 of 2022, is amended to read as follows:

23 1. With respect to any principal, the court in all cases, unless
24 otherwise provided by law, must impose ~~[the least restrictive kind and~~
25 ~~degree of control or restriction that is necessary to secure the princi-~~
26 ~~pal's return to court when required. In determining that matter, the~~
27 ~~court must, on the basis of available information, consider and take~~
28 ~~into account information about the principal that is relevant to the~~
29 ~~principal's return to court, including:~~

30 ~~(a) The principal's activities and history;~~
31 ~~(b) If the principal is a defendant, the charges facing the principal;~~
32 ~~(c) The principal's criminal conviction record if any;~~
33 ~~(d) The principal's record of previous adjudication as a juvenile~~
34 ~~delinquent, as retained pursuant to section 354.2 of the family court~~
35 ~~act, or, of pending cases where fingerprints are retained pursuant to~~
36 ~~section 306.1 of such act, or a youthful offender, if any;~~
37 ~~(e) The principal's previous record with respect to flight to avoid~~
38 ~~criminal prosecution;~~
39 ~~(f) If monetary bail is authorized, according to the restrictions set~~
40 ~~forth in this title, the principal's individual financial circumstances,~~
41 ~~and, in cases where bail is authorized, the principal's ability to post~~
42 ~~bail without posing undue hardship, as well as his or her ability to~~
43 ~~obtain a secured, unsecured, or partially secured bond;~~
44 ~~(g) any violation by the principal of an order of protection issued by~~
45 ~~any court;~~

46 ~~(h) the principal's history of use or possession of a firearm;~~
47 ~~(i) whether the charge is alleged to have caused serious harm to an~~
48 ~~individual or group of individuals; and~~

49 ~~(j) If the principal is a defendant, in the case of an application for~~
50 ~~a securing order pending appeal, the merit or lack of merit of the~~
51 ~~appeal]~~ a securing order in accordance with section 510.10 of this arti-
52 cle, and shall explain the basis for its determination and choice of
53 securing order on the record or in writing.

54 § 5. Subdivision 3 and paragraph (b) of subdivision 4 of section
55 510.40 of the criminal procedure law, as added by section 6 of part JJJ
56 of chapter 59 of the laws of 2019, are amended to read as follows:

3. Non-monetary conditions of release shall be individualized and established in writing by the court. At future court appearances, the court shall consider a lessening of conditions or modification of conditions to a less burdensome form based on the principal's compliance with such conditions of release. In the event of alleged non-compliance with the conditions of release in an important respect, pursuant to this subdivision, additional conditions may be imposed by the court, on the record or in writing, only after notice of the facts and circumstances of such alleged non-compliance, reasonable under the circumstances, affording the principal and the principal's attorney and the people an opportunity to present relevant, admissible evidence, relevant witnesses and to cross-examine witnesses, and a finding by clear and convincing evidence that the principal violated a condition of release in an important respect. Following such a finding, in determining whether to impose additional conditions for non-compliance, the court shall consider and may select conditions ~~[consistent with the court's obligation to impose the least restrictive condition or conditions]~~ as provided for in subdivision three-a of section 500.10 of this title that will reasonably assure the defendant's return to court. The court shall explain on the record or in writing the reasons for its determination and for any changes to the conditions imposed.

(b) The specific method of electronic monitoring of the principal's location must be approved by the court. ~~[It must be the least restrictive]~~ The procedure and method [that will] of such electronic monitoring shall reflect the findings of the individualized determination warranting such imposition of electronic monitoring to reasonably assure the principal's return to court, and shall be unobtrusive to the greatest extent practicable.

§ 6. Paragraph (a) and the opening paragraph of paragraph (b) of subdivision 1, and the opening paragraph of subdivision 2 of section 530.20 of the criminal procedure law, paragraph (a) of subdivision 1 as amended by section 3 of subpart C of part UU of chapter 56 of the laws of 2022, the opening paragraph of paragraph (b) as amended by section 3 of part UU of chapter 56 of the laws of 2020, and the opening paragraph of subdivision 2 as amended by section 16 of part JJJ of chapter 59 of the laws of 2019, are amended to read as follows:

(a) In cases other than as described in paragraph (b) of this subdivision, the court shall release the principal pending trial on the principal's own recognizance~~[, unless the court finds on the record]~~ or ~~[in writing that]~~ release ~~[on]~~ the ~~[principal's own recognizance will not reasonably assure the principal's return to court. In such instances, the court shall release the]~~ principal pending trial under non-monetary conditions, ~~[selecting the least restrictive alternative and conditions that will reasonably assure the principal's return to court]~~ the determination for which shall be made in accordance with subdivision one of section 510.10 of this title. The court shall explain the basis for its determination and choice of ~~[alternative and conditions]~~ securing order on the record or in writing. ~~[In making its determination, the court must consider and take into account available information about the principal, including:~~

- ~~(i) the principal's activities and history;~~
- ~~(ii) if the principal is a defendant, the charges facing the principal;~~
- ~~(iii) the principal's criminal conviction record if any;~~
- ~~(iv) the principal's record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.1 of the family court~~

~~act, or of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any;~~
~~(v) the principal's previous record with respect to flight to avoid criminal prosecution;~~
~~(vi) if monetary bail is authorized, according to the restrictions set forth in this title, the principal's individual financial circumstances, and, in cases where bail is authorized, the principal's ability to post bail without posing undue hardship, as well as his or her ability to obtain a secured, unsecured, or partially secured bond;~~
~~(vii) any violation by the principal of an order of protection issued by any court;~~
~~(viii) the principal's history and use or possession of a firearm;~~
~~(ix) whether the charge is alleged to have caused serious harm to an individual or group of individuals; and~~
~~(x) if the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal.]~~

Where the principal stands charged with a qualifying offense, the court, unless otherwise prohibited by law, may in its discretion release the principal pending trial on the principal's own recognizance or under non-monetary conditions, fix bail, order non-monetary conditions in conjunction with fixing bail, or, where the defendant is charged with a qualifying offense which is a felony, the court may commit the principal to the custody of the sheriff. The court shall explain its choice of ~~[release, release with conditions, bail or remand]~~ securing order on the record or in writing. A principal stands charged with a qualifying offense when he or she stands charged with:

When the defendant is charged, by felony complaint, with a felony, the court may, in its discretion, and in accordance with section 510.10 of this title, order recognizance, release under non-monetary conditions, or, where authorized, fix bail, or order non-monetary conditions in conjunction with fixing bail, or commit the defendant to the custody of the sheriff except as otherwise provided in subdivision one of this section or this subdivision:

§ 7. The closing paragraph of subdivision 1 of section 530.30 of the criminal procedure law, as amended by section 17 of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

In such case, such superior court judge may vacate the order of such local criminal court and release the defendant on recognizance or under non-monetary conditions, or where authorized, fix bail in a lesser amount or in a less burdensome form, ~~[whichever are the least restrictive alternative and]~~ or order non-monetary conditions [that will reasonably assure the defendant's return to court] in conjunction with fixing bail, including fixing bail in a lesser amount or in a less burdensome form, the determination for which shall be made in accordance with section 510.10 of this title. The court shall explain the basis for its determination and choice of ~~[alternative and conditions]~~ securing order on the record or in writing.

§ 8. Subdivision 3 and the opening paragraph of subdivision 4 of section 530.40 of the criminal procedure law, subdivision 3 as amended by section 3 of subpart B of part UU of chapter 56 of the laws of 2022 and the opening paragraph of subdivision 4 as amended by section 4 of part UU of chapter 56 of the laws of 2020, are amended to read as follows:

3. In cases other than as described in subdivision four of this section the court shall release the principal pending trial on the prin-

1 cipal's own recognizance[~~, unless the court finds on the record~~] or [~~in~~
2 ~~writing that~~] release [~~on~~] the [~~principal's own recognizance will not~~
3 ~~reasonably assure the principal's return to court. In such instances,~~
4 ~~the court shall release the~~] principal pending trial under non-monetary
5 conditions, [~~selecting the least restrictive alternative and conditions~~
6 ~~that will reasonably assure the principal's return to court~~] the deter-
7 mination for which shall be made in accordance with section 510.10 of
8 this title. The court shall explain the basis for its determination and
9 choice of [~~alternative and conditions~~] securing order on the record or
10 in writing. [~~In making its determination, the court must consider and~~
11 ~~take into account available information about the principal, including:~~
12 ~~(a) the principal's activities and history,~~
13 ~~(b) if the principal is a defendant, the charges facing the principal,~~
14 ~~(c) the principal's criminal conviction record if any,~~
15 ~~(d) the principal's record of previous adjudication as a juvenile~~
16 ~~delinquent, as retained pursuant to section 354.1 of the family court~~
17 ~~act, or of pending cases where fingerprints are retained pursuant to~~
18 ~~section 306.1 of such act, or a youthful offender, if any,~~
19 ~~(e) the principal's previous record with respect to flight to avoid~~
20 ~~criminal prosecution,~~
21 ~~(f) if monetary bail is authorized, according to the restrictions set~~
22 ~~forth in this title, the principal's individual financial circumstances,~~
23 ~~and, in cases where bail is authorized, the principal's ability to post~~
24 ~~bail without posing undue hardship, as well as his or her ability to~~
25 ~~obtain a secured, unsecured, or partially secured bond,~~
26 ~~(g) any violation by the principal of an order of protection issued by~~
27 ~~any court,~~
28 ~~(h) the principal's history and use or possession of a firearm,~~
29 ~~(i) whether the charge is alleged to have caused serious harm to an~~
30 ~~individual or group of individuals, and~~
31 ~~(j) if the principal is a defendant, in the case of an application for~~
32 ~~a securing order pending appeal, the merit or lack of merit of the~~
33 ~~appeal.~~]

34 Where the principal stands charged with a qualifying offense, the
35 court, unless otherwise prohibited by law, may in its discretion, and in
36 accordance with section 510.10 of this title, release the principal
37 pending trial on the principal's own recognizance or under non-monetary
38 conditions, fix bail, or order non-monetary conditions in conjunction
39 with fixing bail, or, where the defendant is charged with a qualifying
40 offense which is a felony, the court may commit the principal to the
41 custody of the sheriff. The court shall explain the basis for its deter-
42 mination and its choice of [~~release, release with conditions, bail or~~
43 ~~remand~~] securing order on the record or in writing. A principal stands
44 charged with a qualifying offense for the purposes of this subdivision
45 when he or she stands charged with:

46 § 9. Subdivisions 1 and 2-a of section 530.45 of the criminal proce-
47 dure law, subdivision 1 as amended by section 19 of part JJJ of chapter
48 59 of the laws of 2019, and subdivision 2-a as added by section 9 of
49 part UU of chapter 56 of the laws of 2020, are amended to read as
50 follows:

51 1. When the defendant is at liberty in the course of a criminal action
52 as a result of a prior securing order [~~of recognizance, release under~~
53 ~~non-monetary conditions or bail~~] and the court revokes such order and
54 then, where authorized, fixes no bail [~~or~~], fixes bail in a greater
55 amount or in a more burdensome form than was previously fixed, or, in
56 conjunction with the imposition of non-monetary conditions, fixes bail

1 in a greater amount or in a more burdensome form than was previously
2 fixed and remands or commits defendant to the custody of the sheriff, or
3 issues a more restrictive securing order, a judge designated in subdivi-
4 sion two of this section, upon application of the defendant following
5 conviction of an offense other than a class A felony or a class B or
6 class C felony offense as defined in article one hundred thirty of the
7 penal law committed or attempted to be committed by a person eighteen
8 years of age or older against a person less than eighteen years of age,
9 and before sentencing, may issue a securing order and release the
10 defendant on the defendant's own recognizance, release the defendant
11 under non-monetary conditions, or, where authorized, fix bail ~~[or]~~,
12 which may be in conjunction with the imposition of non-monetary condi-
13 tions, fix bail in a lesser amount or in a less burdensome form, which
14 may be in conjunction with the imposition of non-monetary conditions, or
15 issue a less restrictive securing order, than fixed by the court in
16 which the conviction was entered.

17 2-a. Notwithstanding the provisions of subdivision four of section
18 510.10, paragraph (b) of subdivision one of section 530.20 and subdivi-
19 sion four of section 530.40 of this title, when a defendant charged with
20 an offense that is not such a qualifying offense is convicted, whether
21 by guilty plea or verdict, in such criminal action or proceeding of an
22 offense that is not a qualifying offense, the court may, in accordance
23 with law, issue a securing order: releasing the defendant on the defend-
24 ant's own recognizance or under non-monetary conditions where author-
25 ized, fix bail, or ordering non-monetary conditions in conjunction with
26 fixing bail, or remand the defendant to the custody of the sheriff where
27 authorized.

28 § 10. Subdivisions 2 and 3 of section 530.50 of the criminal procedure
29 law, subdivision 2 as added by section 10 of part UU of chapter 56 of
30 the laws of 2020, and subdivision 3 as added by section 4 of subpart D
31 of part UU of chapter 56 of the laws of 2022, are amended to read as
32 follows:

33 2. Notwithstanding the provisions of subdivision four of section
34 510.10, paragraph (b) of subdivision one of section 530.20 and subdivi-
35 sion four of section 530.40 of this title, when a defendant charged with
36 an offense that is not such a qualifying offense applies, pending deter-
37 mination of an appeal, for an order of recognizance or release on non-
38 monetary conditions, where authorized, ~~[or]~~ fixing bail, or ordering
39 non-monetary conditions in conjunction with fixing bail, a judge identi-
40 fied in subdivision two of section 460.50 or paragraph (a) of subdivi-
41 sion one of section 460.60 of this chapter may, in accordance with law,
42 and except as otherwise provided by law, issue a securing order: releas-
43 ing the defendant on the defendant's own recognizance or under non-mone-
44 tary conditions where authorized, fixing bail, or ordering non-monetary
45 conditions in conjunction with fixing bail, or remanding the defendant
46 to the custody of the sheriff where authorized.

47 3. Where an appeal by the people has been taken from an order dismiss-
48 ing one or more counts of an accusatory instrument for failure to comply
49 with a discovery order pursuant to subdivision twelve of section 450.20
50 of this chapter and the defendant is charged with a qualifying offense
51 in the remaining counts in the accusatory instrument, pending determi-
52 nation of an appeal, the defendant may apply for an order of recogni-
53 zance or release on non-monetary conditions, where authorized, ~~[or]~~
54 fixing bail, or ordering non-monetary conditions in conjunction with
55 fixing bail. A judge identified in subdivision two of section 460.50 of
56 this chapter or paragraph (a) of subdivision one of section 460.60 of

1 this chapter may, in accordance with law, and except as otherwise
2 provided by law, issue a securing order releasing the defendant on the
3 defendant's own recognizance or under non-monetary conditions where
4 authorized, fixing bail, or ordering non-monetary conditions in conjunc-
5 tion with fixing bail, or remanding the defendant to the custody of the
6 sheriff where authorized.

7 § 11. The opening paragraph of paragraph (b), and the closing para-
8 graph of subparagraph (i) and subparagraph (ii) of paragraph (d) of
9 subdivision 2 of section 530.60 of the criminal procedure law, as
10 amended by section 20 of part JJJ of chapter 59 of the laws of 2019, are
11 amended and a new subparagraph (iii) of paragraph (d) is added to read
12 as follows:

13 Except as provided in paragraph (a) of this subdivision or any other
14 law, whenever in the course of a criminal action or proceeding a defend-
15 ant charged with the commission of an offense is at liberty as a result
16 of [~~an order of recognizance, release under non-monetary conditions or~~
17 ~~bail~~] a securing order issued pursuant to this article it shall be
18 grounds for revoking such order and [~~fixing bail~~] imposing a new secur-
19 ing order in accordance with paragraph (d) of this subdivision, the
20 basis for which shall be made on the record or in writing, in such crim-
21 inal action or proceeding when the court has found, by clear and
22 convincing evidence, that the defendant:

23 Upon expiration of any of the three periods specified within this
24 subparagraph, whichever is shortest, the court may grant or deny release
25 upon an order of bail or recognizance in accordance with the provisions
26 of this article. Upon conviction to an offense the provisions of article
27 five hundred thirty of this chapter shall apply; [~~and~~]

28 (ii) Under subparagraph (i) of paragraph (b) of this subdivision,
29 revocation of [~~the order of recognizance, release under non-monetary~~
30 ~~conditions or, as the case may be, bail~~] a previously issued securing
31 order shall result in the issuance of a new securing order which may, if
32 otherwise authorized by law, permit the principal's release on recogni-
33 zance or release under non-monetary conditions, but shall also render
34 the defendant eligible for an order fixing bail, or ordering non-mone-
35 tary conditions in conjunction with fixing bail, provided, however, that
36 in accordance with the principles in this title the court must [~~select~~
37 ~~the least restrictive alternative and condition or conditions that will~~
38 ~~reasonably assure the principal's return to court~~] impose a new securing
39 order in accordance with subdivision one of section 510.10 of this
40 title, and in imposing such order, may consider the circumstances
41 warranting such revocation. Nothing in this subparagraph shall be inter-
42 preted as shortening the period of detention, or requiring or authoriz-
43 ing any less restrictive form of a securing order, which may be imposed
44 pursuant to any other law[~~✓~~]; and

45 (iii) Under subparagraphs (ii), (iii), and (iv) of paragraph (b) of
46 this subdivision, revocation of a previously issued securing order shall
47 result in the issuance of a new securing order which may, if otherwise
48 authorized by law, permit the principal's release on recognizance or
49 release under non-monetary conditions, but shall also render the defend-
50 ant eligible for an order fixing bail or ordering non-monetary condi-
51 tions in conjunction with fixing bail. In issuing the new securing
52 order, the court shall consider the kind and degree of control or
53 restriction necessary to reasonably assure the principal's return to
54 court and compliance with court conditions, and select a securing order
55 consistent with its determination, taking into account the factors
56 required to be considered under subdivision one of section 510.10 of

this title, the circumstances warranting such revocation, and the nature and extent of the principal's noncompliance with previously ordered non-monetary conditions of the securing order subject to revocation under this subdivision. Nothing in this subparagraph shall be interpreted as shortening the period of detention, or requiring or authorizing any less restrictive form of a securing order, which may be imposed pursuant to any other law.

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

SUBPART B

Section 1. Paragraph (a) of subdivision 1 of section 150.20 of the criminal procedure law, as amended by section 1-a of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

(a) Whenever a police officer is authorized pursuant to section 140.10 of this title to arrest a person without a warrant for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law, ~~[he]~~ or other than where an arrest is required to be made pursuant to subdivision four of section 140.10 of this title, the officer shall, except as set out in paragraph (b) of this subdivision, subject to the provisions of subdivisions three and four of section 150.40 of this title, instead issue to and serve upon such person an appearance ticket.

§ 2. Subdivision 2 of section 150.20 of the criminal procedure law, as amended by chapter 550 of the laws of 1987, is amended to read as follows:

2. (a) Whenever, pursuant to section 140.10 of this title, a police officer has arrested a person without a warrant for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law or other than where an arrest was required to be made pursuant to subdivision four of section 140.10 of this title, or (b) whenever a peace officer, who is not authorized by law to issue an appearance ticket, has arrested a person for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law pursuant to section 140.25 of this title, and such peace officer has requested a police officer to issue and serve upon such arrested person an appearance ticket pursuant to subdivision four of section 140.27 of this title, or (c) whenever a person has been arrested for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law and such person has been delivered to the custody of an appropriate police officer pursuant to section 140.40 of this title, such police officer may, instead of bringing such person before a local criminal court and promptly filing or causing the arresting peace officer or arresting person to file a local criminal court accusatory instrument therewith, issue to and serve upon such person an appearance ticket. ~~[The issuance and service of an appearance ticket under such circumstances may be conditioned upon a deposit of pre-arraignment bail, as provided in section 150.30.]~~

§ 3. Subdivisions 2 and 3 of section 140.20 of the criminal procedure law, as amended by chapter 550 of the laws of 1987, are amended to read as follows:

2. If the arrest is for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19

1 or 215.56 of the penal law, or other than where an arrest is required to
2 be made pursuant to subdivision four of section 140.10 of this article,
3 the arrested person need not be brought before a local criminal court as
4 provided in subdivision one, and the procedure may instead be as
5 follows:

6 (a) A police officer may issue and serve an appearance ticket upon the
7 arrested person and release him from custody, as prescribed in subdivi-
8 sion two of section 150.20 of this title; or

9 (b) The desk officer in charge at a police station, county jail or
10 police headquarters, or any of his superior officers, may, in such place
11 fix pre-arraignment bail and, upon deposit thereof, issue and serve an
12 appearance ticket upon the arrested person and release him from custo-
13 dy[~~, as prescribed in section 150.30~~].

14 3. [~~if~~] Other than where an arrest is required to be made pursuant to
15 subdivision four of section 140.10 of this article, if (a) the arrest is
16 for an offense other than a class A, B, C or D felony or a violation of
17 section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal
18 law, and (b) owing to unavailability of a local criminal court the
19 arresting police officer is unable to bring the arrested person before
20 such a court with reasonable promptness, either an appearance ticket
21 must be served unconditionally upon the arrested person or pre-arraign-
22 ment bail must be fixed, as prescribed in subdivision two. If pre-ar-
23 raignment bail is fixed but not posted, such arrested person may be
24 temporarily held in custody but must be brought before a local criminal
25 court without unnecessary delay. Nothing contained in this subdivision
26 requires a police officer to serve an appearance ticket upon an arrested
27 person or release him from custody at a time when such person appears to
28 be under the influence of alcohol, narcotics or other drug to the degree
29 that he may endanger himself or other persons.

30 § 4. This act shall take effect immediately.

31 SUBPART C

32 Section 1. Subdivision 5 of section 216 of the judiciary law, as
33 amended by section 1 of subpart G of part UU of chapter 56 of the laws
34 of 2022, is amended to read as follows:

35 5. The chief administrator of the courts, in conjunction with the
36 division of criminal justice services, shall collect data and report
37 every six months regarding pretrial release and detention. Such data and
38 report shall contain information categorized by age, gender, racial and
39 ethnic background; regarding the nature of the criminal offenses,
40 including the top charge of each case; the number and type of charges in
41 each defendant's criminal record; whether the prosecutor requested that
42 the court fix bail, the amounts and forms of bail requested by the
43 prosecutor, and the amounts and forms of bail set by the court; the
44 number of individuals released on recognizance; the number of individ-
45 uals released on non-monetary conditions, including the conditions
46 imposed; the number of individuals committed to the custody of a sheriff
47 prior to trial; the rates of failure to appear and rearrest; the outcome
48 of such cases or dispositions; the length of the pretrial detention stay
49 and any other such information as the chief administrator and the divi-
50 sion of criminal justice services may find necessary and appropriate.
51 Further, the chief administrator of the courts shall collect data and
52 report every month regarding pretrial commitments to local correctional
53 facilities. Such data shall include but not be limited to age, gender,
54 racial and ethnic background of the principal; both beginning and end

1 dates of pretrial commitment to the custody of the sheriff; total days
2 of pretrial commitment to the custody of the sheriff; the type of
3 commitment ordered by the court; the top charge at arrest and arraign-
4 ment; and whether the principal had been previously released from custo-
5 dy in the case. Such report shall aggregate the data collected by coun-
6 ty; court, including city, town and village courts; and judge. The data
7 shall be aggregated in order to protect the identity of individual
8 defendants. The report shall be released publicly and published on the
9 websites of the office of court administration and the division of crim-
10 inal justice services. The first report shall be published twelve months
11 after this subdivision shall have become a law, and shall include data
12 from the first six months following the enactment of this section.
13 Reports for subsequent periods shall be published every six months ther-
14 eafter; provided, however, that the pretrial detention admissions and
15 discharges report will be published every month.

16 § 2. This act shall take effect on the first of January next succeed-
17 ing the date on which it shall have become a law. Effective immediately,
18 the addition, amendment and/or repeal of any rule or regulation neces-
19 sary for the implementation of this act on its effective date are
20 authorized to be made and completed on or before such date.

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

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

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

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