# STATE OF NEW YORK

4005--B

# IN SENATE

February 1, 2023

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

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend

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

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chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 55 of the laws of 2018, amending the criminal procedure law relating to the pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); to amend the public health law, in relation to authorizing body scanner utilization in the department of corrections and community supervision (Part C); intentionally omitted (Part D); to amend the executive law, in relation to the reporting of certain criminal offenses to a central repository (Part E); to amend the penal law, in relation to certain crimes relating to the possession of a firearm (Subpart A); and to amend the penal law, in relation to the purchase and sale of semiautomatic rifles (Subpart B) (Part F); to amend the state finance law and executive law, in relation to establishing a hazard mitigation revolving loan fund (Part G); to amend the volunteer firefighters' benefit law and the general municipal law, in relation to permitting the paying of a stipend to volunteer firefighters; and to amend the tax law, in relation to increasing the volunteer firefighters' and ambu-

lance workers' credit (Part H); intentionally omitted (Part I); to amend the military law, in relation to the expansion of eligibility for World Trade Center death and disability benefits for members of New York's organized militia (Part J); intentionally omitted (Part K); to amend the alcoholic beverage control law, in relation to the issuance of temporary wholesale permits (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to amend the alcoholic beverage control law, in relation to the issuance of temporary retail permits, and to amend chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part O); to amend the county law and the judiciary law, in relation to entitled compensation for client representation (Part P); to amend chapter 303 of the laws of 1988, relating to the extension of the state commission on the restoration of the capitol, in relation to extending such provisions for an additional five years (Part Q); to amend the state finance law, in relation to methods of procurement; and repealing certain provisions of such law relating thereto (Part R); to amend the civil service law, in relation to competitive workforce expansion and retention (Part S); to amend the civil service law, in relation to employment and transfer of certain persons with disabilities (Part T); intentionally omitted (Part U); to amend part HH of chapter 56 of the laws of 2022 amending the retirement and social security law relating to waiving approval and income limitations on retirees employed in school districts and board of cooperative educational services, in relation to the effectiveness thereof (Part V); to amend the retirement and social security law, in relation to allowing participating employers of the New York state and local retirement system to withdraw from the contribution stabilization program (Part W); intentionally omitted (Part X); to amend the general municipal law, in relation to moving the special accidental death benefit appropriation from the department of audit and control to the general fund's miscellaneous all state department and agencies (Part Y); to amend the executive law, in relation to the first class of the commission on ethics and lobbying in government (Part Z); to amend the tax law and part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to extending certain provisions thereof; to amend the general city law and the administrative code of the city of New York, in relation to extending certain provisions relating to specially eligible premises and special rebates; to amend the administrative code of the city of New York, in relation to extending certain provisions relating to exemptions and deductions from base rent; to amend the real property tax law, in relation to extending certain provisions relating to eligibility periods and requirements; to amend the real property tax law, in relation to extending certain provisions relating to eligibility periods and requirements, benefit periods and applications for abatements; and to amend the administrative code of the city of New York, in relation to extending certain provisions relating to a special reduction in determining the taxable base rent (Part AA); intentionally omitted (Part BB); providing 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 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 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 part K of chapter 81 of the laws of 2002 relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of certain 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 the issuance of certain bonds and 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 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 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; to amend the state finance law, in relation to payments of bonds; and providing for the repeal of certain provisions upon expiration thereof (Part CC); to amend the election law, the education law, the civil practice law and rules, and the state finance law, in relation to regulating public data maintained by county and city boards of elections and establishing the New York voting and elections database and institute to maintain a statewide database of voting and election data (Part DD); to amend the election law, in relation to enacting the "democracy preservation act"; and in relation to prohibiting contributions by foreign-influenced business entities and requiring certification (Part EE); to amend the tax law, in relation to subtracting from the federal adjusted gross income any income earned by election inspectors, poll clerks, or election coordinators; and to amend the social services law, in relation to exempting income earned by election inspectors, poll clerks, or election coordinators from being included in the calculation of the amount of benefits under public assistance programs (Part FF); to amend the election law, in relation to the compensation of election inspectors and coordinators (Part GG); to amend the election law, in relation to establishing minimum staffing levels for local board of elections (Part HH); to amend the election law, in relation to making commissioners full time employees of the board (Part II); to amend the election law, in relation to mandatory training curriculum for poll workers (Part JJ); to amend the election law,

in relation to mandatory training curriculum for election commissioners and key staff of boards of elections (Part KK); in relation to establishing the New York state aid and incentives for municipalities redesign task force; and providing for the repeal of such provisions upon expiration thereof (Part LL); to amend the executive law, in relation to establishing the office of Native American affairs (Part MM); to amend the executive law, in relation to establishing the New York Asian American and Pacific Islander commission (Part NN); in relation to amending state construction and commodity contracts to provide equitable relief to contractors who have sustained unanticipated expenses by reason of construction materials price escalation; and providing for the repeal of such provisions upon the expiration thereof(Part OO); to amend the state law, in relation to the description of the arms of the state and the state flag (Part PP); to amend the executive law, in relation to establishing the office of racial equity and social justice (Part QQ); to amend the family court act, in relation to the hours of operation for family courts; and providing for the repeal of such provisions upon expiration thereof (Part RR); to amend the penal law, in relation to fees charged for a license to carry or possess a pistol or revolver in the county of Westchester (Part SS); to amend the correction law, in relation to incarcerated individuals with a serious mental illness (Part TT); to amend the criminal procedure law, the executive law and the correction law, in relation to automatic sealing of certain convictions (Part UU); to amend the state technology law, in relation to establishing a database of inventories of information systems maintained by or on behalf of state entities (Part VV); to amend the retirement and social security law, in relation to authorizing police/fire members of the New York city fire department pension fund to obtain credit for service as an EMT member (Part WW); to amend the judiciary law, in relation to audio-visual coverage of judicial proceedings; and to repeal section 218 of the judiciary law and section 52 of the civil rights law relating thereto (Part XX); to amend the education law, in relation to the New York state district attorney and indigent legal services attorney loan forgiveness program (Part YY); intentionally omitted (Part ZZ); to amend the general municipal law, in relation to the Orange county industrial development agency and an appointment of a monitor; to amend the public authorities law, in relation to the powers and duties of the authorities budget office; and providing for the repeal of certain provisions of the general municipal law upon expiration thereof (Part AAA); to amend the retirement and social security law, in relation to increasing the earning limitations for retired persons in positions of public service (Part BBB); to amend the retirement and social security law, in relation to the calculation of past service credit for police officers employed by the division of law enforcement in the department of environmental protection in the city of New York transferring between the New York city employees' retirement system to the New York state and local police and fire retirement system (Part CCC); to amend the judiciary law, in relation to requiring the chief administrator of the courts to provide certain reports related to the office of court administration (Part DDD); to amend the retirement and social security law, in relation to providing certain death benefits to correction officers, correction officer-sergeants, correction officer-captains, assistant wardens, associate wardens or wardens employed by Westchester county (Part EEE); and to amend the retirement and social security law, in relation to providing

certain death benefits to county fire marshals, supervising fire marshals, fire marshals, assistant fire marshals, assistant chief fire marshals, chief fire marshals and division supervising fire marshals employed by Nassau county (Part FFF)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2023-2024 state fiscal year. Each component is wholly contained within a Part identified as Parts A through FFF. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 2 of chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, as amended by section 1 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

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

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

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

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

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

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

§ 20. This act shall take effect immediately except that section thirteen of this act shall expire and be of no further force or effect on and after September 1, [~~2023~~] **2025** and shall not apply to persons committed to the custody of the department after such date, and provided further that the commissioner of corrections and community supervision

shall report each January first and July first during such time as the earned eligibility program is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the standards in effect for earned eligibility during the prior six-month period, the number of inmates subject to the provisions of earned eligibility, the number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are granted parole upon their first consideration for parole, the number with certificates who are denied parole upon their first consideration, and the number of individuals granted and denied parole who did not have earned eligibility certificates.

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

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

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

§ 10. This act shall take effect 30 days after it shall have become a law and shall remain in effect until September 1, [~~2023~~] **2025**, and provided further that the commissioner of correctional services shall report each January first, and July first, to the chairman of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of eligible inmates in each facility under the custody and control of the commissioner who have applied for participation in any program offered under the provisions of work release, furlough, or leave, and the number of such inmates who have been approved for participation.

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

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

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

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

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

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

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

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [~~2023~~] **2025**, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [~~2023~~] **2025** and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to

such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

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

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

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

§ 6. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act on their effective date is authorized and directed to be made and completed on or before such effective date and shall remain in full force and effect until the first day of September, [~~2023~~] **2025** when upon such date the provisions of this act shall be deemed repealed.

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

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

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

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

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

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

§ 16. Section 5 of chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, as amended by

section 18 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

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

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

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

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

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

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

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

§ 20. Section 8 of part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing

for custody of federal prisoners and requiring the closing of certain correctional facilities, as amended by section 22 of part A of chapter 55 of the laws of 2021, is amended to read as follows:

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

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

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

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

§ 5. This act shall take effect immediately and shall remain in full force and effect until September 1, [~~2023~~] **2025**, and provided further that the commissioner of correctional services shall report each January first and July first during such time as this legislation is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of individuals who are released to community treatment facilities during the previous six-month period, including the total number for each date at each facility who are not residing within the facility, but who are required to report to the facility on a daily or less frequent basis.

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

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

§ 24. This act shall take effect immediately.

PART B

Intentionally Omitted

PART C

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

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

(ii) The utilization of such body imaging scanning equipment shall be in accordance with regulations promulgated by the department, or **for local correctional facilities** in cities having a population of two million or more, such utilization shall be in accordance with regulations promulgated by the New York city department of health and mental hygiene. **The state commission of correction, in consultation with the department of corrections and community supervision, shall promulgate regulations establishing when body imaging scanning equipment will be used to screen visitors in state and local correctional facilities.**

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

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

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

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

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

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

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

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

Any local government agency that utilizes body imaging scanning equipment in a **state or** local correctional facility under its jurisdiction shall submit an annual report to the department, the speaker of the assembly, and the temporary president of the senate. **If body imaging scanning equipment is utilized in one or more state correctional facilities, then the department of corrections and community supervision, as applicable, shall submit an annual report to the department, the speaker**

of the assembly, and the temporary president of the senate. Such report by either the local government agency or the department of corrections and community supervision shall be submitted within eighteen months after the initial date of registration of such equipment with the department, and annually thereafter, and shall contain the following information as to each such facility:

(i) the number of times the equipment was used on [~~incarcerated~~] individuals detained in, committed to or visiting the facility upon intake, before visits, after visits, and upon the suspicion of contraband, as well as any other event that triggers the use of such equipment;

(ii) the average, median, and highest number of times the equipment was used on any [~~incarcerated~~] individual detained in, committed to or visiting the facility, with corresponding exposure levels;

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

PART D

Intentionally Omitted

PART E

Section 1. The executive law is amended by adding a new section 236 to read as follows:

§ 236. Criminal offenses involving the discharge of any firearm, shotgun, or rifle. 1. The division of state police shall maintain a statewide repository of data relating to criminal offenses involving the discharge of any firearm, shotgun, or rifle and shall develop and implement a program to provide for the collection of such data and the reporting thereof by law enforcement agencies. The superintendent of the division of state police shall adopt and promulgate regulations prescribing reporting procedures for such state or local law enforcement agencies, including the form for reporting such information. Data acquired by law enforcement agencies relating to criminal offenses involving the discharge of any firearm, shotgun, or rifle shall be sent to the repository as soon as practicable, but in no case more than seventy-two hours after the agency has determined that the firearm, rifle, or shotgun discharge occurred in connection with a criminal offense. In addition to any other information which the superintendent of the division of state police may require, the reporting shall include: (a) the location of the incident; (b) the nature of the criminal offense and the circumstances of the firearm, rifle, or shotgun discharge; (c) the nature and extent of any injuries suffered as a result of the firearm, rifle, or shotgun discharge; (d) the firearm, rifle, or shotgun manufacturer, model, serial number, caliber, and any ammunition microstamping identifier; (e) whether the firearm, rifle, or shotgun has been recovered by a law enforcement agency; (f) whether an arrest has been made and, if so, the crimes charged; and (g) any infor-

mation related to any ammunition cartridge cases recovered at the scene including, but not limited to, the caliber and manufacturer.

2.(a) Such repository shall not include personally identifiable information.

(b) For the purposes of this section, "personally identifiable information" shall mean any information concerning a person, which, because of a name, number, or other identifiers, can be used to identify such person, including a person's full name, residential address (but not city, county, or the 5-digit zip code), date of birth, social security number, driver's license number, passport number, phone number, biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as a fingerprint, or other unique physical representation of biometric data which are used to ascertain a person's identity and any other biometric information that could be used to identify a person.

3. Data collected for the purposes of being stored in the repository shall not contain or include personally identifiable information that may reveal the identity of any individual or person.

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

PART F

Section 1. This act enacts into law components of legislation relating to firearms and body armor. Each component is wholly contained within a Part identified as Subparts A through B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section two of this act sets forth the general effective date of this act.

SUBPART A

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

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

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

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

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

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

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

(d) libraries, public playgrounds, public parks, and zoos, provided, however, that this section shall not apply to the possession of a firearm within the Adirondack Park and Catskill Park that is otherwise permitted by the department of environmental conservation and the environmental conservation law;

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

(f) nursery schools, preschools, and summer camps;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. This section shall not apply to:

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

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

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

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

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

(f) active-duty military personnel;

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

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

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

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

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

**(l) persons while engaged in historical reenactments or motion picture or theatrical productions, or while providing an educational demonstration regarding historical weapons or warfare;**

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

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

**(o) persons while lawfully engaging in learning, practicing, training for, competing in, or travelling into or within the state to learn, practice, train for, or compete in, the sport of biathlon; or**

**(p) persons engaging in firearm safety shooting instruction conducted at a camp regulated by article thirteen-B or fourteen of the public health law or operating pursuant to a temporary residence permit as**

required by paragraph (o) of subdivision five of section two hundred twenty-five of the public health law and any regulations promulgated by the commissioner of health, at an approved shooting range, provided that such instruction is under the direction of a certified shooting instructor.

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

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

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

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

2. This section shall not apply to:

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

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

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

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

(e) active-duty military personnel;

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

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

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

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

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

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

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

§ 4. Intentionally omitted.

§ 5. Intentionally omitted.

§ 6. Intentionally omitted.

§ 7. Intentionally omitted.

§ 8. This act shall take effect immediately.

SUBPART B

Section 1. Section 265.65 of the penal law, as added by chapter 212 of the laws of 2022, is amended and a new section 265.65-a is added to read as follows:

§ 265.65 Criminal purchase of a semiautomatic rifle **in the second** degree.

A person is guilty of criminal purchase of a semiautomatic rifle **in the second degree** when [~~he or she~~] **such person** purchases or takes possession of a semiautomatic rifle and does not possess a license to purchase or take possession of a semiautomatic rifle as provided in subdivision two of section 400.00 of this chapter. [~~Criminal purchase of a semiautomatic rifle is a class A misdemeanor for the first offense and a class E felony for subsequent offenses~~] **This section shall not apply to police officers, as defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law, peace officers as defined pursuant to section 2.10 of the criminal procedure law, except those peace officers who are not authorized under such section to carry or possess a firearm unless the appropriate license therefore has been issued pursuant to section 400.00 of this chapter, persons in the military service of the United States or the state of New York when acting in the course of their official military duties or employment, or dealers in firearms as defined pursuant to subdivision nine of section 265.00 of this article**.

**Criminal purchase of a semiautomatic rifle in the second degree is a class A misdemeanor.**

**§ 265.65-a Criminal purchase of a semiautomatic rifle in the first degree.**

**A person is guilty of criminal purchase of a semiautomatic rifle in the first degree when such person:**

**1. purchases or takes possession of a semiautomatic rifle and does not possess a license to purchase or take possession of such semiautomatic rifle as provided in subdivision two of section 400.00 of this chapter. This section shall not apply to police officers as defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law, peace officers as defined pursuant to section 2.10 of the criminal procedure law, persons in the military service of the United States or the state of New York when acting in the course of their official military duties or employment, or dealers in firearms as defined pursuant to subdivision nine of section 265.00 of this article; and**

2. has been convicted of criminal purchase of a semiautomatic rifle in the second degree within the previous ten years.

Criminal purchase of a semiautomatic rifle in the first degree is a class E felony.

§ 2. Section 265.66 of the penal law, as added by chapter 212 of the laws of 2022, is amended to read as follows:

§ 265.66 Criminal sale of a semiautomatic rifle.

A person is guilty of criminal sale of a semiautomatic rifle when, knowing or having reason to know it is a semiautomatic rifle, [~~he or she~~] such person sells, exchanges, gives or disposes of a semiautomatic rifle to another person and such other person does not possess a license to purchase or take possession of a semiautomatic rifle as provided in subdivision two of section 400.00 of this chapter. This section shall not apply to a sale, exchange, or other disposition of a semiautomatic rifle to a person who is a police officer as defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law, a peace officer as defined pursuant to section 2.10 of the criminal procedure law, except those peace officers who are not authorized under such section to carry or possess a firearm unless the appropriate license therefore has been issued pursuant to section 400.00 of this chapter, a person in the military service of the United States or the state of New York when acting in the course of their official military duties or employment, or a dealer in firearms as defined pursuant to subdivision nine of section 265.00 of this article.

Criminal sale of a semiautomatic rifle is a class E felony.

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

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

PART G

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

§ 99-qq. Hazard mitigation state revolving loan fund. 1. There is hereby established within the custody of the state comptroller a new fund to be known as the "hazard mitigation revolving loan fund".

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

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

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

§ 719. Loans for eligible hazard mitigation activities. 1. The commissioner may make loans to local governments for eligible hazard mitigation activities, as defined in the STORM Act and corresponding federal regulations, to reduce disaster risks for homeowners, businesses, non-profit organizations, and communities subject to available

**funds for such purpose pursuant to section ninety-nine-qq of the state finance law.**

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

§ 3. This act shall take effect immediately.

PART H

Section 1. Section 2 of the volunteer firefighters' benefit law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

§ 2. Purpose. One of the finest traditions of American community life is the service which people render to others [~~without remuneration~~]. Volunteer firefighters have long been in the forefront of this group. In recognition of the unselfish service by these volunteers, government has undertaken to provide for them and their families some measure of protection against loss from death or injuries in line of duty. Over the years there has developed a dual system of benefits when volunteer firefighters are killed or injured. The dual system has caused uncertainty and confusion. This law establishes a new single system of benefits for volunteer firefighters and provides for the administration of such system by the workers' compensation board and the chairman of such board.

It is hereby declared that this chapter is intended to effectuate the objects and purposes of section eighteen of article one of the state constitution and that the relationship between the political subdivision liable for benefits under this chapter and a volunteer firefighter entitled to such benefits is that of employer and employee within the meaning of such provision of the state constitution.

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

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

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

**§ 200-aa. Stipend for volunteer firefighters. 1. For purposes of this section, "volunteer firefighter" shall have the same meaning as defined in section three of the volunteer firefighters' benefit law.**

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

§ 4. Intentionally omitted.

§ 5. Intentionally omitted.

§ 6. Intentionally omitted.

§ 7. Intentionally omitted.

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

c. "Line of duty" means the performance by a volunteer firefighter of the duties and activities described in subdivision one of section five of the volunteer firefighters' benefit law and the same such duties and activities performed for a specialized team established pursuant to the provisions of section two hundred nine-bb of this article for which the volunteer firefighter does not receive any remuneration or a gratuity and shall be deemed to include any date of injury as determined by the workers' compensation board pursuant to the provisions of section forty-one of the volunteer firefighters' benefit law. The following shall not be deemed to be remuneration or a gratuity: reimbursement of expenses for meals, lodging and actual and necessary travel; the receipt of a mileage allowance in lieu of travel expense; reimbursement of expenses for registration and tuition fees payable under section seventy-two-g of this chapter, [~~and~~] the acceptance of transportation, food, drink, shelter, clothing and similar items while on duty or engaged in such activities**; and payment of a stipend as outlined in section 200-aa of this article**.

§ 9. Intentionally omitted.

§ 10. Subsection (e-1) of section 606 of the tax law, as added by section 1 of part U of chapter 62 of the laws of 2006, paragraph 2 as amended by chapter 532 of the laws of 2007, paragraph 3 as added and paragraph 4 as renumbered by section 4 of part N of chapter 61 of the laws of 2006, is amended to read as follows:

(e-1) Volunteer firefighters' and ambulance workers' credit. (1) For taxable years beginning on and after January first, two thousand seven **and before January first, two thousand twenty-three**, a resident taxpayer who serves as an active volunteer firefighter as defined in subdivision one of section two hundred fifteen of the general municipal law or as a volunteer ambulance worker as defined in subdivision fourteen of section two hundred nineteen-k of the general municipal law shall be allowed a credit against the tax imposed by this article equal to two hundred dollars. **For taxable years beginning on and after January first, two thousand twenty-three, a resident taxpayer who serves as an active volunteer firefighter as defined in subdivision one of section two hundred fifteen of the general municipal law or as a volunteer ambulance worker as defined in subdivision fourteen of section two hundred nineteen-k of the general municipal law shall be allowed a credit against the tax imposed by this article equal to eight hundred dollars.** In order to receive this credit a volunteer firefighter or volunteer ambulance worker must have been active for the entire taxable year for which the credit is sought.

(2) [~~If~~] **For taxable years beginning before January first, two thousand twenty-three, if** a taxpayer receives a real property tax exemption relating to such service under title two of article four of the real property tax law, such taxpayer shall not be eligible for this credit;

provided, however (A) if the taxpayer receives such real property tax exemption in the two thousand seven taxable year as a result of making application therefor in a prior year or (B) if the taxpayer notifies his or her assessor in writing by December thirty-first, two thousand seven of the taxpayer's intent to discontinue such real property tax exemption by not re-applying for such real property tax exemption by the next taxable status date, such taxpayer shall be eligible for this credit for the two thousand seven taxable year. **For taxable years beginning on or after January first, two thousand twenty-three, a taxpayer is eligible for this credit even if they receive a real property tax exemption relating to such service under title two of article four of the real property tax law.**

(3) In the case of [~~a husband and wife~~] **spouses** who file a joint return and who both individually qualify for the credit under this subsection **for taxable years beginning on and after January first, two thousand seven and before January first, two thousand twenty-three**, the amount of the credit allowed shall be four hundred **dollars. For taxable years beginning on and after January first, two thousand twenty-three, the amount of the credit shall be sixteen hundred** dollars.

(4) If the amount of the credit allowed under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 11. This act shall take effect immediately.

PART I

Intentionally Omitted

PART J

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

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

**(b) was activated on state active duty on or after September eleventh, two thousand one, and participated in World Trade Center site rescue, recovery, or cleanup operations as part of such state active duty, and who is determined to have incurred a qualifying World Trade Center condition shall be entitled to a performance of duty disability pension equivalent to three-quarters of the member's final average salary. The**

deadline for submitting any qualifying claim under this paragraph shall be on or before September eleventh, two thousand twenty-six. The adjutant general of the division of military and naval affairs is authorized to promulgate regulations to implement the provisions of this section.

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

(b) was activated on state active duty on or after September eleventh, two thousand one, and participated in World Trade Center site rescue, recovery, or cleanup operations as part of such state active duty, and whose death is determined to be the result of incurring a qualifying World Trade Center condition shall be entitled to an accidental death benefit of one-half of the member's final average salary. The deadline for submitting any qualifying claim under this paragraph shall be on or before September eleventh, two thousand twenty-six. The adjutant general of the division of military and naval affairs is authorized to promulgate regulations to implement the provisions of this section.

§ 2. This act shall take effect immediately.

PART K

Intentionally Omitted

PART L

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

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

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

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

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

(c) any current license in effect at the premises that may not under law operate concurrently has been surrendered or placed in safekeeping, or has been deemed abandoned by the authority.

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

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

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

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

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

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

**6. Such temporary permit shall remain in effect until the wholesale license being applied for is approved and the license granted or a determination is made to reject the application for the license.**

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

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

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

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Section 1. Subdivision 4 of section 97-a of the alcoholic beverage control law, as added by chapter 396 of the laws of 2010, is amended to read as follows:

4. A temporary retail permit issued by the authority pursuant to this section shall be for a period not to exceed ninety days. A temporary permit may be extended at the discretion of the authority, for an additional thirty day period **for premises located in a city with a population of one million or more or for an additional ninety day period for premises located outside a city with a population of a million or more,** upon payment of an additional fee of sixty-four dollars for all retail beer licenses and ninety-six dollars for all other temporary permits and upon compliance with all conditions required in this section. The authority may, in its discretion, issue additional [~~thirty day~~] extensions upon payment of the appropriate fee.

§ 2. Subdivision 6 of section 97-a of the alcoholic beverage control law, as added by chapter 396 of the laws of 2010, is amended to read as follows:

6. The holder of a temporary retail permit shall [~~purchase alcoholic beverages only by payment in currency or check for such alcoholic beverages on or before the day such alcoholic beverages are delivered, provided, however, that the holder of a temporary permit issued pursuant~~

~~to this section who also holds one or more retail licenses and is operating under such retail license or licenses in addition to the temporary retail permit, and who is not delinquent under the provisions of section one hundred one-aa of this chapter as to any retail license under which he operates, may purchase alcoholic beverages on credit under the temporary permit~~] **be subject to sections one hundred one-aa and one hundred one-aaa of this chapter**.

§ 3. Section 5 of chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, as amended by section 1 of part M of chapter 55 of the laws of 2022, is amended to read as follows:

§ 5. This act shall take effect on the sixtieth day after it shall have become a law[~~, provided that paragraph (b) of subdivision 1 of section 97-a of the alcoholic beverage control law as added by section two of this act shall expire and be deemed repealed October 12, 2023~~].

§ 4. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the ninetieth day after it shall have become a law.

PART P

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

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

(a) for representation of a person [~~entitled to representation by law who is initially charged with a misdemeanor or lesser offense and no felony, compensation for such misdemeanor or lesser offense representation at a rate of sixty dollars per hour for time expended in court or before a magistrate, judge or justice, and sixty dollars per hour for time reasonably expended out of court~~] **in all cases governed by this article, and arising in New York county, Kings county, Bronx county, Richmond county, Queens county, Suffolk county, Nassau county, Westchester county, Rockland county, Putnam county, Orange county, Dutchess county, Ulster county, and Sullivan county, including all representation in an appellate court, for time expended in court before a magistrate, judge or justice and for time reasonably expended out of court compensation at a rate of no less than seventy-five dollars through December thirty-first, two thousand twenty-three, no less than one hundred twenty dollars beginning on January first, two thousand twenty-four, no less than one hundred thirty-five dollars beginning on January first, two thousand twenty-five, no less than one hundred fifty dollars beginning on January first, two thousand twenty-six, no less than one hundred sixty-five dollars beginning on January first, two thousand twenty-seven, and one hundred eighty dollars beginning on January first, two thousand twenty-eight**, and shall receive reimbursement for expenses reasonably incurred; and

(b) for representation of a person in all [~~other~~] cases governed by this article, **arising in all remaining New York state counties,** including all representation in an appellate court, [~~compensation at a rate of seventy-five dollars per hour~~] for time expended in court before a magistrate, judge or justice and [~~seventy-five dollars per hour~~] for

time reasonably expended out of court **compensation at a rate of no less than seventy-five dollars through December thirty-first, two thousand twenty-three, no less than one hundred dollars beginning on January first, two thousand twenty-four, no less than one hundred fifteen dollars beginning on January first, two thousand twenty-five, no less than one hundred thirty dollars beginning on January first, two thousand twenty-six, no less than one hundred forty-five dollars beginning on January first, two thousand twenty-seven, and one hundred fifty-eight dollars beginning on January first, two thousand twenty-eight**, and shall receive reimbursement for expenses reasonably incurred.

2. Except as provided in this section, compensation for time expended in providing representation:

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

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

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

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

§ 1-a. Section 722-e of the county law, as amended by section 11 of part VVV of chapter 59 of the laws of 2017, is amended to read as follows:

§ 722-e. Expenses. **1.** All expenses for providing counsel and services other than counsel hereunder shall be a county charge or in the case of a county wholly located within a city a city charge to be paid out of an appropriation for such purposes. Provided, however, that any such additional expenses incurred for the provision of counsel and services as a result of the implementation of a plan established pursuant to subdivision four of section eight hundred thirty-two of the executive law, including any interim steps taken to implement such plan, shall be reimbursed by the state to the county or city providing such services. Such plans shall be submitted by the office of indigent legal services to the director of the division of budget for review and approval. However, the director's approval shall be limited solely to the plan's projected fiscal impact of the required appropriation for the implementation of such plan, and his or her approval shall not be unreasonably withheld. The state shall appropriate funds sufficient to provide for the reimbursement required by this section.

**2. All expenses for providing counsel and services pursuant to paragraphs (a) and (b) of subdivision one of section seven hundred twenty-two-b of this article in excess of one hundred dollars per hour shall be reimbursed by the state upon certification submitted to the office of**

indigent legal services. The office of indigent legal services shall develop and make available a certification form for state payment.

§ 2. Subdivision 3 of section 35 of the judiciary law, as amended by section 5 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

3. (a) No counsel assigned pursuant to this section shall seek or accept any fee for representing the person for whom he or she 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 dollars per hour~~] for time expended in court[~~,~~] and [~~seventy-five dollars per hour~~] for time reasonably expended out of court[~~,~~] in the following counties: New York, Kings, Bronx, Richmond, Queens, Suffolk, Nassau, Westchester, Rockland, Putnam, Orange, Dutchess, Ulster, and Sullivan, at a rate of no less than seventy-five dollars through December thirty-first, two thousand twenty-three, no less than one hundred twenty dollars beginning on January first, two thousand twenty-four, no less than one hundred thirty-five dollars beginning on January first, two thousand twenty-five, no less than one hundred fifty dollars beginning on January first, two thousand twenty-six, no less than one hundred sixty-five dollars beginning on January first, two thousand twenty-seven, and one hundred eighty dollars beginning on January first, two thousand twenty-eight; and in all other New York state counties at a rate of no less than seventy-five dollars through December thirty-first, two thousand twenty-three, no less than one hundred dollars beginning on January first, two thousand twenty-four, no less than one hundred fifteen dollars beginning on January first, two thousand twenty-five, no less than one hundred thirty dollars beginning on January first, two thousand twenty-six, no less than one hundred forty-five dollars beginning on January first, two thousand twenty-seven, and one hundred fifty-eight dollars beginning on January first, two thousand twenty-eight; and in all New York state counties 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 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 thousand four hundred dollars~~] ten thousand five hundred dollars for time expended in providing representation pursuant to subparagraph (i) of paragraph (a) of this subdivision; and nine thousand two hundred dollars for time expended in providing representation pursuant to subparagraph (ii) of paragraph (a) of this subdivision. In extraordinary circumstances the court may provide for compensation in excess of the foregoing limits.

§ 2-a. Section 35 of the judiciary law is amended by adding a new subdivision 9 to read as follows:

9. All expenses for providing counsel and services pursuant to subdivision three of this section shall be funded by the state.

§ 3. This act shall take effect April 1, 2023. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation neces-

sary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART Q

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

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

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

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

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

PART R

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

7. Method of procurement. Consistent with the requirements of subdivisions three and four of this section, state agencies shall select among permissible methods of procurement including, but not limited to, an invitation for bid, request for proposals or other means of solicitation pursuant to guidelines issued by the state procurement council. State agencies may [~~accept~~] **require electronic submission as the sole method**

for the submission of bids [~~electronically~~] for commodity, service and technology contracts, including submission of the statement of non-collusion required by section one hundred thirty-nine-d of this chapter, and the statement of certification required by section one hundred thirty-nine-l of this chapter[~~,~~] and[~~, starting April first, two thousand twelve, and ending March thirty-first, two thousand fifteen,~~] may[~~, for commodity, service and technology~~] require electronic signatures on all documents required for submission of a bid, any resulting contracts [~~require electronic submission as the sole method for the submission of bids for the solicitation~~], and required submissions during the term of any contract. [~~State agencies shall undertake no more than eighty-five such electronic bid solicitations, none of which shall be reverse auctions, prior to April first, two thousand fifteen. In addition, state agencies may conduct up to twenty reverse auctions through electronic means, prior to April first, two thousand fifteen.~~] Prior to requiring the electronic submission of bids, the agency shall make a determination, which shall be documented in the procurement record, that electronic submission affords a fair and equal opportunity for offerers to submit responsive offers, and that the electronic signature complies with the provisions of article three of the state technology law. [~~Within thirty days of the completion of the eighty-fifth electronic bid solicitation, or by April first, two thousand fifteen, whichever is earlier, the commissioner shall prepare a report assessing the use of electronic submissions and make recommendations regarding future use of this procurement method. In addition, within thirty days of the completion of the twentieth reverse auction through electronic means, or by April first, two thousand fifteen, whichever is earlier, the commissioner shall prepare a report assessing the use of reverse auctions through electronic means and make recommendations regarding future use of this procurement method. Such reports shall be published on the website of the office of general services.~~] Except where otherwise provided by law, procurements shall be competitive, and state agencies shall conduct formal competitive procurements to the maximum extent practicable. State agencies shall document the determination of the method of procurement and the basis of award in the procurement record. Where the basis for award is the best value offer, the state agency shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

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

§ 3. This act shall take effect immediately; provided, however, that the amendments to section 163 of the state finance law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART S

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

§ 57. Continuous recruitment for certain positions. Notwithstanding any other provisions of this chapter or any other law, the civil service department or a municipal commission may establish a continuing eligible list for any class of positions for which it finds [~~inadequate numbers~~

~~of well qualified persons available for recruitment~~] **such lists appropriate**. **The civil service department may only establish continuing eligible lists for any class of positions filled through open competitive examination.** Names of eligibles shall be inserted in such list from time to time as applicants are tested and found qualified in examinations held at such intervals as may be prescribed by the civil service department or municipal commission having jurisdiction. Such successive examinations shall, so far as practicable, be constructed and rated so as to be equivalent tests of the merit and fitness of candidates. The name of any candidate who passes any such examination and who is otherwise qualified shall be placed on the continuing eligible list in the rank corresponding to his **or her** final rating on such examination. The period of eligibility of successful candidates for certification and appointment from such continuing eligible list, as a result of any such examination, shall be fixed by the civil service department or municipal commission but, except as a list may reach an announced terminal date, such period shall not be less than one year; nor shall such period of eligibility exceed four years. Subject to such conditions and limitations as the civil service department or municipal commission may prescribe, a candidate may take more than one such examination; provided, however, that no such candidate shall be certified simultaneously with more than one rank on the continuing eligible list. With respect to any candidate who applies for and is granted additional credit in any such examination as a disabled or non-disabled veteran, and for the limited purpose of granting such additional credit, the eligible list shall be deemed to be established on the date on which his **or her** name is added thereto.

§ 2. This act shall take effect immediately.

PART T

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

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

§ 2. Section 55-b of the civil service law is amended by adding a new subdivision 3 to read as follows:

**3. Those employees hired under subdivision one of this section shall be afforded the opportunity to transfer into competitive class positions so long as they meet the requirements for transfer pursuant to section fifty-two of this title and section seventy of this chapter.**

§ 3. Section 55-c of the civil service law, as amended by chapter 603 of the laws of 1995, is amended by adding a new subdivision 4 to read as follows:

**4. Those employees hired under subdivision one of this section shall be afforded the opportunity to transfer into competitive class positions so long as they meet the requirements for transfer pursuant to section fifty-two of this title and section seventy of this chapter.**

§ 4. This act shall take effect immediately.

PART U

Intentionally Omitted

PART V

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

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

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

§ 2. This act shall take effect immediately.

PART W

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

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

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

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

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

**(2) An alternative amortizing employer may elect to terminate participation in the alternative contribution stabilization program provided that such employer shall have paid in full all such prior year amortization amounts including interest as determined by the comptroller.**

Furthermore, any alternative amortizing employer that has terminated participation in the alternative contribution stabilization program may not re-enter the alternative contribution stabilization program; provided, however, such employer may enter the regular contribution stabilization program as set forth in paragraph one of this subdivision.

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

(4) Termination shall take effect for the fiscal year billing cycle following the fiscal year of approval. An employer who has been approved to terminate from the contribution stabilization or alternative contribution stabilization program pursuant to this section shall not be required to make a graded payment starting in the following fiscal year billing cycle.

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

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

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

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

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

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

(2) An alternative amortizing employer may elect to terminate participation in the alternative contribution stabilization program provided that such employer shall have paid in full all such prior year amortization amounts including interest as determined by the comptroller.

Furthermore, any alternative amortizing employer that has terminated participation in the alternative contribution stabilization program may not re-enter the alternative contribution stabilization program; provided, however, such employer may enter the regular contribution stabilization program as set forth in paragraph one of this subdivision.

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

(4) Termination shall take effect for the fiscal year billing cycle following the fiscal year of approval. An employer who has been approved to terminate from the contribution stabilization or alternative contribution stabilization program pursuant to this section shall not be required to make a graded payment starting in the following fiscal year billing cycle.

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

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

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

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

This bill revises the CSP in the following ways:

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

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

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

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

Summary of relevant resources:

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

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated January 26, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-57, prepared by the Actuary for the New York State and Local Retirement System.

PART X

Intentionally Omitted

PART Y

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

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

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

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

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

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

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

PART Z

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

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

§ 2. This act shall take effect immediately.

PART AA

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

(A) "Tenant" means a person who, as lessee, enters into a space lease with a landlord for a term of ten years or more commencing on or after September first, two thousand five, but not later than, in the case of a space lease with respect to leased premises located in eligible areas as defined in clause (i) of subparagraph (D) of this paragraph, September

first, two thousand [~~twenty-three~~] **twenty-eight** and, in the case of a space lease with respect to leased premises located in eligible areas as defined in clause (ii) of subparagraph (D) of this paragraph not later than September first, two thousand [~~twenty-five~~] **thirty**, of premises for use as commercial office space in buildings located or to be located in the eligible areas. A person who currently occupies premises for use as commercial office space under an existing lease in a building in the eligible areas shall not be eligible for exemption under this subdivision unless such existing lease, in the case of a space lease with respect to leased premises located in eligible areas as defined in clause (i) of subparagraph (D) of this paragraph expires according to its terms before September first, two thousand [~~twenty-three~~] **twenty-eight** or such existing lease, in the case of a space lease with respect to leased premises located in eligible areas as defined in clause (ii) of subparagraph (D) of this paragraph and such person enters into a space lease, for a term of ten years or more commencing on or after September first, two thousand five, of premises for use as commercial office space in a building located or to be located in the eligible areas, provided that such space lease with respect to leased premises located in eligible areas as defined in clause (i) of subparagraph (D) of this paragraph commences no later than September first, two thousand [~~twenty-three~~] **twenty-eight**, and provided that such space lease with respect to leased premises located in eligible areas as defined in clause (ii) of subparagraph (D) of this paragraph commences no later than September first, two thousand [~~twenty-five~~] **thirty** and provided, further, that such space lease shall expire no earlier than ten years after the expiration of the original lease.

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

§ 2. This act shall take effect September 1, 2005 and shall expire and be deemed repealed on December 1, [~~2026~~] **2031**, and shall apply to sales made, uses occurring and services rendered on or after such effective date, in accordance with the applicable transitional provisions of sections 1106 and 1217 of the tax law; except that clause (i) of subparagraph (D) of paragraph seven of subdivision (ee) of section 1115 of the tax law, as added by section one of this act, shall expire and be deemed repealed December 1, [~~2024~~] **2029**.

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

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

minimum required expenditure as defined in such title two-D or two-F, whichever is applicable, has been made, and that such real property is located in an eligible area; or

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

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

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

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

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

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

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

(1) is eligible to obtain benefits under title two-D or two-F of article four of the real property tax law, or would be eligible to receive benefits under such title except that such property is exempt from real

property taxation and the requirements of paragraph (b) of subdivision seven of section four hundred eighty-nine-dddd of such title two-D, or the requirements of subparagraph (ii) of paragraph (b) of subdivision five of section four hundred eighty-nine-cccccc of such title two-F, whichever is applicable, of the real property tax law have not been satisfied, provided that application for such benefits was made after the thirtieth day of June, nineteen hundred ninety-five and before the first day of July, two thousand [~~twenty-three~~] **twenty-eight**, that construction or renovation of such building or structure was described in such application, that such building or structure has been substantially improved by such construction or renovation, and (i) that the minimum required expenditure as defined in such title has been made, or (ii) where there is no applicable minimum required expenditure, the building was constructed within such period or periods of time established by title two-D or two-F, whichever is applicable, of article four of the real property tax law for construction of a new building or structure; or

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

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

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

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

(f) Application and certification. An owner or lessee of a building or structure located in an eligible revitalization area, or an agent of such owner or lessee, may apply to such department of small business services for certification that such building or structure is an eligible building or targeted eligible building meeting the criteria of subdivision (a) or (q) of section twenty-five-aa of this article. Application for such certification must be filed after the thirtieth day of June, nineteen hundred ninety-five and before a building permit is

issued for the construction or renovation required by such subdivisions and before the first day of July, two thousand [~~twenty-three~~] **twenty-eight**, provided that no certification for a targeted eligible building shall be issued after October thirty-first, two thousand. Such application shall identify expenditures to be made that will affect eligibility under such subdivision (a) or (q). Upon completion of such expenditures, an applicant shall supplement such application to provide information (i) establishing that the criteria of such subdivision (a) or (q) have been met; (ii) establishing a basis for determining the amount of special rebates, including a basis for an allocation of the special rebate among eligible revitalization area energy users purchasing or otherwise receiving energy services from an eligible redistributor of energy or a qualified eligible redistributor of energy; and (iii) supporting an allocation of charges for energy services between eligible charges and other charges. Such department shall certify a building or structure as an eligible building or targeted eligible building after receipt and review of such information and upon a determination that such information establishes that the building or structure qualifies as an eligible building or targeted eligible building. Such department shall mail such certification or notice thereof to the applicant upon issuance. Such certification shall remain in effect provided the eligible redistributor of energy or qualified eligible redistributor of energy reports any changes that materially affect the amount of the special rebates to which it is entitled or the amount of reduction required by subdivision (c) of this section in an energy services bill of an eligible revitalization area energy user and otherwise complies with the requirements of this article. Such department shall notify the private utility or public utility service required to make a special rebate to such redistributor of the amount of such special rebate established at the time of certification and any changes in such amount and any suspension or termination by such department of certification under this subdivision. Such department may require some or all of the information required as part of an application or other report be provided by a licensed engineer.

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

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

§ 11. Paragraph 3 of subdivision (i) of section 22-601 of the administrative code of the city of New York, as amended by section 11 of item A

of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

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

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

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

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

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

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

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

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

(ii) For the first, second, third and fourth twelve-month periods following the base year the amount of such special reduction shall be equal to the lesser of (A) the base rent for each such twelve-month period or (B) the base rent for the base year.

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

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

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

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

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

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

ing sentence, a benefit period shall expire no later than March thirty-first, two thousand [~~thirty~~] **thirty-five**.

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

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

(a) For purposes of determining whether the amount of expenditures required by subdivision one of this section have been satisfied, expenditures on improvements to the common areas of an eligible building shall be included only if work on such improvements commenced and the expenditures are made on or after April first, nineteen hundred ninety-five and on or before September thirtieth, two thousand [~~twenty-four~~] **twenty-nine**; provided, however, that expenditures on improvements to the common areas of an eligible building made prior to three years before the lease commencement date shall not be included.

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

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

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

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

reduction allowable with respect to any number of months falling within a tax period, be prorated by dividing the base rent for the base year by twelve and multiplying the result by such number of months.

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

## PART BB

Intentionally Omitted

## PART CC

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

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

33. Clinical laboratory reference system assessment account (21962).
34. Indirect cost recovery account (21978).
35. Multi-agency training account (21989).
36. Bell jar collection account (22003).
37. Industry and utility service account (22004).
38. Real property disposition account (22006).
39. Parking account (22007).
40. Courts special grants (22008).
41. Asbestos safety training program account (22009).
42. Batavia school for the blind account (22032).
43. Investment services account (22034).
44. Surplus property account (22036).
45. Financial oversight account (22039).
46. Regulation of Indian gaming account (22046).
47. Rome school for the deaf account (22053).
48. Seized assets account (22054).
49. Administrative adjudication account (22055).
50. New York City assessment account (22062).
51. Cultural education account (22063).
52. Local services account (22078).
53. DHCR mortgage servicing account (22085).
54. Housing indirect cost recovery account (22090).
55. Voting Machine Examinations account (22099).
56. DHCR-HCA application fee account (22100).
57. Low income housing monitoring account (22130).
58. Restitution account (22134).
59. Corporation administration account (22135).
60. New York State Home for Veterans in the Lower-Hudson Valley account (22144).
61. Deferred compensation administration account (22151).
62. Rent revenue other New York City account (22156).
63. Rent revenue account (22158).
64. Transportation aviation account (22165).
65. Tax revenue arrearage account (22168).
66. New York State Campaign Finance Fund account (22211).
67. New York state medical indemnity fund account (22240).
68. Behavioral health parity compliance fund (22246).
69. Pharmacy benefit manager regulatory fund (22255).
70. State university general income offset account (22654).
71. Lake George park trust fund account (22751).
72. Highway safety program account (23001).
73. DOH drinking water program account (23102).
74. NYCCC operating offset account (23151).
75. Commercial gaming revenue account (23701).
76. Commercial gaming regulation account (23702).
77. Highway use tax administration account (23801).
78. New York state secure choice administrative account (23806).
79. New York state cannabis revenue fund (24800).
80. Fantasy sports administration account (24951).
81. Mobile sports wagering fund (24955).
82. Highway and bridge capital account (30051).
83. State university residence hall rehabilitation fund (30100).
84. State parks infrastructure account (30351).
85. Clean water/clean air implementation fund (30500).
86. Hazardous waste remedial cleanup account (31506).
87. Youth facilities improvement account (31701).

88. Housing assistance fund (31800).
89. Housing program fund (31850).
90. Highway facility purpose account (31951).
91. New York racing account (32213).
92. Capital miscellaneous gifts account (32214).
93. Information technology capital financing account (32215).
94. New York environmental protection and spill remediation account (32219).
95. Mental hygiene facilities capital improvement fund (32300).
96. Correctional facilities capital improvement fund (32350).
97. New York State Storm Recovery Capital Fund (33000).
98. OGS convention center account (50318).
99. Empire Plaza Gift Shop (50327).
100. Unemployment Insurance Benefit Fund, Interest Assessment Account (50651).
101. Centralized services fund (55000).
102. Archives records management account (55052).
103. Federal single audit account (55053).
104. Civil service administration account (55055).
105. Civil service EHS occupational health program account (55056).
106. Banking services account (55057).
107. Cultural resources survey account (55058).
108. Neighborhood work project account (55059).
109. Automation & printing chargeback account (55060).
110. OFT NYT account (55061).
111. Data center account (55062).
112. Intrusion detection account (55066).
113. Domestic violence grant account (55067).
114. Centralized technology services account (55069).
115. Labor contact center account (55071).
116. Human services contact center account (55072).
117. Tax contact center account (55073).
118. Department of law civil recoveries account (55074).
119. Executive direction internal audit account (55251).
120. CIO Information technology centralized services account (55252).
121. Health insurance internal service account (55300).
122. Civil service employee benefits division administrative account (55301).
123. Correctional industries revolving fund (55350).
124. Employees health insurance account (60201).
125. Medicaid management information system escrow fund (60900).
126. Virtual currency assessments account.

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

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

9. Federal capital projects fund (31350).

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

Economic Development and Public Authorities:

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

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

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

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

Education:

1. $2,314,000,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

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

3. $145,200,000 from the general fund to the New York state commercial gaming fund, commercial gaming revenue account (23701), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 97-nnnn of the state finance law that are in excess of the amounts deposited in such fund for purposes pursuant to section 1352 of the racing, pari-mutuel wagering and breeding law.

4. $981,897,000 from the general fund to the mobile sports wagering fund, education account (24955), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1367 of the racing, pari-mutuel wagering and breeding law.

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

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

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

8. $300,000 from the New York state local government records management improvement fund, local government records management account

(20501), to the New York state archives partnership trust fund, archives partnership trust maintenance account (20351).

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

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

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

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

13. Intentionally omitted.

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. $200,000,000 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).

Family Assistance:

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

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

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

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

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

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

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

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

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

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

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

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

General Government:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Health:

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

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

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

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

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

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

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

8. Intentionally omitted.

9. Intentionally omitted.

10. Intentionally omitted.

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. Intentionally omitted.

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. Intentionally omitted.

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

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

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

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

Labor:

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

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

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

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

Mental Hygiene:

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

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

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

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

Public Protection:

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

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

3. Intentionally omitted.

4. Intentionally omitted.

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

6. Intentionally omitted.

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

8. Intentionally omitted.

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

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

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

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

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

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

Transportation:

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

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

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

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

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

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

Miscellaneous:

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 4. On or before March 31, 2024, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund, banking services account (55057), for the purpose of meeting direct payments from such account.

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

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

project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

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

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

§ 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $1,226,598,500 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2023 through June 30, 2024 to support operations at the state university.

§ 10. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $62,340,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2023 to June 30, 2024 for general fund operating support pursuant to subparagraph (4-b) of paragraph h of subdivision 2 of section three hundred fifty-five of the education law.

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

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

§ 13. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in

the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2024.

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

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

§ 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207), the miscellaneous capital projects fund, the federal capital projects account (31350), information technology capital financing account (32215), or the centralized technology services account (55069), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from

funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

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

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

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

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

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

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

§ 22. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2024, the following amounts from

the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

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

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

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

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

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

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

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

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

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

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

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

§ 23. Intentionally omitted.

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

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

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

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

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

§ 27. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 30 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~nine billion five hundred two million seven hundred thirty-nine thousand dollars $9,502,739,000~~] **nine billion eight hundred sixty-five million eight hundred fifty-nine thousand dollars $9,865,859,000**, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~nine billion five hundred two million seven hundred thirty-nine thousand dollars $9,502,739,000~~] **nine billion eight hundred sixty-five million eight hundred fifty-nine thousand dollars $9,865,859,000**, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the

present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

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

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, the urban development corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~four hundred twenty-six million one hundred thousand dollars $426,100,000~~] **five hundred thirty-eight million one hundred thousand dollars $538,100,000**, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects including IT initiatives for the division of state police, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

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

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be [~~eight billion one hundred seventy-one million one hundred ten thousand dollars $8,171,110,000~~] **nine billion three hundred eight million two hundred ten thousand dollars $9,308,210,000**, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to

subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

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

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~three hundred eighty-three million five hundred thousand dollars $383,500,000~~] **four hundred seventy-six million five hundred thousand dollars $476,500,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~one billion six hundred four million nine hundred eighty-six thousand dollars $1,604,986,000~~] **one billion seven hundred ten million eighty-six thousand dollars $1,710,086,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

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

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed [~~sixteen billion six hundred eleven million five hundred sixty-four thousand dollars $16,611,564,000~~] **eighteen billion two hundred ninety-seven million five hundred sixty-four thousand dollars $18,297,564,000**; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding

bonds does not exceed the present value of the aggregate debt service on the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 31-a. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, as amended by section 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~~] **four hundred twenty-five million dollars $425,000,000**. Each college shall be eligible for a grant award amount as determined by the calculations pursuant to subdivision five of this section. In addition, such colleges shall be eligible to compete for additional funds pursuant to paragraph (h) of subdivision four of this section.

(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [~~three hundred forty-five million dollars $345,000,000~~] **four hundred twenty-five million dollars $425,000,000** for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.

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

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed [~~ten billion two hundred fifty-four million six hundred eighty-six thousand dollars $10,254,686,000~~] **eleven billion three hundred nine million six hundred fifty-two thousand dollars $11,309,652,000**. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

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

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [~~one billion one hundred twenty-three million one hundred forty thousand dollars $1,123,140,000~~] **one billion two hundred twenty-nine million one hundred ninety-five thousand dollars $1,229,195,000**. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

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

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~nine hundred sixty-two million~~

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

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

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial

mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding [~~ten billion nine hundred forty-two million eight hundred thirty-three thousand dollars $10,942,833,000~~] **twelve billion four hundred nine million one hundred fifty-seven thousand dollars $12,409,157,000**, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than [~~ten billion nine hundred forty-two million eight hundred thirty-three thousand dollars $10,942,833,000~~] **twelve million four hundred nine million one hundred fifty-seven thousand dollars $12,409,157,000**, only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of

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

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

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

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

§ 53. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the acquisition of equipment, including but not limited to the creation or modernization of information technology systems and related research and development equipment, health and safety equipment, heavy equipment and machinery, the creation or improvement of security systems, and laboratory equipment and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~three hundred ninety-three million dollars $393,000,000~~] **four hundred ninety-three million dollars $493,000,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development

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

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

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

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of [~~thirteen billion fifty-three million eight hundred eighty-one thousand dollars $13,053,881,000~~] **fourteen billion one hundred forty-seven million two hundred thirty-four thousand dollars $14,147,234,000** cumulatively by the end of fiscal year [~~2022-23~~] **2023-24**. For purposes of this subdivision, such projects shall be deemed to include capital grants to cities, towns and villages for the reimbursement of eligible capital costs of local highway and bridge projects within such municipality, where allocations to cities, towns and villages are based on the total number of New York

or United States or interstate signed touring route miles for which such municipality has capital maintenance responsibility, and where such eligible capital costs include the costs of construction and repair of highways, bridges, highway-railroad crossings, and other transportation facilities for projects with a service life of ten years or more.

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

1. The dormitory authority is authorized to issue bonds, at the request of the commissioner of education, to finance eligible library construction projects pursuant to section two hundred seventy-three-a of the education law, in amounts certified by such commissioner not to exceed a total principal amount of [~~three hundred thirty-three million dollars $333,000,000~~] **three hundred seven-two million dollars $372,000,000**.

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

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, Lake Ontario regional projects, Pennsylvania station and other transit projects, athletic facilities for professional football in Orchard Park, New York and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~fourteen billion nine hundred sixty-eight million four hundred two thousand dollars $14,968,402,000~~] **seventeen billion two hundred eighty-six million six hundred two thousand dollars $17,286,602,000**, excluding bonds issued to fund one or more debt service

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

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

priation 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~~] **fourteen billion four hundred thirty-eight million six hundred eleven thousand dollars $14,438,611,000**, 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~~] **fourteen billion four hundred seventy-eight million three hundred five thousand dollars $14,478,305,000**, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve

fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

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

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

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

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, department of law, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~one billion one hundred fifty-two million five hundred sixty-six thousand dollars $1,152,566,000~~] **one billion two hundred eighty-eight million eight hundred fifty-two thousand dollars $1,288,852,000,** excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and

related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

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

(b) The authority is hereby authorized, as additional corporate purposes thereof solely upon the request of the director of the budget: (i) to issue special emergency highway and bridge trust fund bonds and notes for a term not to exceed thirty years and to incur obligations secured by the moneys appropriated from the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law; (ii) to make available the proceeds in accordance with instructions provided by the director of the budget from the sale of such special emergency highway and bridge trust fund bonds, notes or other obligations, net of all costs to the authority in connection therewith, for the purposes of financing all or a portion of the costs of activities for which moneys in the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law are authorized to be utilized or for the financing of disbursements made by the state for the activities authorized pursuant to section eighty-nine-b of the state finance law; and (iii) to enter into agreements with the commissioner of transportation pursuant to section ten-e of the highway law with respect to financing for any activities authorized pursuant to section eighty-nine-b of the state finance law, or agreements with the commissioner of transportation pursuant to sections ten-f and ten-g of the highway law in connection with activities on state highways pursuant to these sections, and (iv) to enter into service contracts, contracts, agreements, deeds and leases with the director of the budget or the commissioner of transportation and project sponsors and others to provide for the financing by the authority of activities authorized pursuant to section eighty-nine-b of the state finance law, and each of the director of the budget and the commissioner of transportation are hereby authorized to enter into service contracts, contracts, agreements, deeds and leases with the authority, project sponsors or others to provide for such financing. The authority shall not issue any bonds or notes in an amount in excess of [~~nineteen billion seven hundred seventy-six million nine hundred twenty thousand dollars $19,776,920,000~~] **twenty billion six hundred forty-eight million five hundred seven thousand dollars $20,648,507,000**, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to provide capitalized interest; and, (C) to fund other costs of issuance. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the authority issued pursuant to this section, as amended by a chapter of the laws of nineteen hundred ninety-six, there shall be excluded the amount of bonds or notes issued that would constitute interest under the United States Internal Revenue Code of 1986, as amended, and the amount of indebtedness issued to refund or otherwise repay bonds or notes.

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

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby

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

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

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

§ 48. Intentionally omitted.

§ 49. Intentionally omitted.

§ 50. Subdivision 2 of section 58 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 56 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

2. Definitions. When used in this section:

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

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

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

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

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

(f) "State capital commitment" shall mean an aggregate principal amount not to exceed [~~$2,350,000,000~~] $2,850,000,000, plus any interest costs, including capitalized interest, and related expenses and fees payable by the state of New York to the commission under one or more service contracts or other agreements pursuant to this section, as well as any expenses of the state incurred in connection therewith.

(g) "Related expenses and fees" shall mean commitment fees and other ancillary costs, expenses and fees incurred, and to become due and payable, by the commission in connection with the Federal transportation loan.

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

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

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

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

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

§ 59. The dormitory authority of the state of New York, the New York state urban development corporation, and the New York state thruway authority are hereby authorized to issue bonds in one or more series under either article 5-C or article 5-F of the state finance law for the

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

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

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

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

(b) On or before the beginning of each quarter, the director of the budget may certify to the state comptroller the estimated amount of monies that shall be reserved in the general debt service fund for the payment of debt service and related expenses payable by such fund during each month of the state fiscal year, excluding payments due from the

revenue bond tax fund. Such certificate may be periodically updated, as necessary. Notwithstanding any provision of law to the contrary, the state comptroller shall reserve in the general debt service fund the amount of monies identified on such certificate as necessary for the payment of debt service and related expenses during the current or next succeeding quarter of the state fiscal year. Such monies reserved shall not be available for any other purpose. Such certificate shall be reported to the chairpersons of the Senate Finance Committee and the Assembly Ways and Means Committee. [~~The provisions of this paragraph shall expire June thirtieth, two thousand twenty-three.~~]

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

PART DD

Section 1. The election law is amended by adding a new section 3-112 to read as follows:

**§ 3-112. State board of elections; uniform standards for processing data requests and duty to send data and information to statewide database. 1. The state board of elections shall promulgate regulations within one hundred eighty days of the effective date of this section standardizing across each county and city boards of elections the method of processing freedom of information law requests and providing for timely distribution of such data to the public.**

**2. Upon the certification of election results and the completion of the voter history file after every election, each board of elections shall within ten business days transmit copies of: (a) election results at the election district level; (b) contemporaneous voter registration lists; (c) voter history files; (d) maps or other documentation of the configuration of districts in any format or formats as specified by the state board of elections; and (e) lists of election day poll sites and early voting sites and maps or other documentation of the configuration of districts in any format or formats as specified by the state board of elections of the election districts assigned to each election day poll site or early voting site. For the purposes of this subdivision, the term "election authority" refers to the agency primarily responsible for maintaining the records listed in this subdivision and includes any board of election, as well as general purpose local governments or special purpose local governments that administer their own elections or maintain their own voting and election records.**

**3. The state board of elections shall upload the data received to its public facing website within five business days of its receipt. No cost shall be charged to access the data.**

**4. The attorney general, the co-directors of the database and institute, or their designees may file an action to enforce compliance with the requirements of this section.**

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

**ARTICLE 117**

**NEW YORK VOTING AND ELECTIONS DATABASE AND INSTITUTE**

**Section 5801. Statement of objectives and legislative findings.**

5802. Establishment of the New York voting and elections database and institute.
5803. Function of the New York voting and elections database and institute.
5804. Co-directors and chairs on voting and elections.
5805. Annual report.

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

§ 5802. Establishment of the New York voting and elections database and institute. There is hereby established jointly within the state university of New York and city university of New York the "New York voting and elections database and institute", referred to in this article as the "database and institute", to maintain and administer a central repository of elections and voting data available to the public from all political subdivisions in the state of New York and to foster, pursue, and sponsor research on existing laws and best practices in voting and elections. For the purposes of this section, "political subdivision" shall mean a geographic area of representation created for the provision of government services, including, but not limited to, a county, city, town, village, school district, or any other district organized pursuant to state or local law.

§ 5803. Function of the New York voting and elections database and institute. 1. The database and institute shall provide a center for research, training and information on voting systems and election administration. The database and institute is hereby empowered:

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

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

(c) to conduct seminars involving voting and elections;

(d) to establish a nonpartisan centralized database in order to collect, archive, and make publicly available at no cost an accessible database pertaining to elections, voter registration, and ballot access in the state;

(e) to assist in the dissemination of such data to the public;

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

(g) to provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the statewide database.

2. (a) Data to maintain. The database and institute shall maintain in electronic format and make available to the public online at no cost at

minimum the following data and records for at least the previous twelve year period:

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

(ii) Election results at the election district level for every state-wide election and every election in every political subdivision.

(iii) Contemporaneous voter registration lists, voter history files, election day poll site locations, and early voting site locations, for every election in every political subdivision.

(iv) Contemporaneous maps or other documentation of the configuration of election districts in any format or formats specified by the directors for election districts.

(v) Election day or early voting poll sites including, but not limited to, lists of election districts assigned to each polling place, if applicable.

(vi) Adopted districting or redistricting plans for every election in every political subdivision.

(vii) Any other data that the director deems advisable to maintain in furtherance of the purposes of this title.

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

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

§ 5804. Co-directors and chairs on voting and elections. Two chairs are hereby established in the New York voting and elections database and institute. One chair shall be within the state university of New York. One chair shall be within the city university of New York. The chairs shall also act as co-directors of the database and institute.

§ 5805. Annual report. Not later than ninety days following the end of the state fiscal year the New York voting and elections database and institute shall annually submit to the governor, the majority leader of the senate and the speaker of the assembly a report on the priorities and finances of the New York voting and elections database and institute.

§ 3. The civil practice law and rules is amended by adding a new rule 4550 to read as follows:

Rule 4550. New York voting and elections database and institute. The data, information, and estimates maintained by the New York voting and elections database and institute shall be granted a rebuttable presumption of validity by any court concerning any claim brought.

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

§ 2614. Transmission of publicly available data to the New York voting and elections database and institute. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds elections pursuant to this article shall transmit copies of the following to the New York voting and elections database and institute within ninety days after such

election: (a) school board election results; (b) contemporaneous voter registration lists; (c) voter history files; (d) maps or other documentation of the configuration of districts in any format or formats specified by the director; (e) lists of election day poll sites, maps or other documentation of the configuration of districts in any format or formats specified by the director assigned to each election day poll site; and (f) any other publicly available data as requested by such database and institute.

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

§ 2038. Transmission of publicly available data to the New York voting and elections database and institute. 1. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the following to the New York voting and elections database and institute within ninety days after such election: (a) school board election results; (b) contemporaneous voter registration lists; (c) voter history files; (d) maps, descriptions, and shapefiles for election districts; (e) lists of election day poll sites, shapefiles, or descriptions of the election districts assigned to each election day poll site; and (f) any other publicly available data as requested by such database and institute.

2. The attorney general, the co-directors of the database and institute, or their designees may file an action to enforce compliance with the requirements of this section.

§ 6. Section 2553 of the education law is amended by adding two new subdivisions 2-a and 2-b to read as follows:

2-a. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the following to the New York voting and elections database and institute within ninety days after such election: (a) school board election results; (b) contemporaneous voter registration lists; (c) voter history files; (d) maps or other documentation of the configuration of districts in any format or formats specified by the director; (e) lists of election day poll sites, shapefiles, or descriptions of the election districts assigned to each election day poll site; and (f) any other publicly available data as requested by such database and institute.

2-b. The attorney general, the co-directors of the database and institute, or their designees may file an action to enforce compliance with the requirements of this section.

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

§ 97-m. New York voting and elections database and institute fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the New York voting and elections database and institute fund.

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

3. Moneys in the New York voting and elections database and institute fund may be invested by the comptroller pursuant to section ninety-

**eight-a of this article, and any income received by the comptroller shall be used for the purposes of such fund.**

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

**5. Moneys in the New York voting and elections database and institute fund, following appropriation by the legislature, shall be available to the New York voting and elections database and institute for maintenance of the database and research and education programs as set forth in article one hundred seventeen of title seven of the education law.**

§ 8. This act shall take effect immediately.

PART EE

Section 1. This act shall be known and may be cited as the "democracy preservation act".

§ 2. Legislative findings. The legislature hereby finds and declares that New York state welcomes immigrants, visitors, and investors from around the world. However, its elections should be decided by the people of New York and not by foreign investors or the business entities over which they exert influence. Corporations with partial foreign ownership have been spending money to influence state and local elections in New York and around the country. The public has a compelling interest in limiting the participation of foreign entities in activities of American democratic self-government, which include spending money to influence voters and finance campaigns, in the interest of preventing foreign influence over the United States political process.

Investors are the ultimate beneficiaries of corporate interests. Where part of the shareholders' equity is attributable to foreign investors, spending corporate treasury funds on New York elections means spending the equity of foreign entities on New York elections.

Business corporations and similar entities have a fiduciary duty to their shareholders, including investors around the world, and generally prioritize the interests of such shareholders, which may diverge substantially from the interests of the people of New York and of citizens of the United States. In addition, both formal procedures of corporate democracy and informal mechanisms of influence can provide foreign investors with substantial influence even with only a minority of shares. The United States Securities and Exchange Commission, major capital investors, corporate managers, and corporate governance experts broadly agree that ownership or control of one percent or more of shares can confer substantial influence on corporate decision-making.

Political spending by foreign-influenced business entities can weaken, interfere with, or disrupt New York's democratic self-government and the faith that the electorate has in its elected officials. To protect the integrity of New York's democratic self-government, it is necessary to prevent foreign-influenced business entities from influencing New York elections through political spending.

§ 3. The election law is amended by adding a new section 14-117 to read as follows:

**§ 14-117. Prohibited contributions by foreign-influenced business entities. 1. Notwithstanding any provision of law to the contrary, it shall be unlawful for a foreign-influenced business entity, directly or indirectly, to make a contribution or donation of money or other thing**

of value, or to make an express or implied promise to make a contribution or donation, in connection with a state or local election.

2. It shall be unlawful for a business entity prohibited under subdivision one of this section, directly or indirectly, to make a contribution or donation to a constituted committee, independent expenditure committee, political committee, or party committee.

3. It shall be unlawful for a business entity prohibited under subdivision one of this section, directly or indirectly, to make an expenditure, independent expenditure, or disbursement for a political communication.

4. It shall be unlawful for a person to knowingly solicit, accept, or receive a contribution or donation described in subdivision one, two or three of this section from a foreign-influenced business entity.

5. Except as provided in subdivision six of this section, it shall be unlawful for a person who receives a contribution or donation from a business entity to use that contribution or donation, directly or indirectly, for any of the purposes described in subdivision one, two, or three of this section, or to contribute, donate, transfer, or convey funds from such a contribution or donation to another person for use for any of the purposes described in subdivision one, two, or three of this section. However, a person may use funds that do not comply with the requirements of this section for other lawful purposes.

6. A person who receives a contribution or donation from a business entity, and also receives from the business entity a copy of the statement of certification described in subdivision four of section 14-116 of this title, may use such funds for the purposes described in subdivision one, two, or three of this section only if the person separately designates, records, and accounts for such funds, and ensures that disbursements for the purposes described in subdivision one, two, or three of this section are only made from funds that comply with the requirements of this section. A person may rely in good faith on a statement of certification that meets the requirements of subdivision four of section 14-116 of this title.

7. Any person found in violation of this section shall be guilty of a class E felony and shall be subject to a civil penalty equal to the contribution or donation amount plus a fine of up to ten thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections chief enforcement counsel.

§ 4. Section 14-100 of the election law is amended by adding three new subdivisions 18, 19 and 20 to read as follows:

18. "foreign-influenced" shall mean a business entity for which at least one of the following conditions is met:

(a) a single foreign owner holds, owns, controls, or otherwise has direct or indirect beneficial ownership of one percent or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the business entity; or

(b) two or more foreign owners, in aggregate, hold, own, control, or otherwise have direct or indirect beneficial ownership of five percent or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the business entity; or

(c) a foreign owner participates directly or indirectly in the business entity's decision-making process with respect to the business entity's political activities in the United States.

19. "business entity" shall mean a for-profit entity doing business for profit in the state or elsewhere, including a for-profit corpo-

ration, company, limited liability company, limited partnership, business trust, business association, joint-stock association or other similar entity.

20. "foreign owner" shall mean:

(a) a foreign national; or

(b) a business entity wherein a foreign national holds, owns, controls, or otherwise has directly or indirectly acquired beneficial ownership of equity or voting shares in an amount that is equal to or greater than fifty percent of the total equity or outstanding voting shares.

§ 5. Section 14-116 of the election law is amended by adding a new subdivision 4 to read as follows:

4. Every business entity that makes an expenditure, or contribution, for political purposes for a state or local election shall file with the state board of elections, within seven business days after making such expenditure or contribution, on the form prescribed by the state board of elections, a statement of certification signed by the chief executive officer, president or owner under penalty of perjury, avowing that after due inquiry, such business entity was not a foreign-influenced business entity on the date such expenditure or contribution was made. Business entities shall provide a copy of the statement of certification required by this subdivision to any campaign or committee to which they contribute, and, upon request of the recipient, to any other person to whom they contribute.

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

PART FF

Section 1. Subsection (c) of section 612 of the tax law is amended by adding a new paragraph 47 to read as follows:

(47) Income earned while working as an election inspector, poll clerk, or election coordinator pursuant to title four of article three of the election law in relation to a general, primary, run-off primary pursuant to subdivision one of section 6-162 of the election law, or special election held pursuant to section forty-two of the public officers law, to the extent includible in gross income for federal income tax purposes.

§ 2. Paragraph (a) of subdivision 8 of section 131-a of the social services law is amended by adding a new subparagraph (xi) to read as follows:

(xi) income earned while working as an election inspector, poll clerk, or election coordinator pursuant to title four of article three of the election law in relation to a general, primary, run-off primary pursuant to subdivision one of section 6-162 of the election law, or special election held pursuant to section forty-two of the public officers law, to the extent includible in gross income for federal income tax purposes.

§ 3. This act shall take effect immediately.

PART GG

Section 1. Subdivisions 1 and 2 of section 3-420 of the election law, as amended by chapter 180 of the laws of 2005, are amended to read as follows:

1. Election inspectors, poll clerks, election coordinators and qualified voters appointed to act in place of an absent inspector, clerk or coordinator shall be paid for their services on the days of registration and election, by the county containing the election district in which they serve, in an amount fixed by the county legislative body, **which shall be no less than three hundred dollars,** subject to such limitations as shall be prescribed or authorized by statute, except that in the city of New York the amount of such compensation shall be payable by such city and shall be fixed by the mayor at a daily rate which, in the case of election inspectors shall not be less than [~~one hundred thirty~~] **three hundred** dollars and in the case of election coordinators not less than [~~two hundred~~] **three hundred fifty** dollars. Such inspectors, poll clerks, election coordinators and qualified voters at a general or special village election conducted by the board of elections shall be paid by such village in an amount fixed by the village board of trustees subject to any such limitations.

2. An election inspector or poll clerk who attends a required training session shall be paid not less than [~~twenty-five~~] **fifty** dollars for each meeting plus, at the option of the county, transportation expenses not to exceed the mileage allowance approved by the county legislative body for their permanent employees, payable by the county or in the case of the city of New York, by such city. For administrative purposes, each county may establish one or more categories for the mileage allowance, based on the range of distance traveled, and pay the mileage allowance for that category.

§ 2. This act shall take effect immediately.

PART HH

Section 1. Section 3-300 of the election law is amended to read as follows:

§ 3-300. Board employees; appointment. Every board of elections shall appoint, and at its pleasure remove, clerks, voting machine technicians, custodians and other employees, fix their number, prescribe their duties, fix their titles and rank and establish their salaries within the amounts appropriated therefor by the local legislative body and shall secure in the appointment of employees of the board of elections equal representation of the major political parties. **Every board of elections shall employ, at a minimum, four full time employees in addition to the appointed commissioners. Each board of elections shall employ two additional employees for every full allotment of twenty thousand active registered voters beyond forty thousand active registered voters.** Every commissioner in each board of elections except for commissioners of the board of elections of the city of New York, may approve and at pleasure remove a deputy, establish his title and prescribe his duties. In the city of New York, the board of elections shall appoint an executive director and a deputy executive director whose duties it shall be to supervise the operations of the board of elections under the supervision of such board.

§ 2. This act shall take effect immediately.

PART II

Section 1. Subdivisions 2 and 3 of section 3-200 of the election law are amended to read as follows:

2. Each board shall consist of two election commissioners **who shall be full time employees of the board**, except that the county legislative body of a county having a population of more than one hundred and twenty thousand may, by local law, increase the number of commissioners to four, to be appointed as provided in this title. Each of the major political parties shall be eligible to recommend appointment of an equal number of commissioners.

3. In the city of New York the board shall consist of ten commissioners of election **who shall be full time employees of the board and** who shall be registered voters in the county for which they are appointed and they shall be appointed by the city council of the city of New York. Not more than two commissioners shall be registered voters of the same county.

§ 2. This act shall take effect immediately.

PART JJ

Section 1. Subdivisions 1, 1-a and 2 of section 3-412 of the election law, subdivision 1 as amended by chapter 310 of the laws of 2021, subdivision 1-a as added by chapter 181 of the laws of 2005 and subdivision 2 as amended by chapter 180 of the laws of 2005, are amended and three new subdivisions 1-b, 1-c and 1-d are added to read as follows:

1. Each board of elections shall, at least once every year, conduct a mandatory school for the instruction of election inspectors, poll clerks and election coordinators. Such instruction may be given in person or online **at various times throughout the year**, provided that online instruction shall be offered over a two week period that includes the date for in-person instruction. **Such training shall be offered no less frequently than on a quarterly basis.** Certain online participants may be required to supplement online instruction with in-person instruction that includes the use of voting machines or other matters requiring specialized training. Written notice shall be given to participants stating the time and place at which such in-person instruction shall be held, the option to obtain instruction online with direction on how to access the online option, and identifying the participants that must attend in-person instruction in addition to online instruction.

1-a. The state board of elections shall establish a mandatory core curriculum for poll worker training which includes the requirements in subdivision two of this section, [~~as amended by a chapter of the laws of 2005,~~] and the rights of voters at the polls and obligation of election workers to protect those rights while maintaining the integrity of the franchise, including assisting voters with disabilities or with limited or no proficiency in the English language, handling, processing and entitlement to ballots, including affidavit and emergency ballots, proper identification requirements, procedures to be followed with respect to voters whose names are not on the list of registered voters or whose identities have not been verified, electioneering and other violations of the elective franchise as defined in this chapter, solicitation by individuals and groups at the polling place and procedures to be followed after the polls close. Each board of elections shall augment the core curriculum with local procedures not inconsistent with the core curriculum adopted by the state board of elections and which includes procedures relating to proper operation of, and remedying problems with, the voting machine or system in use in that jurisdiction.

1-b. The state board of elections shall establish and host an education and training institute which shall be responsible for the development and implementation of a statewide program wherein persons can become certified poll worker trainers. This institute shall also create a train-the-trainer program, in order for county boards of elections to implement an effective training program at their respective local level of program delivery. The state board's trainers shall include in the trainer curriculum to be developed, attention to, inter alia, poll worker ability to serve a diverse electorate with complete confidence and respect; professionalizing the delivery of all election day services; providing assistance to voters with disabilities and those with limited English language proficiency, ensuring the dignity and privacy of such individuals; and to individuals who are members of racial or ethnic minorities, complete familiarity and comfort with all voting systems in use in poll sites, including ballot marking devices or other systems/services available to voters with disabilities; and poll worker ability to recognize and resolve a variety of issues which may arise in poll sites. The state board's trainers and all certified poll worker instructors shall utilize industry-proven training techniques aimed at adult learners including role-based training and hands-on training opportunities using official election day forms and poll site voting systems and may further include a web-based component and companion video.

1-c. County boards shall enroll trainers in the program in such quantities to ensure that an adequate contingent of fully trained and certified poll worker trainers are available to meet the training needs of such county. Each county board of elections shall enroll not less than two persons designated by the county board on a bipartisan basis, in the state board of elections training institute. Certified trainers must maintain their certification by attending once every two years, a continuing education program, to ensure the professionalism of the poll worker training agenda set by the state board of elections. Enrollees who have successfully completed the state board's training program and been awarded a "certified poll worker instructor" certificate may serve at the county board as a trainer of poll workers as well as a trainer of other bi-partisan designees of the county board, however the conferring of the title "certified poll worker instructor" may be made only by the state board of elections.

1-d. The state board of elections shall adopt such rules and regulations which may be necessary to create the training institute and associated curricula provided for in subdivisions one-a, one-b and one-c of this section, including a process whereby attendees who successfully complete a state board-sponsored training program shall be awarded a certificate conferring upon him or her, the title of "certified poll worker instructor".

2. Election inspectors, poll clerks and election coordinators shall be instructed concerning, but not limited to, the following topics: the election law and any relevant statutory updates, the taking of registrations, the use of voting machines, disability etiquette, affidavit and emergency voting processes, use of electronic poll books, providing assistance to voters with limited English language proficiency and their duties in connection therewith as soon as possible after their designation.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implemen-

tation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

PART KK

Section 1. The election law is amended by adding a new section 3-213 to read as follows:

**§ 3-213. Boards of elections; mandatory training curriculum. 1. Election commissioners and such other board of elections employees as determined by the state board of elections shall within six months after their first appointment complete a course of instruction on the operation of a board of elections which shall be provided by the state board of elections. The curriculum shall be established by the state board of elections in consultation with election commissioners and shall not exceed thirty hours of instruction.**

**2. Annually, election commissioners and other board of elections employees as determined by the state board of elections, shall complete before June first a continuing course of instruction on the operation of a board of elections which shall be provided by the state board of elections. The curriculum shall be established by the state board of elections in consultation with the election commissioners and shall not exceed three hours of instruction.**

**3. The state board of elections shall provide the training required by subdivision two of this section through, in addition to other methods it may choose, a web-based recorded format.**

**4. Upon the failure of a commissioner or other employee to complete the instruction within the time required by this section, the state board of elections shall send a letter to the county legislature or city council and the respective county party chair of the jurisdiction of the commissioner stating the delinquency.**

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

PART LL

Section 1. 1. New York state aid and incentives for municipalities redesign task force. There is hereby created the aid and incentives for municipalities redesign task force whose membership shall consist of 7 members: the director of the division of the budget or his or her designee as chair; the comptroller or his or her designee; the executive director of the New York State Conference of Mayors or his or her designee; the executive director of the New York State Association of Counties or his or her designee; the executive director of the New York State Association of Towns or his or her designee; one member appointed by the temporary president of the senate; one member appointed by the speaker of the assembly. The task force shall report to the governor, the speaker of the assembly and the temporary president of the senate no later than one year after the effective date of this act. Such report shall include, but not be limited to:

(a) A review and analysis of the current aid and incentives for municipalities formula and allocations;

(b) An analysis of available alternatives to the current aid and incentives for municipalities formula and allocations, including models

from other states, provided, however, that such alternatives shall not include the allocation of funds to any municipality which is not currently receiving aid and incentives for municipalities funding;

(c) Recommendations concerning such alternatives to the formula used to determine future aid and incentives to municipalities funding allocations, provided, however, that such recommendations shall not include the allocation of funds to any municipality which is not currently receiving aid and incentives for municipalities funding; and

(d) Any other information the task force deems necessary or relevant.

2. All appointments to the task force shall be made no later than sixty days after the effective date of this act. Any vacancy shall be filled by the appointing authority. The task force shall meet as frequently as it deems necessary prior to issuing its findings and recommendations. The members of the task force shall serve without compensation, except that members shall be allowed their necessary and actual expenses incurred in the performance of their duties under this section. The department of taxation and finance and the division of the budget shall provide the task force with such data as the task force may request to carry out its powers and duties. To the extent practicable, such data shall be provided in a format in accordance with the standards outlined in the New York State Open Data Handbook pursuant to executive order 95 of the laws of 2013. The task force may consult with any public or private entity it deems necessary in order to assist the task force with information gathering, analysis, and formulating its conclusions and recommendations.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2024.

PART MM

Section 1. The executive law is amended by adding new article 15-D to read as follows:

**ARTICLE 15-D**

**OFFICE OF NATIVE AMERICAN AFFAIRS**

**Section 328-d. Office of Native American affairs.**

**328-e. General functions, powers and duties.**

**§ 328-d. Office of Native American affairs. 1. There is hereby created in the executive department an office of Native American affairs. The head of the office shall be the commissioner of Native American affairs who shall be appointed by the governor and who shall hold office at the pleasure of the governor.**

**2. The commissioner shall receive an annual salary to be fixed by the governor within the amount made available therefor by an appropriation and shall be allowed his or her actual and necessary expenses in the performance of his or her duties.**

**3. The commissioner shall direct the work of the office and shall be the chief executive officer of the office. The commissioner may appoint such officers and employees as he or she may deem necessary, prescribe their duties, fix their compensation, and provide for the reimbursement of their expenses, all within amounts made available therefor by appropriation.**

**§ 328-e. General functions, powers and duties. The office of Native American affairs by and through the commissioner or such commissioner's duly authorized officers and employees, shall:**

**1. Act as a centralized office for Native American nations to access information on state programs that are provided to Native Americans.**

2. Develop and maintain cooperative relationships between New York state's tribal nations, tribal organization, Native American citizens, and the state.

3. Establish, manage, coordinate, and facilitate Native American-related policies, positions, and programs.

4. Advise and assist state agencies in developing policies, plans, and programs for Native Americans.

5. Serve as a connector for New York state's tribal nations to other state agencies and programs.

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

PART NN

Section 1. The executive law is amended by adding a new section 295-a to read as follows:

§ 295-a. New York Asian American and Pacific Islander commission. 1. (a) There is hereby established within the division the New York Asian American and Pacific Islander commission. The commission shall consist of thirteen members representative of Asian American and Pacific Islander communities which may include, but not be limited to: the Bangladeshi, Bhutanese, Cambodian, Chinese, Filipino, Hmong, Indian, Indonesian, Japanese, Korean, Laotian, Malaysian, Mongolian, Nepalese, Pakistani, Singaporean, Sri Lankan, Taiwanese, Thai, and Vietnamese communities. Such members shall have experience advocating on behalf of their community, and shall be appointed as follows:

(1) seven members shall be appointed by the governor;

(2) three members shall be appointed by the temporary president of the senate; and

(3) three members shall be appointed by the speaker of the assembly. The commissioner shall serve as chair of the commission.

(b) Each member of the commission shall serve a term of three years, except that in making the first appointments to the commission, four members shall be appointed to serve for one year, four for two years, and five for three years. The first appointments made by the temporary president of the senate and speaker of the assembly shall be allocated equally between the three terms of service. The first appointments made by the governor shall be as follows: two members shall be appointed to serve for one year, two members shall be appointed to serve for two years, and three members shall be appointed to serve for three years. The members shall be eligible for reappointment and shall serve until their successors are appointed and qualified, and the term of the successor of any incumbent shall be calculated from the expiration of the term of that incumbent. A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

(c) A majority of the members of the commission shall constitute a quorum for the purpose of conducting the business thereof and a majority vote of all the members in office shall be necessary for action.

2. The commission shall:

(a) develop policies to improve the community, economic and social well-being, and the health and educational needs important to Asian American and Pacific Islander communities in the state;

(b) develop and coordinate statewide programs, recognizing the continuing contributions of Asian American and Pacific Islander individuals in the state;

(c) create and implement public education campaigns regarding Asian American and Pacific Islander issues and culture;

(d) increase the awareness among Asian American and Pacific Islander individuals of state and local resources that may benefit Asian American and Pacific Islander individuals and communities as a whole; and

(e) undertake any other activities the commission deems necessary and applicable to support Asian American and Pacific Islander communities in the state.

3. The members of the commission shall serve without compensation, but they shall be entitled to reimbursement for all necessary expenses incurred in the performance of their duties. The division may provide the commission with such staff, equipment, and facilities as it may need.

4. The commission shall submit an annual report on its activities to the governor and the legislature.

§ 2. This act shall take effect immediately.

PART OO

Section 1. Declaration of policy and statement of purpose. It being in the vital interest of the general public that public works in the state of New York be administered efficiently and at a reasonable and equitable cost; and, the unforeseen emergency of unanticipated escalation in construction materials prices having imposed substantial inequity upon contractors who have heretofore been awarded contracts after public bidding; and, such inequity having threatened the ability of contractors to fulfill contracts so awarded; and, in order to perpetuate the benefits derived by the general public from the existing system of public bidding, and to assure the continuance of the orderly performance of contracts heretofore awarded as a result of such public bidding; and, it being in the best interest to provide equitable relief to those contractors who, having been awarded public contracts, have sustained damage by reason of such construction materials price escalation, this act is hereby enacted.

§ 2. Whenever the terms and conditions of a construction contract awarded by the state of New York or a public benefit corporation based upon bids submitted prior to April 1, 2020 but only for which materials were purchased or invoiced after March 1, 2020, require a contractor to furnish materials in such contract pertaining to such construction materials may be adjusted upon a determination made by the officer of the department, board, agency or public benefit corporation that awarded such contract that there has been an increase in the cost of acquisition by the contractor, subcontractor or supplier of materials of such materials in excess of five percent, determined as of the time of the award. Such a determination shall be based upon the available evidence, including but not limited to, an appropriate nationally recognized economic index published by the United States department of labor or other appropriate organization. In the case of any state department or agency any such increase in contract price shall be subject to the approval of the state comptroller. Any contractor, subcontractor or supplier of materials who receives an increase in the cost of construction materials shall also be subject to a downward adjustment in construction materials prices for subsequent de-escalation which may result in a price being lower than the original bid price. Any contractor requesting an adjustment shall make application in writing submitting documentary evidence to the office of the department, board, agency or public benefit corporation

that awarded the contract establishing such increase in accordance with the requirements of the department, board, agency or public benefit corporation, which evidence shall be subject to public inspection during regular business hours. Any subsequent decrease or de-escalation shall be made upon a determination by the officer of the department, board, agency or public benefit corporation that awarded such contract that there has been a subsequent decrease in the cost of acquisition of such construction materials by the contractor, subcontractor or supplier of materials. Such a determination shall be based upon the available evidence, including but not limited to, an appropriate nationally recognized economic index published by the United States department of labor or other appropriate organization. Upon the agreement of the parties, the contract may be amended in writing to reflect the increased or decreased cost of acquisition of such materials insofar as it exceeds five percent thereof and such contract amendment shall state the amount of adjustment and the basis therefor, but in no event shall direct labor costs, additional profit or overhead be part of such adjustment. To the extent a construction contract is subject to approval by the state comptroller, and as to the form and manner of execution, by the attorney general, every such contract amendment shall be subject to the approval of the state comptroller, and as to form and manner of execution, by the attorney general. No adjustment shall be granted in an amount which, together with any other sum obligated under the contract, shall exceed the money appropriated or otherwise lawfully available for the project.

§ 3. (a) The commissioner of general services in contracting for commodities is authorized, with the approval of the state comptroller, to terminate or suspend for a part of its term any state contract award for the purchase of commodities upon written application for such termination or suspension by the vendor, where extraordinary and unforeseen general market conditions have caused increases in the vendor's costs for construction materials or other physical elements consisting of construction materials to be sold under the contract, where the contract covers materials which were purchased or invoiced after March 1, 2020, and the commissioner of general services determines upon evidence furnished by the vendor as required and deemed to be sufficient by the commissioner that as the direct and sole result of such increases during the term of the contract, which exceed five percent of the contractor's aggregate acquisition costs determined as of the time of the award, the contractor has incurred or will incur an actual net loss on such contract from the estimated sales made under the contract and the contractor would continue to incur such net losses unless the contract is suspended or terminated. Such a determination shall be based upon the available evidence, including but not limited to, an appropriate nationally recognized economic index published by the United States department of labor or other appropriate organization.

(b) The commissioner of general services is further authorized, following the determination made pursuant to the provisions of subdivision (a) of this section that the contractor has incurred or will incur an actual net loss on such contract from the sales made under the contract, to grant an increase or increases in the prices of the commodities specified by the contract, in amounts necessary to prevent further net losses to the contractor on such contract from deliveries to be made thereafter under the contract, as compensation for and not exceeding increases of the contractor's acquisition costs during the contract term. Any such increase in contract prices shall be subject to the approval of the state comptroller. Any contractor who receives an

increase in the price of the commodities shall also be subject to a downward adjustment in the price of the commodities for subsequent de-escalation which may result in a price being lower than the original bid price. Any subsequent decrease or de-escalation shall be made upon a determination by the officer of the department, board, agency or public benefit corporation that awarded such contract that there has been a subsequent decrease in the cost of acquisition of such construction materials by the contractor, subcontractor or supplier of materials. Such a determination shall be based upon the available evidence, including but not limited to, an appropriate nationally recognized economic index published by the United States department of labor or other appropriate organization.

(c) All records, books and documents of the contractor which are related or useful to the determinations made by the commissioner of general services and to the approval of the state comptroller hereunder shall be subject to audit and examination by the state comptroller.

§ 4. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2024.

PART PP

Section 1. Section 70 of the state law, as amended by section 1 of part U of chapter 58 of the laws of 2020, is amended to read as follows:

§ 70. Description of the arms of the state and the state flag. The device of arms of this state is hereby declared to be correctly described as follows:

Charge. Azure, in a landscape, the sun in fess, rising in splendor or, behind a range of three mountains, the middle one the highest; in base a ship and sloop under sail, passing and about to meet on a river, bordered below by a grassy shore fringed with shrubs, all proper.

Crest. On a wreath azure and or, an American eagle proper, rising to the dexter from a two-thirds of a globe terrestrial, showing the north Atlantic ocean with outlines of its shores.

Supporters. On a quasi compartment formed by the extension of the scroll.

Dexter. The figure of Liberty proper, her hair disheveled and decorated with pearls, vested azure, sandaled gules, about the waist a cincture or, fringed gules, a mantle of the last depending from the shoulders behind to the feet, in the dexter hand a staff ensigned with a Phrygian cap or, the sinister arm embowed, the hand supporting the shield at the dexter chief point, a royal crown by her sinister foot dejected.

Sinister. The figure of Justice proper, her hair disheveled and decorated with pearls, vested or, about the waist a cincture azure, fringed gules, sandaled and mantled as Liberty, bound about the eyes with a fillet proper, in the dexter hand a straight sword hilted or, erect, resting on the sinister chief point of the shield, the sinister arm embowed, holding before her her scales proper.

Motto. On a scroll below the shield argent, in sable, [~~two lines. On line one,~~] Excelsior [~~and on line two, E pluribus unum~~].

State flag. The state flag is hereby declared to be blue, charged with the arms of the state in the colors as described in the blazon of this section.

§ 2. This act shall take effect immediately. All arms of the state and the state flags printed prior to the effective date need not be removed or replaced.

PART QQ

Section 1. The executive law is amended by adding a new article 15-D to read as follows:

ARTICLE 15-D
OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

Section 328-e. Definitions.
328-f. Office of racial equity and social justice; director, organization and employees.
328-g. Functions, powers and duties of the office.
328-h. Reporting.

§ 328-e. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Office" means the office of racial equity and social justice.

2. "Director" means the director of the office of racial equity and social justice.

3. "Equity" means fair and just opportunities and outcomes for all individuals.

4. "Social justice" means every individual deserves to benefit from the same economic, political and social rights and opportunities, free from health disparities, regardless of race; socioeconomic status; age; sex, including on the basis of gender identity or orientation; religion; disability; or other characteristics.

5. "Race" means a social construct that artificially divides people into distinct groups based on characteristics such as physical appearance, including color; ancestral heritage; cultural affiliation; cultural history; ethnic classification; and the social, economic and political needs of a society at a given period.

6. "Inequity" means systematic and patterned differences in well-being that disadvantage one group in favor of another caused by past and current decisions, systems of power and privilege, and policies.

7. "Individual racism" means explicit or implicit pre-judgment bias or discrimination by an individual based on race.

8. "Institutional racism" means policies, practices, and procedures that work better for some members of a community than others based on race.

9. "Racial equity and social justice" means changes in policy, practice and allocation of state resources so that race or social justice constructs do not predict an individual's success, while also improving opportunities and outcomes for all people.

§ 328-f. Office of racial equity and social justice; director, organization and employees. 1. The office of racial equity and social justice is hereby created within the executive department to have and exercise the functions, powers and duties provided by the provisions of this article and any other provision of law.

2. The head of the office shall be the director, who shall serve as the chief equity officer for the state of New York. The director shall be appointed by the governor with the consent and approval of the senate and receive a salary to be fixed by the governor within the amounts appropriated therefor.

3. The director may, from time to time, create, abolish, transfer and consolidate bureaus and other units within the office not expressly established by law as the director may determine necessary for the efficient operation of the office, subject to the approval of the director of the budget.

4. The director may appoint assistants, and other officers and employees, committees and consultants as the director may deem necessary, prescribe their powers and duties, fix their compensation within the amounts appropriated therefor.

5. The director may request and receive from any department, division, board, bureau, commission or other agency of the state any information and resources that will enable the office to properly carry out its functions, powers and duties.

§ 328-g. Functions, powers and duties of the office. The office shall have the following functions, powers and duties:

1. To act as the official state planning and coordinating office for changes in policy, practice and allocation of state resources so that race or social justice constructs do not predict an individual's success, while also improving opportunities and outcomes for all people, and performing all necessary and appropriate services required to fulfill these duties.

2. To establish, oversee, manage, coordinate and facilitate the planning, design and implementation of the state's racial equity and social justice action plan, such plan shall incorporate and embed racial equity and social justice principles and strategies into operations, programs, service policies and community engagement to eliminate inequity, institutional racism and individual racism in the state, and shall include racial equity and social justice training for all state employees.

3. To advise and assist the state agencies in developing policies, plans and programs for eliminating institutional racism and improving racial equity and social justice.

4. To perform racial equity and social justice reviews and make recommendations for improving management and program effectiveness pertaining to racial equity and social justice, including, but not limited to, an annual racial equity and social justice impact statement which shall accompany the executive budget.

5. To establish, oversee, manage a racial equity and social justice advisory committee, the composition and duties of such committee as determined by the director.

§ 328-h. Reporting. The office shall submit a report to the governor, the speaker of the assembly and the temporary president of the senate no later than one year after the effective date of this article and annually thereafter. Such report shall contain, at minimum, information related to policy recommendations of the office and the activities of the racial equity and social justice advisory committee. Such report shall also be published on the website of the office of the governor.

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

PART RR

Section 1. Subdivision (a) of section 161 of the family court act is amended to read as follows:

(a) The days and hours the court is open shall be as provided by rule of court; provided, that the chief administrator of the courts shall require that the court remain open until midnight at least one night a week in at least two counties in the city of New York, effective January first, two thousand twenty-four, and in at least three counties in such city, effective January first, two thousand twenty-five. When a court remains open until midnight on a day as provided herein, the chief administrator shall determine the classes of cases that may be heard in such court after five o'clock p.m. and such classes of cases may be

**heard by the court until midnight on such day; except that, where such classes include cases in which petitions are filed pursuant to articles three, six, eight, and ten of this act, the clerk of such court shall accept such petitions until eleven o'clock p.m. on such day**.

§ 2. Not later than December 1, 2025, the chief administrator of the courts shall submit to the legislature, the governor, and the chief judge of the state a report evaluating the use of family court in the counties wherein the chief administrator, pursuant to subdivision (a) of section 161 of the family court act, as amended pursuant to section one of this act, has required that the court remain open until midnight.

§ 3. This act shall take effect immediately and shall expire April 1, 2026 when upon such date the provisions of this act shall be deemed repealed.

PART SS

Section 1. Subdivision 14 of section 400.00 of the penal law, as amended by chapter 212 of the laws of 2022, is amended to read as follows:

14. Fees. In the city of New York and the [~~county~~] **counties** of Nassau **and Westchester**, the annual license fee shall be twenty-five dollars for gunsmiths and fifty dollars for dealers in firearms. In such city, the city council and in the [~~county~~] **counties** of Nassau **and Westchester** the [~~Board of Supervisors~~] **legislative body of such county** shall fix the fee to be charged for a license to carry or possess a pistol or revolver or to purchase or take possession of a semiautomatic rifle and provide for the disposition of such fees. Elsewhere in the state, the licensing officer shall collect and pay into the county treasury the following fees: for each license to carry or possess a pistol or revolver or to purchase or take possession of a semiautomatic rifle, not less than three dollars nor more than ten dollars as may be determined by the legislative body of the county; for each amendment thereto, three dollars, and five dollars in the county of Suffolk; and for each license issued to a gunsmith or dealer in firearms, ten dollars. The fee for a duplicate license shall be five dollars. The fee for processing a license transfer between counties shall be five dollars. The fee for processing a license or renewal thereof for a qualified retired police officer as defined under subdivision thirty-four of section 1.20 of the criminal procedure law, or a qualified retired sheriff, undersheriff, or deputy sheriff of the city of New York as defined under subdivision two of section 2.10 of the criminal procedure law, or a qualified retired bridge and tunnel officer, sergeant or lieutenant of the triborough bridge and tunnel authority as defined under subdivision twenty of section 2.10 of the criminal procedure law, or a qualified retired uniformed court officer in the unified court system, or a qualified retired court clerk in the unified court system in the first and second judicial departments, as defined in paragraphs a and b of subdivision twenty-one of section 2.10 of the criminal procedure law or a retired correction officer as defined in subdivision twenty-five of section 2.10 of the criminal procedure law shall be waived in all counties throughout the state.

§ 2. This act shall take effect immediately.

PART TT

Section 1. Subparagraph (i) of paragraph (e) of subdivision 6 of section 137 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

(i) he or she [~~has a current diagnosis of, or is diagnosed at the initial or any subsequent assessment conducted during the incarcerated individual's segregated confinement with, one or more of the following types of Axis I diagnoses, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, and such diagnoses shall be made based upon all relevant clinical factors, including but not limited to symptoms related to such diagnoses:~~

~~(A) schizophrenia (all sub-types),~~

~~(B) delusional disorder,~~

~~(C) schizophreniform disorder,~~

~~(D) schizoaffective disorder,~~

~~(E) brief psychotic disorder,~~

~~(F) substance-induced psychotic disorder (excluding intoxication and withdrawal),~~

~~(G) psychotic disorder not otherwise specified,~~

~~(H) major depressive disorders, or~~

~~(I) bipolar disorder I and II~~] is a person with a serious mental illness, as defined in subdivision fifty-two of section 1.03 of the mental hygiene law;

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

PART UU

Section 1. The criminal procedure law is amended by adding a new section 160.57 to read as follows:

§ 160.57 Automatic sealing of convictions.

1. Convictions for certain traffic infractions and violations or any crime defined in the laws of this state shall be sealed in accordance with paragraph (c) of this subdivision as follows:

(a) Convictions for subdivision one of section eleven hundred ninety-two of the vehicle and traffic law shall be sealed after three years.

(b) Criminal convictions for misdemeanors and felonies shall be sealed upon satisfaction of the following conditions:

(i) at least three years have passed from the imposition of sentence on the defendant's most recent misdemeanor conviction in this state and at least seven years have passed since the imposition of sentence on the defendant's most recent felony conviction in this state; in calculating the time periods under this section, any period of time during which the defendant was incarcerated on a determinate or indeterminate sentence for a period of at least one year shall be excluded and such time period shall be extended by a period equal to the time served under such incarceration with such period being calculated from the original sentencing date, notwithstanding any modification or vacatur of the original judgment, conviction, or sentence and the entry of the new judgment, conviction, or sentence;

(ii) the defendant does not have a subsequent criminal charge pending in this state;

(iii) the defendant is not currently under the supervision of any probation or parole department for the eligible conviction; and

(iv) the conviction is not defined as a sex offense under section one hundred sixty-eight-a of the correction law.

(c) Where a conviction is eligible for sealing pursuant to this section before, on, or after the effective date of this section, the division of criminal justice services shall immediately notify the office of court administration, the court of conviction, and the heads of all appropriate police and sheriff departments that the conviction is sealed.

(d) Records of convictions sealed pursuant to this section including photographs, photographic plates or proofs, palmprints, fingerprints or retina scans shall not be accessed by or made available to any person or public or private agency, or used by any entity covered by subdivision three of this section except for:

(i) the defendant and such defendant's counsel;

(ii) any court, defense counsel or prosecutor for the purposes of a pending criminal proceeding or proceedings brought in a criminal court pursuant to article six-C of the correction law;

(iii) qualified agencies, as defined in subdivision nine of section eight hundred thirty-five of the executive law, federal and state law enforcement agencies, and interstate and international authorities as defined in subdivision three of section two of the public authorities law, when acting within the scope of their law enforcement duties;

(iv) the court, prosecutor, and defense counsel if the defendant becomes a witness in a criminal proceeding, or the claimant and respondent if the defendant becomes a witness in a civil proceeding;

(v) when an individual is a defendant in a criminal proceeding or proceedings brought in a criminal court pursuant to article six-C of the corrections law and the sealed records of conviction of a third party are integral to their defense. In such instances, use of sealed records of conviction shall be requested upon ex parte motion in any superior court, or in any district court, city court or the criminal court of the city of New York provided that such court is where the action is pending. The applicant must demonstrate to the satisfaction of the court that the records will be used for the purpose of this subparagraph;

(vi) entities that are required by state or federal law to request and receive a fingerprint-based check of criminal history information, including the state education department office of school personnel review and accountability for the purposes of sections three thousand four-b, three thousand one-b, and three thousand thirty-five of the education law, provided, however, that a person whose criminal history information is retrieved pursuant to this paragraph shall be furnished with a copy of such information, together with a copy of article twenty-three-A of the correction law, and informed of his or her right to seek correction of any incorrect information contained in such criminal history information pursuant to regulations and procedures established by the division of criminal justice services;

(vii) pursuant to applicable regulations promulgated by the commissioner of the division of criminal justice services, specified entities that are authorized by state or federal law to request and receive a fingerprint-based check of criminal history information in relation to the provision of care or services to children, as defined in subdivision one of section three hundred seventy-one of the social services law, and vulnerable persons, as defined in subdivision fifteen of section four hundred eighty-eight of the social services law, provided, however, that a person whose criminal history information is retrieved pursuant to this paragraph shall be provided with a copy of such criminal history information, together with a copy of article twenty-three-A of the correction law, and informed of his or her right to seek correction of

any incorrect information contained in such criminal history information pursuant to regulations and procedures established by the division of criminal justice services;

(viii) any prospective employer of a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of this chapter, in relation to an application for employment as a police officer, provided, however, that every person who is an applicant shall be furnished with a copy of all records obtained under this paragraph and afforded an opportunity to make an explanation thereto;

(ix) any federal, state or local officer or agency with responsibility for the issuance of licenses to possess a firearm, rifle or shotgun or with responsibility for conducting background checks before transfer or sale of a firearm or explosive, when the officer or agency is acting pursuant to such responsibility. This includes the criminal justice information services division of the federal bureau of investigation, for the purposes of responding to queries to the national instant background check system regarding attempts to purchase or otherwise take possession of firearms, rifles or shotguns, as defined in 18 U.S.C. § 921 (A)(3);

(x) for the purposes of civilian investigation or evaluation of a civilian complaint or civil action concerning law enforcement or prosecution actions, upon ex parte motion in any superior court, or in any district court, city court or the criminal court of the city of New York provided that such court sealed the record; the applicant must demonstrate to the satisfaction of the court that the records will be used for the purposes of this subparagraph;

(xi) for information provided to an individual or entity pursuant to paragraph (e) of subdivision four of section eight hundred thirty-seven of the executive law or for bona fide research purposes provided all identifying information is removed;

(xii) when an individual seeks to avail themselves of a public program or benefit, including but not limited to an immigration benefit, for which the sealed records of conviction of a third party are integral to their application for such program or benefit. In such instances, the individual or their attorney shall request the use of sealed records pursuant to a form as prescribed in subdivision twenty-four of section eight hundred thirty-seven of the executive law;

(xiii) for the purpose of collection of restitution ordered pursuant to section 60.27 of the penal law. In such instances, use of sealed records shall be requested upon ex parte motion in any superior court, or in any district court, city court or criminal court of the city of New York provided that such court is where the action is pending. The applicant must demonstrate to the satisfaction of the court that the records will be used for the purpose of this subparagraph;

(xiv) transportation network companies that are required or authorized by state law to request criminal history information pursuant to section sixteen hundred ninety-nine of the vehicle and traffic law; and

(xv) the state education department office of the professions, for the purposes of:

(1) investigating professional misconduct as defined by subparagraph (i) of paragraph (a) of subdivision five of section sixty-five hundred nine of the education law or for consideration of restoration of a professional license pursuant to section sixty-five hundred eleven of the education law, provided that the office of the professions certifies to the division of criminal justice services that it is investigating an

individual licensed to practice a profession pursuant to article one hundred thirty of the education law for professional misconduct as defined by paragraph (a) of subdivision five of section sixty-five hundred nine of the education law or considering restoration of a professional license pursuant to section sixty-five hundred eleven of the education law, as appropriate, and that a person whose criminal history information is retrieved pursuant to this paragraph shall be furnished with a copy of such information, together with a copy of article twenty-three-A of the correction law, and informed of his or her right to seek correction of any incorrect information contained in such criminal history information pursuant to regulations and procedures established by the division of criminal justice services;

(2) issuing licenses for admission to practice specific professions defined in sections sixty-five hundred thirty, sixty-five hundred fifty-four, sixty-six hundred four, sixty-six hundred thirty-two, sixty-seven hundred thirty-four, sixty-eight hundred five, sixty-nine hundred five, sixty-nine hundred fifty-five, seven thousand four, seventy-one hundred four, seventy-four hundred four, seventy-six hundred three, seventy-eight hundred four, seventy-nine hundred four, eighty-two hundred six, eighty-two hundred fourteen, eighty-four hundred two, eighty-five hundred four, eighty-five hundred five, and eighty-eight hundred four of the education law, provided that the office of the professions certifies to the division of criminal justice services that it is evaluating an individual for a license to practice one of the enumerated professions and that a person whose criminal history information is retrieved pursuant to this paragraph shall be furnished with a copy of such information, together with a copy of article twenty-three-A of the correction law, and informed of his or her right to seek correction of any incorrect information contained in such criminal history information pursuant to regulations and procedures established by the division of criminal justice services.

(e) Where the sealing required by this paragraph has not taken place, or where supporting court records cannot be located or have been destroyed, and a defendant or their attorney submits notification of such fact to the division of criminal justice services, as prescribed in subdivision twenty-four of section eight hundred thirty-seven of the executive law, within thirty days of such notice to the division, the conviction shall be sealed as set forth in this subdivision.

2. Where a conviction is eligible for sealing pursuant to this section before, on, or after the effective date of this section, the commissioner of the division of criminal justice services shall immediately notify the office of court administration, the court of conviction and the heads of all appropriate police departments, prosecutors' offices and law enforcement agencies that the conviction is sealed. Upon receipt of such notification, records of or relating to such conviction shall be immediately sealed pursuant to this section.

(a) Any such entity that possesses information, records, documents or papers related to the eligible conviction shall seal them as follows:

(i) Every photograph of such defendant and photographic plates or proof, and all palmprints, fingerprints and retina scans taken or made of such individual pursuant to the provisions of this article in regard to the eligible conviction, and all duplicates, reproductions, and copies thereof, except a digital fingerprint that is on file with the division of criminal justice services for a conviction that has not been sealed pursuant to this section shall be marked as sealed by the division of criminal justice services and by any police department,

prosecutor's office or law enforcement agency having any such photograph, photographic plate or proof, palmprint, fingerprints or retina scan in its possession or under its control by conspicuously indicating on the face of the record or at the beginning of the digitized file of the record that the record has been designated as sealed. Where fingerprints subject to the provisions of this section have been received by the division of criminal justice services and have been filed by the division as digital images, such images may remain unsealed, provided that a fingerprint card of the individual is on file with the division which was not sealed pursuant to this section.

(ii) Every official record and paper and duplicates and copies thereof, including, but not limited to, judgments and orders of a court but not including published court decisions or opinions or records and briefs on appeal, relating to the conviction, on file with the agency shall be marked as sealed by conspicuously indicating on the face of the record or at the beginning of the digitized file of the record that the record has been designated as sealed.

(b) Third-party agencies shall seal information and all records, documents and papers relating to the eligible conviction as follows:

(i) Every police department, prosecutor's office or law enforcement agency, including the division of criminal justice services, which transmitted or otherwise forwarded to any agency of the United States or of any other state or jurisdiction outside of this state copies of any such photographs, photographic plates or proofs, palmprints, fingerprints or retina scans, shall forthwith formally inform such agency in writing that the matter has been sealed and request in writing that all such copies be marked as sealed by conspicuously indicating on the face of the record or at the beginning of the digitized file of the record that the record has been designated as sealed.

(ii) Every official record and paper and duplicates and copies thereof, including, but not limited to, judgments and orders of a court but not including published court decisions or opinions or records and briefs on appeal, relating to the conviction, on file with the agency shall be marked as sealed by conspicuously indicating on the face of the record or at the beginning of the digitized file of the record that the record has been designated as sealed.

3. (a) Nothing in this section requires the sealing or destruction of DNA information maintained in the New York state DNA database of such individual pursuant to the provisions of the executive law in regard to the eligible conviction.

(b) Nothing in this section requires the sealing or destruction of records maintained by the department of motor vehicles, and nothing in this section shall be construed to contravene the vehicle and traffic law, the federal driver's privacy protection act (18 U.S.C 2721 et. seq.), the REAL ID Act of 2005 (Public Law 109-13; 49 U.S.C. 30301 note), section 7209 of the Intelligence Reform and Terrorism Prevention Act of 1986 (49 U.S.C. 31311), or regulations promulgated pursuant to any such chapter or act.

(c) The division of criminal justice services is authorized to disclose a conviction that is sealed pursuant to this section to entities that are required by federal law, or by rules and regulations promulgated by a self-regulatory organization created under federal law, to consider sealed convictions. Such entities must certify to the division that they are required by federal law, or by rules and regulations promulgated by a self-regulatory organization that has been created under federal law, to make an inquiry about or consider records sealed

pursuant to this section for purposes of employment, licensing, or clearance. To the extent permitted by federal law, a record sealed pursuant to this section may not be considered a conviction that would prohibit the employment, licensing or clearance of the defendant.

(d) Nothing in this section shall prohibit entities required by federal law, or by rules and regulations promulgated by a self-regulatory organization that has been created under federal law, from making an inquiry about or considering an applicant's criminal history for purposes of employment, licensing, or clearance from inquiring into convictions sealed pursuant to this section.

(e) In any civil action, an official record of a conviction that has been sealed pursuant to this section may not be introduced as evidence of negligence against a person or entity that provided employment, contract labor or services, volunteer work, licensing, tenancy, a home purchase, a mortgage, an education, a loan, or insurance if such record was sealed and was not provided to the person or entity by or on behalf of a governmental entity in accordance with this section in response to such person's or entity's authorized and timely request for conviction history information.

(f) A person or entity described in this subdivision, acting reasonably and in good faith, may not have a duty to investigate the fact of a prior conviction that has been sealed pursuant to this section.

4. No defendant shall be required or permitted to waive eligibility for sealing pursuant to this section as part of a plea of guilty, sentence or any agreement related to a conviction for a violation of the laws of this state. Any such waiver is void and unenforceable.

5. Sealing as set forth in subdivision two of this section is without prejudice to a defendant or their attorney seeking further relief pursuant to article four hundred forty of this chapter. Nothing in this section is intended or shall be interpreted to diminish or abrogate any rights or remedies otherwise available to the defendant.

6. All records for a conviction subject to sealing under this section where the conviction was entered on or before the effective date of this section shall receive the appropriate relief promptly and, in any event, no later than two years after such effective date.

7. A conviction which is sealed pursuant to this section is included within the definition of a conviction for the purposes of any criminal proceeding in which the fact of a prior conviction would enhance a penalty or is an element of the offense charged.

8. Any defendant claiming to be aggrieved by a violation of this section shall have a cause of action in any court of appropriate jurisdiction for damages, including punitive damages, and such other remedies as may be appropriate. The provisions of this article shall also be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law.

§ 2. Section 845-d of the executive law is amended by adding a new subdivision 4 to read as follows:

4. Nothing in this section shall authorize the division to provide criminal history information that is sealed pursuant to section 160.57 of the criminal procedure law to any entity other than those explicitly authorized by that section to receive or access such information.

§ 3. Section 837 of the executive law is amended by adding three new subdivisions 24, 25 and 26 to read as follows:

24. Promulgate a standardized form for use by individuals to notify the division of criminal justice services of convictions subject to sealing under section 160.57 of the criminal procedure law, but for

which the division has not taken the requisite action for related records.

25. Promulgate a certification process whereby individuals seeking use of sealed records pursuant to subparagraph (xii) of paragraph (d) of subdivision one of section 160.57 of the criminal procedure law may request and access records.

26. Adopt, amend and rescind such regulations as may be necessary to effectuate the provisions of subparagraph (vii) of paragraph (d) of subdivision one of section 160.57 of the criminal procedure law to determine entities authorized to receive sealed records for purposes of occupations that involve regular and substantial unsupervised or unrestricted physical contact with children as defined in subdivision one of section three hundred seventy-one of the social services law, and vulnerable persons, as defined in subdivision fifteen of section four hundred eighty-eight of the social services law.

§ 4. Subdivision 16 of section 296 of the executive law, as amended by section 2 of subpart O of part II of chapter 55 of the laws of 2019, is amended to read as follows:

16. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.59 or 160.58 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.57 of the criminal procedure law, except where such conviction record is accessed pursuant to subparagraph (vi), (vii), or (xv) of paragraph (d) of subdivision one of section 160.57 of the criminal procedure law, in connection with the licensing, housing, employment, including volunteer positions, or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.57 of the criminal procedure law, except where such conviction record is accessed pursuant to subparagraph (vi), (vii), or (xv) of paragraph (d) of subdivision one of section 160.57 of the criminal

**procedure law**. An individual required or requested to provide information in violation of this subdivision may respond as if the arrest, criminal accusation, or disposition of such arrest or criminal accusation did not occur. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law**, or by a conviction which is sealed pursuant to section 160.57 of the criminal procedure law**. For purposes of this subdivision, an action which has been adjourned in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, shall not be considered a pending action, unless the order to adjourn in contemplation of dismissal is revoked and the case is restored to the calendar for further prosecution.

§ 5. Section 9 of the correction law, as added by section 2 of part OO of chapter 56 of the laws of 2010, the section heading as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9. Access to information of incarcerated individuals via the internet. Notwithstanding any provision of law to the contrary, any information relating to the conviction of a person[~~, except for a person convicted of an offense that would make such person ineligible for merit time under section eight hundred three of this chapter or an offense for which registration as a sex offender is required as set forth in subdivision two or three of section one hundred sixty-eight-a of this chapter,~~] that is posted on a website maintained by or for the department, under article six of the public officers law, may be posted on such website for a period not to exceed [~~five~~] **three** years after the expiration of such person's sentence of imprisonment and **at the conclusion of** any period of parole or post-release supervision[~~; provided, however, that in the case of a person who has been committed to the department on more than one occasion, the department may post conviction information relating to any prior commitment on such website for a period not to exceed five years after the expiration of such person's sentence of imprisonment and any period of parole or post-release supervision arising from the most recent commitment to the department~~].

§ 6. Severability. If any provision of this act or the application thereof to any person, corporation or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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

PART VV

Section 1. Short title. This act shall be known and may be cited as the "detailed assessment of technological assets in the state act (DATA state act) of 2023".

§ 2. Section 103 of the state technology law is amended by adding a new subdivision 23 to read as follows:

23. To collect and compile a comprehensive database of inventories of the information systems maintained by or on behalf of the state entity pursuant to section four hundred two of this chapter, and publish reports pursuant to section four hundred three of this chapter, and to provide any technical assistance and resources to state entities as needed to comply with the provisions of section four hundred two of this chapter.

§ 3. The state technology law is amended by adding a new article 4 to read as follows:

ARTICLE IV

STATE DATA AND INFORMATION SYSTEMS

Section 401. Definitions.
402. Data and information system inventory.
403. Inventory database and reporting.

§ 401. Definitions. For the purpose of this article:

1. "Information system" shall mean any good, service or a combination thereof, used by any computer, cloud service, or interconnected system that is maintained for or used by a state entity in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or voice including, but not limited to, hardware, software, information appliances, firmware, programs, systems, networks, infrastructure, media, print and non-digitized methods, and related material used to automatically and electronically collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, coverage, interface, switch, or disseminate data of any kind or form.

2. "State entity" shall mean any state board, bureau, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function, including the office of court administration, for the state of New York, except all cities, counties, municipalities, villages, towns, and other local agencies.

3. "Immutable" shall mean data that is stored unchanged over time or unable to be changed. This shall specifically apply to the characteristics and attributes of a backup system's file system and may not be applied to temporary systems state, time-bound or expiring configurations, or temporary conditions created by a physical air gap as is implemented in most legacy systems. An immutable file system must demonstrate characteristics that do not permit the editing or changing of any data backed up to provide agencies with complete recovery capabilities.

4. "Inventory" shall mean a comprehensive list of all data, metadata, information systems and assets that a state entity has, including details about their usage, storage, and user access.

5. "Mission critical" shall mean any system that is essential to the state entity's functionality.

§ 402. Data and information system inventory. 1. No later than fifteen months after the effective date of this article, the office shall collect and compile a comprehensive database of inventories of the information systems maintained by or on behalf of the state entity and update such database annually thereafter.

2. No later than one year after the effective date of this article and annually thereafter, each state entity shall create, and submit to the office, an inventory of the information systems maintained by or on behalf of the state entity and the purpose or purposes for which each such information system is maintained and used. The inventory shall denote those information systems that are mission critical, those that use personal information, and whether the information system is protected by immutable backups. For the purposes of backups, "immutable" shall mean that no external or internal operation can modify the data once established, and the data may not be available in a read or write state to any third party.

3. No later than one year after the effective date of this article, and annually thereafter, each state entity shall create, and submit to the office, an inventory of the data maintained by the state entity and the purpose or purposes for which such data is maintained and used. The inventory shall include a listing of all personal information maintained by the state entity, along with the source and age of such information, which job titles have access to the information, the number of individuals who are reasonably expected to have access to the data by job title, justification for each job title's access to such data, and on which information system the data is stored. Such inventory shall include an assessment of the digitization needs, the level of digitization of records and data of the entity, and the limitations of processing, program implementation, and service delivery for the entity due to lack of digital information systems.

4. Notwithstanding subdivisions one and two of this section, where a state entity already maintains a data inventory or information systems inventory, such state entity shall update such completed data inventory or information system inventory and submit to the office no later than one year after the effective date of this section.

5. To effectuate the purposes of this section, the office may request and shall receive from any department, division, board, bureau, commission or other agency of the state or any state public authority such assistance, information and data as will enable the office to carry out its powers and duties under this section. A state entity may request and shall receive, from the office, any technical assistance or resources necessary for compliance with the provisions of this section.

§ 403. Inventory database and reporting. The office shall submit a report on the database accompanied by all inventories collected pursuant to section four hundred two of this article no later than one year after the effective date of this article, and annually thereafter, to the speaker of the assembly, the temporary president of the senate, the office of the state comptroller, the senate chair of the committee on internet and technology, and the assembly chair of the committee on science and technology. The report shall include, but not be limited to, information regarding vulnerability assessments, incident response plans, current risk assessments, third-party risk management, and current compliance with federal laws relating to cybersecurity and data protection.

§ 4. This act shall take effect immediately.

PART WW

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

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

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

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

§ 2. This act shall take effect immediately.

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

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

The EMT service credit with NYCERS must immediately precede service in FIRE. If properly transferred or purchased, such service shall be deemed as pensionable service for purposes of determining the eligibility for benefits and benefit amounts in FIRE.

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

Effective Date: Upon enactment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Not measured in this Fiscal Note are the following:

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

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

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

STATEMENT OF ACTUARIAL OPINION: I, Marek Tyszkiewicz, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am an Associate of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2023-01 dated February 10, 2023 was prepared by the Chief Actuary for the New York City Fire Pension Fund. This estimate is intended for use only during the 2023 Legislative Session.

PART XX

Section 1. Section 218 of the judiciary law is REPEALED and a new section 218 is added to read as follows:

**§ 218. Audio-visual coverage of judicial proceedings. 1. Authorization. Subject to the authority of the judge or justice presiding over the proceeding to exercise sound discretion to prohibit filming or photographing of particular participants in judicial proceedings to ensure safety and the fair administration of justice, audio-visual and still photography coverage of public judicial proceedings in the appellate and trial courts of this state shall be allowed in accordance with this section.**

**2. Equipment and personnel. The following shall be permitted in any trial or appellate court proceeding:**

**(a) At least two compact video cameras, each operated by no more than one camera person. Additional permitted cameras shall be within the sole discretion and authority of the judge or justice presiding over the proceeding.**

**(b) Not more than two still photographers, using not more than two still cameras each.**

**(c) Not more than one audio system for radio broadcast purposes. Audio pickup for all media purposes shall be provided by existing audio systems present in the courtroom. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for media purposes shall be permissible provided they are unobtrusive and shall be located in places designated in advance of any proceeding by the judge or justice presiding over the proceeding.**

**(d) Any pooling arrangements among members of the media concerning equipment and personnel shall be the sole responsibility of such members without calling upon the judge or justice presiding over the proceeding to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement concerning disputed equipment or personnel**

issues, the judge or justice presiding over the proceeding may exclude all contesting media personnel from a proceeding.

3. Livestreaming. (a) Within six months of the effective date of this section, and subject to appropriation by the legislature, the chief administrator of the courts shall provide for:

(i) the installation and maintenance of cameras in all Supreme, County, City, and Appellate courtrooms;

(ii) the transmission of live proceedings on a publicly available website, free of charge, in audio-visual form; and

(iii) the preservation of all recordings in archival form on a publicly available website for continued access, free of charge.

(b) Within eighteen months of the effective date of this section, and subject to appropriation by the legislature, the chief administrator of the courts shall provide for:

(i) the installation and maintenance of cameras in all Family, Town, and Village courtrooms;

(ii) transmission of live proceedings on a publicly available website, free of charge, in audio-visual form; and

(iii) preservation of all recordings in archival form on a publicly available website for continued access, free of charge.

4. Sound and light criteria. Video and audio equipment, including still camera equipment, whether film or digital, shall not be permitted if it produces disorienting sound or light. No artificial lighting device of any kind shall be used in connection with the video equipment or still camera.

5. Location of equipment personnel. Video camera equipment and still camera photographers shall be positioned in such location in the courtroom as shall be designated by the chief administrative judge of the court or the chief administrative judge's designee. The area designated shall provide reasonable access to coverage of the proceedings. Still camera photographers shall assume a fixed position within the designated area and shall not be permitted to move about to obtain photographs of court proceedings. Media representatives shall not move about the court facility while proceedings are in session, and microphones or taping equipment shall not be moved during the pendency of the proceeding.

6. Equipment movement during proceedings. News media photographic or audio equipment shall not be placed in or removed from the court facility except before commencement or after adjournment of proceedings each day, or during a recess. Neither video cassettes or film magazines nor still camera film, digital media cards or lenses shall be changed within a courtroom except during a recess in the proceeding.

7. Courtroom light sources. With the concurrence of the chief administrative judge of the court, modifications and additions may be made in light sources existing in the courtroom, provided such modifications or additions are installed and maintained without public expense.

8. Conferences of counsel. To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences that occur in a courtroom between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding judge held at the bench.

9. Impermissible use of media material. Film, digital files, videotape, still photographs, or audio reproductions captured or recorded during or by virtue of coverage of a judicial proceeding shall not be admissible as evidence in the proceeding out of which it arose, in any proceeding subsequent or collateral thereto, or upon retrial or appeal of such proceedings.

**10. Written order. An order restricting audio-visual coverage with respect to a particular participant shall be in writing and be included in the record of such proceeding. The order must state good cause why such coverage will have a substantial effect upon the individual which would be qualitatively different from the effect on members of the public in general and that such effect will be qualitatively different from coverage by other types of media. Before prohibiting audio-visual coverage, the presiding judge must first consider the imposition of special limitations, such as a delayed or modified still or audio-visual coverage of the proceedings.**

**11. Closing the courtroom. No audio-visual coverage or livestreaming will be permitted during any period in which the courtroom is lawfully closed to the general public in accordance with the United States and New York Constitutions, New York law and court rules.**

**12. Appellate review. Interlocutory review of an order restricting audio-visual coverage shall be expedited in accordance with the rules of the applicable appellate court.**

**13. Regulations. The provisions of this act shall supersede any provision to the contrary in Part 131 of the Rules of the Chief Administrative Judge, 22 NYCRR Part 131, Part 29 of the Rules of the Chief Judge, 22 NYCRR Part 29, and any other court rule regarding audio-visual coverage of judicial proceedings.**

§ 2. Section 52 of the civil rights law is REPEALED.

§ 3. Subdivision 5 of section 751 of the judiciary law, as added by chapter 187 of the laws of 1992, is amended to read as follows:

5. Where any member of the [~~news~~] media as [~~defined in subdivision two of~~] **referenced in** section two hundred eighteen of this chapter, willfully disobeys a lawful mandate of a court issued pursuant to such section, the punishment for each day that such contempt persists may be by a fine fixed in the discretion of the court, but not to exceed five thousand dollars per day or imprisonment, not exceeding thirty days, in the jail of the county where the court is sitting or both, in the discretion of the court. In fixing the amount of the fine, the court shall consider all the facts and circumstances directly related to the contempt, including, but not limited to: (i) the extent of the willful defiance of or resistance to the court's mandate, (ii) the amount of gain obtained by the willful disobedience of the mandate, and (iii) the effect upon the public and the parties to the proceeding of the willful disobedience.

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

PART YY

Section 1. Subparagraph (i) of paragraph a of subdivision 2 of section 679-e of the education law, as amended by section 1 of part R of chapter 57 of the laws of 2011, is amended to read as follows:

(i) "Eligible attorney" means an attorney, who is a resident of and is admitted to practice law in New York state, who is employed full-time as either a district attorney, as defined in subparagraph (ii) of this paragraph, or an indigent legal services attorney, as defined in subparagraph (iii) of this paragraph **or an attorney working as assigned counsel pursuant to article eighteen-B of the county law who provides an annual average of one hundred twenty hours per month to assigned counsel cases**, who is admitted to practice law in this state for not more than eleven years or who was within the eligible period as defined in para-

graph b of this subdivision during the time for which such person is seeking a student loan expense grant. Notwithstanding the foregoing, an eligible attorney shall include those district attorney applicants who were awarded program eligibility and who provided qualified service between April first, two thousand eight and March thirty-first, two thousand eleven; such an eligible attorney shall remain eligible to participate in the program provided they are within an eligible period measured from six years from the date which such attorney was first employed as a district attorney.

§ 2. Paragraph b of subdivision 2 of section 679-e of the education law, as amended by section 1 of part VV of chapter 56 of the laws of 2009, is amended to read as follows:

b. "Eligible period" means the [~~six-year~~] **eight-year** period after completion of the [~~third~~] **second** year and before the commencement of the [~~tenth~~] **eleventh** year of employment as an eligible attorney. For purposes of this section, all periods of time during which an admitted attorney was employed as an eligible attorney and all periods of time during which a law school graduate awaiting admission to the New York state bar was employed by a prosecuting [~~or~~] **agency,** criminal defense agency**, non-profit indigent civil legal services corporation, or as assigned counsel** as permitted by section four hundred eighty-four of the judiciary law shall be combined.

§ 3. Paragraph d of subdivision 2 of section 679-e of the education law, as amended by section 1 of part VV of chapter 56 of the laws of 2009, is amended to read as follows:

d. "Year of qualified service" means the twelve month period measured from the anniversary of the attorney's employment as an eligible attorney, or as a law school graduate awaiting admission to the New York state bar employed by a prosecuting [~~or~~] **agency,** criminal defense agency**, non-profit indigent civil legal services corporation, or as assigned counsel** as permitted by section four hundred eighty-four of the judiciary law, adjusted for any interruption in employment. **Vacation or leave time provided by the employer or leave taken for a condition that is a qualifying reason for leave under the Family and Medical Leave Act of 1993, 29 U.S.C. 2612(a)(1) and (3) shall not be considered an interruption in qualifying employment.** Any period of [~~temporary leave from service~~] **interruption in qualifying employment** taken by an eligible attorney shall not be considered in the calculation of qualified service. However, the period of [~~temporary leave shall be considered an~~] interruption in **qualifying** employment and the calculation of the time period of qualified service shall recommence when the eligible attorney returns to [~~full time~~] service.

§ 4. Paragraph a of subdivision 3 of section 679-e of the education law, as amended by section 1 of part VV of chapter 56 of the laws of 2009, is amended to read as follows:

a. An eligible attorney may apply for reimbursement after the completion of each year of qualified service provided however that reimbursement to each eligible attorney shall not exceed [~~three thousand four hundred~~] **eight thousand** dollars, per qualifying year, subject to appropriations available therefor. The president may establish: (i) an application deadline and (ii) a method of selecting recipients if in any given year there are insufficient funds to cover the needs of all the applicants. Awards shall be within the amounts appropriated for such purpose and based on availability of funds.

§ 5. Paragraph b of subdivision 3 of section 679-e of the education law, as amended by section 1 of part VV of chapter 56 of the laws of 2009, is amended to read as follows:

b. An eligible attorney may apply after the completion of the [~~fourth~~] **second** year of qualified service, and annually thereafter after the completion of the [~~fifth~~] **third** through [~~ninth~~] **eleventh** year of qualified service, and may seek a student loan expense grant for only the previous year of qualified service within the time periods prescribed by the president. An eligible attorney may receive student loan expense grants for no more than [~~six~~] **eight** years of qualified service within an eligible period.

§ 6. This act shall take effect April 1, 2024. Nothing in this act shall be implemented in a manner that diminishes the current award or status of eligible attorneys currently participating in the program.

PART ZZ

Intentionally Omitted

PART AAA

Section 1. Section 912 of the general municipal law, as added by chapter 390 of the laws of 1972, is amended to read as follows:

§ 912. Orange county industrial development agency. **1.** For the benefit of the county of Orange and the inhabitants thereof, an industrial development agency, to be known as the ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of **this** article [~~eighteen-A of this chapter~~]. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of **this** article [~~eighteen-A of this chapter~~] upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of **this** article [~~eighteen-A of this chapter~~]. Its members shall be appointed by the governing body of the county of Orange. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of **this** article [~~eighteen-A of this chapter~~].

**2. (a) In accordance with the powers of the authorities budget office established by title two of article one of the public authorities law, up to two monitors shall be appointed by and serve at the pleasure of the director of the authorities budget office ("director") to carry out the provisions of this act including but not limited to providing oversight, guidance and technical assistance related to the fiscal policies, practices, programs and decisions of the Orange county industrial development agency, including but not limited to decisions, actions and policies related to contracts and payment in lieu of taxes agreements.**

**(b) The reasonable and necessary expenses incurred by the monitor or monitors while performing his or her official duties shall be paid by the industrial development agency. Notwithstanding any other provision of law, the monitor or monitors shall be entitled to defense and indemnification by the industrial development agency to the same extent as an industrial development agency board member, officer, employee or agent.**

**(c) The monitor or monitors shall be entitled to attend all meetings of the industrial development agency, including executive sessions;**

provided however, such monitor or monitors shall not be considered for purposes of establishing a quorum of the board, provided further that the monitor or monitors may be excused from executive sessions when proposed, pending or current litigation involving the monitor or monitors or the department are being discussed. The industrial development agency shall cooperate with any monitor or monitors with access, within forty-eight hours of such request from the monitor or monitors, to any necessary documents and records of the industrial development agency including but not limited to databases and planning documents, payment in lieu of taxes agreements, and contracts consistent with all applicable state and federal statutes. The monitor or monitors shall provide a copy of such request for any document or record to the industrial development agency board.

(d) The board shall provide the monitor or monitors with copies of any meeting agendas and all resolutions and motions on such agenda for each board meeting no later than seventy-two hours prior to such board meeting. If a proposed resolution or motion is for the purpose of approving a contract or a payment in lieu of taxes agreement, the board clerk shall provide the monitor or monitors with copies of the proposed contract or payment in lieu of taxes language at least seven days prior to such meeting.

(e) In the event the monitor or monitors are not provided with copies of proposed resolutions or motions seventy-two hours prior to a board meeting or in the case of a proposed motion or resolution for the purpose of approving a contract or payment in lieu of taxes agreement, seven days prior to the next board meeting, the monitor or monitors may, at their discretion, remove an item including board resolutions or motions, from consideration by the board at such meeting. Upon failure of the board to provide proposed resolutions or motions as required by this section, the monitor or monitors shall provide notice of failure to the board. An item removed from consideration by the monitor or monitors may not be reconsidered by the board for a period of ten days or the next board meeting; whichever is later unless the monitor or monitors expressly authorizes consideration at an earlier date.

(i) The monitor or monitors shall have the discretion to disapprove of any contract, payment in lieu of taxes agreement, agreement to waive mortgage recording taxes, or agreement to provide sales tax exemptions proposed by the board upon or after the effective date of this subdivision with seventy-two hours notice prior to the planned consideration of such contract, payment in lieu of taxes agreement, agreement to waive mortgage recording taxes, or agreement to provide sales tax exemptions; provided however, that the monitor or monitors must provide a written explanation for such decision; and provided further, that the director shall have discretion to overturn such decision.

(ii) The monitor or monitors shall have the discretion to make changes or additions to the by-laws and policies of the industrial development agency; provided however, that such changes must be made with seventy-two hours written notice to the board.

(iii) The monitor or monitors shall have the discretion to make changes or additions to the industrial development agency's uniform tax exemption policy; provided however, that such changes must be made with seventy-two hours written notice to the board.

(iv) The monitor or monitors shall have the discretion to compel the return of all or part of the financial assistance provided for any project, including all or part of the amount of any tax exemptions, as specified in the policy, where the monitors determine, through the agen-

cy's annual assessment of a project, or through any other means, that a project shows material shortfalls in job creation and retention projections or material violations of the terms and conditions of project agreements. All such returned amounts of tax exemptions shall be redistributed to the appropriate affected tax jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.

(f) The board, in consultation with the monitor or monitors, shall adopt a conflict of interest policy that complies with all existing applicable laws, rules and regulations that ensures its board members and administration act in the interests of orange county and comply with all applicable legal requirements. The conflict of interest policy shall include, but not be limited to:

(i) a definition of the circumstances that constitute a conflict of interest;

(ii) procedures for disclosing a conflict of interest to the board;

(iii) a requirement that the person with the conflict of interest not be present at or participate in board deliberations or votes on the matter giving rise to such conflict, provided that nothing in this subdivision shall prohibit the board from requesting that the person with the conflict of interest present information as background or answer questions at a board meeting prior to the commencement of deliberations or voting thereto;

(iv) a prohibition against any attempt by the person with the conflict to influence improperly the deliberation or voting on the matter giving rise to such conflict;

(v) compliance with all applicable state laws and regulations; and

(vi) a requirement that the existence and resolution of the conflict be documented in the board's records, including in the minutes of any meeting at which the conflict was discussed or voted upon.

(g) In the event that the monitor or monitors find that an adopted resolution or motion, a proposed resolution or motion, or that the board's failure to act violates state law, the rules of the industrial development agency, the provisions of title one of this article, this section, or is inconsistent with the economic interests of orange county and its constituents, the monitor or monitors may:

(i) Override adopted or proposed resolutions or motions by the board through the issuance of a directive which shall contain the specific findings as to the necessity of such override and any potential corrective action by the board that would address the deficiency in such adopted or proposed resolution or motion. The monitor or monitors shall provide written notice to the board to override the adopted or proposed resolution or motion at any time but in no event later than forty-eight hours after such resolution or motion was adopted by the board unless the director has extended the period to override due to extenuating circumstances that necessitate additional time. The override notice shall stay the proceedings of the board on such adopted resolution or motion or, if the notice is provided prior to action by the board, it shall remove such proposed resolution or motion from consideration by the board pending the issuance of a directive by the monitor or monitors. The monitor or monitors must submit the directive to the board and the director no later than ten days following notice of such override. Upon the issuance of a directive, the override of the board's adopted or proposed resolution or motion shall be final and conclusive unless the monitor or monitors fail to issue such directive within 10 days or within such period established by the monitor or monitors if the period was extended, withdraws such override, or the director overrules the monitor

or monitors' override within ten days of the issuance of the directive. The monitor or monitors may extend the period to submit such directive, at intervals of ten additional days for each extension, if the board fails to provide all relevant information requested by the monitor or monitors related to the adopted or proposed resolution or motion subject to such override within forty-eight hours of such request.

(ii) Submit a resolution for adoption by the board. The resolution shall be submitted to the board no later than 48 hours prior to the next scheduled board meeting who shall cause the resolution to be placed on the next board meeting agenda and a copy to be issued to the board and the director accompanied by specific findings as to the necessity of such resolution. The monitor or monitors may direct the board to meet at a date prior to their next scheduled board meeting to take up such resolution. The monitor or monitors may withdraw the resolution prior to, or during, the next board meeting, if the board takes sufficient action to resolve the issues contained in the resolution. If the resolution is not withdrawn, it shall be deemed to be adopted at the next board meeting through its submission and shall have the full force and effect as any other resolution adopted by the board.

(iii) The monitor or monitors shall not override an adopted or proposed resolution or motion or submit a resolution related to collective bargaining agreements negotiated in accordance with article fourteen of the civil service law.

(h) The monitor or monitors may direct the board and any industrial development officers, employees or agents to undergo any training as deemed necessary and pursuant to timelines established by the state monitor or monitors. In no event shall the total number of training hours mandated by the monitor or monitors exceed fifteen hours in a single calendar year. However, the monitor or monitors may recommend additional training as deemed necessary.

(i) The monitor or monitors shall have the power to approve or disapprove the appointment, hiring, or contracting of officers, employees or agents by the board on or after the effective date of this subdivision. The board shall submit the recommendation for such appointments, hires or contracting to the monitor or monitors for approval. The monitor or monitors shall have ten days to approve or disapprove the board's recommendation. If after such period no action is taken by the monitor or monitors, the recommendation for such appointment, hiring or contracting shall be deemed approved. If the monitor or monitors disapproves of the appointment, hiring or contracting then the board shall recommend a new candidate or candidates for the monitor or monitors to approve or disapprove until such appointment, hiring or contracting is approved by the monitor or monitors. In the event that a vacancy occurs in such positions due to the disapproval of a recommendation, the monitor or monitors may appoint a current officer or employee to serve in an interim capacity until a recommendation is approved.

3. The director shall undertake an enhanced review of the budget decisions and payment in lieu of taxes agreements of the industrial development agency.

(a) The board shall annually submit the industrial development agency's proposed budget for the next succeeding fiscal year to the monitor or monitors no later than forty-five days prior to its adoption. The monitor or monitors shall review the budget to ensure that it, to the greatest extent possible, is consistent with purposes and necessary activities of the orange county industrial development agency, and that

it does not conflict with the long term economic interests of orange county and its constituents.

(b) The board shall provide quarterly reports to the monitor or monitors and annual reports to the director on the operational status of the industrial development agency. In addition, the monitor or monitors shall provide semi-annual reports to the director, who shall make such reports available upon request to the governor, the temporary president of the senate, and the speaker of the assembly on the fiscal and operational status of the industrial development agency. Such semi-annual report shall include all the contracts that the board entered into throughout the year. All reports shall be subject to review by the comptroller at the request of the director.

(c) The monitor or monitors shall have the authority to disapprove travel paid for by the industrial development agency.

(d) The monitor or monitors shall work with the board in developing and revising the industrial development agency's goals, implementation of its priorities and budgetary recommendations.

(e) The monitor or monitors may recommend, and the board shall consider by vote of a resolution at the next scheduled meeting of the board, cost saving measures including, but not limited to, shared service agreements.

4. The director may overrule any decision of the monitor or monitors, except for decisions related to collective bargaining agreements negotiated in accordance with article fourteen of the civil service law. If the director overrules a decision of the monitor or monitors, the director may direct the board to take corrective action on such matter if it is necessary to comply with state law, regulation or the long-term economic interests of orange county and its constituents. In the event there is disagreement between the monitors, the director may resolve such disagreements and direct the monitors to take action as a result of such resolution.

5. Nothing in this section shall be construed to abrogate the duties and responsibilities of the board consistent with applicable state law and regulations.

§ 2. Paragraphs (n) and (o) of subdivision 1 of section 6 of the public authorities law, as added by chapter 506 of the laws of 2009, are amended and a new paragraph (p) is added to read as follows:

(n) make recommendations to the legislature and governor with respect to options for, and whether there should be, compensation for boards of directors; [~~and~~]

(o) review the potential for and make recommendations to the legislature and governor regarding change in the terms of office of public authorities board members[~~.~~]; and

(p) appoint monitors to provide oversight, guidance and technical assistance related to the fiscal policies, practices, programs and decisions of a state or local authority, including but not limited to decisions, actions and policies related to contracts and payment in lieu of taxes agreements as authorized in law.

§ 3. This act shall take effect immediately; provided however, that subdivisions two, three, four and five of section 912 of the general municipal law, as added by section one of this act shall expire and be deemed repealed two years after such effective date.

PART BBB

Section 1. Section 212 of the retirement and social security law is amended by adding a new subdivision 2-a to read as follows:

**2-a. Notwithstanding the provisions of subdivision two of this section, the earning limitations for retired persons in positions of public service shall be increased to fifty thousand dollars from the year two thousand twenty-three and thereafter.**

§ 2. This act shall take effect immediately.

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

This bill would amend Section 212 of the Retirement and Social Security Law (RSSL) to set the salary a retired person may earn in public employment without reduction in retirement allowance to $50,000 during the calendar year 2023 and thereafter. Currently, the salary limit is $35,000.

Insofar as this bill affects the New York State and Local Retirement System (NYSLRS), if enacted during the 2023 legislative session, the direct cost incurred would be the retiree's post-retirement earnings more than $35,000 each calendar year, not to exceed the full pension benefit paid by the NYSLRS during the calendar year. Annually, NYSLRS will determine which retirees earned post-retirement income with a public employer.

In the New York State and Local Employees' Retirement System (NYSLERS), pursuant to Section 25 of the RSSL, these direct costs would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision. The benefit improvement will be funded by including a separate itemized charge on the annual invoice of the State of New York, beginning March 1, 2025, equal to the cost quoted above, plus interest.

In the New York State and Local Police and Fire Retirement System (NYSLPFRS), those participating employers that elect to hire a retired person pursuant to this legislation will incur annual costs equal to the additional pension payments quoted above, plus interest.

In addition to the direct costs quoted above, insofar as this proposal disrupts the usual pattern and timing of employee turnover (that is, if members retire earlier than assumed and participating employers hire a retiree instead of a new billable member), shifts in member behavior could generate losses that increase the average billing rates.

* In the 20-year and 25-year service-based plans, average billing rates could increase from 27.8% to 37.7%.

* In the age-based plans, average billing rates could increase from 13.7% to 17.2%.

The actual increase in billing rates will depend upon member and employer utilization, with the rates above representing an upper limit.

Further, we anticipate additional administrative costs to implement the provisions of this legislation.

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

Summary of relevant resources:

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

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated March 13, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-121, prepared by the Actuary for the New York State and Local Retirement System.

PART CCC

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

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

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

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

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

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

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

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

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

This bill would expand the definition of service creditable under 20-year and 25-year plans in the New York State and Local Police and Fire Retirement System (NYSLPFRS) to include service transferred by any police officer employed or formerly employed by the Division of Law Enforcement in the Department of Environmental Protection in the City of New York, provided that such police officer has at least two years of such employment. The member must elect to obtain the service credit within one year of the date on which they first became a member of the NYSLPFRS or within one year of the effective date of this bill, whichever occurs later. The amount of service credit received in the NYSLPFRS shall not exceed the minimum of the amount of service credited to the member in the New York City Employees' Retirement System (NYCERS) plan or 10 years.

If this bill is enacted during the 2023 legislative session, it is estimated that the past service cost will average approximately 25% of an affected member's salary for each year of additional service that is credited on a 20-year or 25- year plan. This cost will be offset by any reserves transferred from the NYCERS. The remaining cost will be shared by the State of New York and the participating employers in the NYSLPFRS.

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

Summary of relevant resources:

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

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated February 28, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-87, prepared by the Actuary for the New York State and Local Retirement System.

PART DDD

Section 1. Section 212 of the judiciary law is amended by adding a new subdivision 3 to read as follows:

**3. (a) The chief administrator shall collect and compile data on legal training programs conducted by, or under the supervision of, the office of court administration for the judges and justices of the unified court system, including:**

(i) the date, time, location, and topic of each training program;

(ii) the judges and justices who attended each training program; and

(iii) any materials presented and/or distributed at each training program, such as slideshows, case compilations, and reference guides.

(b) On or before the first day of January of each year, the chief administrator shall submit a report to the governor, the temporary president of the senate, and the speaker of the assembly containing the data required to be collected and compiled by this subdivision. Such report shall also contain:

(i) rules, policies, and procedures on legal training for judges and justices, including information sufficient to establish whether the office of court administration mandates any legal training for any judge or justice; and

(ii) legal reference materials distributed or otherwise made available, in whatever form, to judges and justices for day-to-day practice, such as bench cards and bench books.

§ 2. Section 212 of the judiciary law is amended by adding a new subdivision 4 to read as follows:

4. (a) The chief administrator shall prepare an annual report on the performance of the judges and justices of the unified court system. The chief administrator shall submit such report to the governor, the temporary president of the senate, and the speaker of the assembly, and shall publish such report on the website of the office of court administration, on or before the first day of January of each year. Such report shall include:

(i) rules, policies and procedures of the office of court administration for promoting the timely and just resolution of actions and proceedings, including standards and goals for motion resolution and case disposition; and

(ii) for each judge or justice:

(A) the number of cases in which the standards and goals described in subparagraph (i) of this paragraph were, and were not, met;

(B) the number of motions that have been pending for more than six months and the name of each case in which such motion has been pending;

(C) the number of bench trials that have been submitted for more than six months and the name of each case in which such trials are under submission;

(D) the number and names of cases that have not been terminated within three years of filing; and

(E) the number of orders and judgments reversed, modified, or vacated on appeal, for whatever reason, by a higher court.

(b) The information required under subparagraph (ii) of paragraph (a) of this subdivision shall be posted in a searchable, sortable, alphanumeric form that can be digitally transmitted or processed, and not in portable document format or scanned copies of original documents.

§ 3. Section 212 of the judiciary law is amended by adding a new subdivision 5 to read as follows:

5. (a) On or before June first, two thousand twenty-three, and every year thereafter on or before January first, the chief administrator shall submit an annual report on the security of the judicial and non-judicial officers of the unified court system to the governor, the temporary president of the senate, the chair of the senate committee on the judiciary, the speaker of the assembly, and the chair of the assembly committee on the judiciary. Such report shall include, for the preceding year:

(i) the number of threats directed at judicial and non-judicial officers and their families;

(ii) the number of physical assaults and attempted assaults on judicial and non-judicial officers and their families;

(iii) the number of police reports filed and criminal prosecutions related to subparagraphs (i) and (ii) of this paragraph; and

(iv) the number of judicial officers, non-judicial officers, former judicial officers, and former non-judicial officers covered by extraordinary security measures at any point in the preceding year, and the cumulative cost of such extraordinary security measures. For the purpose of this subdivision, extraordinary security measures shall mean security measures other than security provided at a courthouse on a daily basis by uniformed court officers or a local sheriff or police department, including but not limited to an off-hours, non-courthouse guard detail.

(b) On or before June first, two thousand twenty-three, and every year thereafter on or before January first, the chief administrator shall submit a confidential annual report on security procedures and activities of the unified court system to the governor, the temporary president of the senate, the chair of the senate committee on the judiciary, the speaker of the assembly, and the chair of the assembly committee on the judiciary. Such report shall include:

(i) the rules, policies, and procedures of the office of court administration for assessing a threat to a judicial or non-judicial officer or their family, including whether, when, and for how long extraordinary security measures may be instituted, and by whom such extraordinary security measures are authorized and terminated;

(ii) for each current or former judicial or non-judicial officer covered by extraordinary security measures at any point in the preceding year:

(A) The officer's name;

(B) A description of the threat that justified extraordinary security measures;

(C) A description of the extraordinary security measures, including the size and scope of any security detail;

(D) the start date and, where applicable, the end date of such extraordinary security measures;

(E) The cost of such extraordinary security measures; and

(F) The person within the unified court system who authorized and, where applicable, who terminated such extraordinary security measures.

(c) Notwithstanding any other law to the contrary, the report required under paragraph (b) of this subdivision and any information therein shall not be disclosed to the public and shall be exempt from article six of the public officers law.

(d) Before the receipt of the report required under paragraph (b) of this subdivision, each recipient of such report shall develop confidentiality protocols, which shall be binding upon the recipient who issues the protocols and upon anyone to whom the recipient shows a copy of the report, for the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein. On each report, the chief administrator shall prominently display the following statement: "This report may contain information that if disclosed could endanger the life or safety of an officer of the unified court system of the state of New York or their family. This report must therefore be maintained and used in a manner consistent with protocols required by law for preserving its confidentiality."

(e) The first reports required under paragraphs (a) and (b) of this subdivision shall cover two thousand twenty-two and January through March of two thousand twenty-three.

§ 4. If in any year the chief administrator of the courts fails to comply with section one, two or three this act, the legislature shall, by concurrent resolution, declare such failure of compliance no later than the first day of February of such year.

§ 5. This act shall take effect immediately.

PART EEE

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.

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

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

If this bill is enacted during the 2023 legislative session, we anticipate that there will be an increase of approximately $110,000 in the annual contributions of Westchester County for the fiscal year ending

March 31, 2024. In future years, this cost will vary as the billing rates and salary of the affected members change.

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

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

Summary of relevant resources:

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

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

PART FFF

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

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

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

**§ 63-i. Death benefits for fire marshals employed by Nassau county.**

**a. As used in this section, the term "fire marshal" shall mean a member who is employed by Nassau county with a title of county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal, chief fire marshal, and division supervising fire marshal.**

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

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

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

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

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

a. No member of a retirement system who is subject to the provisions of this article shall retire without regard to age, exclusive of retirement for disability, unless he or she is a police officer, an investigator member of the New York city employees' retirement system, firefighter, correction officer, a qualifying member as defined in section eighty-nine-t, as added by chapter six hundred fifty-seven of the laws of nineteen hundred ninety-eight, of this chapter, sanitation worker, a special officer (including persons employed by the city of New York in the title urban park ranger or associate urban park ranger), school safety agent, campus peace officer or a taxi and limousine commission inspector member of the New York city employees' retirement system or the New York city board of education retirement system, a dispatcher

member of the New York city employees' retirement system, a police communications member of the New York city employees' retirement system, an EMT member of the New York city employees' retirement system, a deputy sheriff member of the New York city employees' retirement system, a correction officer of the Westchester county correction department as defined in section eighty-nine-e of this chapter or employed in Suffolk county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred eighty-eight of the laws of nineteen hundred ninety-seven, of this chapter, employed in Suffolk county as a correction officer, as defined in section eighty-nine-f of this chapter, or employed in Nassau county as a correction officer, uniformed correction division personnel, sheriff, undersheriff or deputy sheriff, as defined in section eighty-nine-g of this chapter, or employed in Nassau county as an ambulance medical technician, an ambulance medical technician/supervisor or a member who performs ambulance medical technician related services, or a police medic, police medic supervisor or a member who performs police medic related services, as defined in section eighty-nine-s, as amended by chapter five hundred seventy-eight of the laws of nineteen hundred ninety-eight, of this chapter, or employed in Nassau county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred ninety-five of the laws of nineteen hundred ninety-seven, of this chapter, or employed in Albany county as a sheriff, undersheriff, deputy sheriff, correction officer or identification officer, as defined in section eighty-nine-h of this chapter or is employed in St. Lawrence county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-i of this chapter or is employed in Orleans county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-l of this chapter or is employed in Jefferson county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-j of this chapter or is employed in Onondaga county as a deputy sheriff-jail division competitively appointed or as a correction officer, as defined in section eighty-nine-k of this chapter or is employed in a county which makes an election under subdivision j of section eighty-nine-p of this chapter as a sheriff, undersheriff, deputy sheriff or correction officer as defined in such section eighty-nine-p or is employed in Broome County as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-m of this chapter or is a Monroe county deputy sheriff-court security, or deputy sheriff-jailor as defined in section eighty-nine-n, as added by chapter five hundred ninety-seven of the laws of nineteen hundred ninety-one, of this chapter or is employed in Greene county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-o of this chapter or is a traffic officer with the town of Elmira as defined in section eighty-nine-q of this chapter or is employed by Suffolk county as a park police officer, as defined in section eighty-nine-r of this chapter or is a peace officer employed by a county probation department as defined in section eighty-nine-t, as added by chapter six hundred three of the laws of nineteen hundred ninety-eight, of this chapter or is employed in Rockland county as a deputy sheriff-civil as defined in section eighty-nine-v of this chapter as added by chapter four hundred forty-one of the laws of two thousand one, or is employed in Rockland county as a superior correction officer as defined in section eighty-nine-v of this chapter as added by chapter five hundred fifty-six of the laws of two thousand one or is a paramedic employed by the police department in the town of Tonawanda and retires

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

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

**§ 508-c. Death benefits for fire marshals employed by Nassau county.**

**a. As used in this section, the term "fire marshal" shall mean a member who is employed by Nassau county with a title of county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal, chief fire marshal, or division supervising fire marshal.**

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

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

s. The service retirement benefit specified in section six hundred four of this article shall be payable to members with twenty-five years of creditable service, without regard to age, who are employed in the county of Nassau as a county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal [~~or~~], chief fire marshal **or division supervising fire marshal** as defined in section eighty-nine-w of this chapter if: (i) such members have met the minimum service requirements upon retirement, and (ii) in the case of a member subject to the provisions of article fourteen of this chapter, such member files an election therefor which provides that he or she

will be subject to the provisions of this article and to none of the provisions of such article fourteen. Such election, which shall be irrevocable, shall be in writing, duly executed and shall be filed with the comptroller within one year of the effective date of this subdivision or within one year after entering the employment with such county upon which eligibility is based, whichever comes later. For the purposes of this subdivision, the term "creditable service" shall have the meaning as so defined in both sections eighty-nine-w and six hundred one of this chapter.

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

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

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

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

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

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

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

passed a physical examination which failed to disclose evidence of any disease or other impairment of the heart.

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

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

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

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

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

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

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

§ 14. This act shall take effect immediately.

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

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

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

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $48,700 which will be borne by Nassau County as a one-time payment. This estimate assumes that payment will be made on February 1, 2024. If Nassau County elects to amortize this cost over a 10-year period, the cost for the first year including interest would be $6,220.

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

Summary of relevant resources:

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

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated January 31, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-21, prepared by the Actuary for the New York State and Local Retirement System.

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

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