

STATE OF NEW YORK

5631

2023-2024 Regular Sessions

IN SENATE

March 9, 2023

Introduced by Sens. JACKSON, COMRIE, HOYLMAN-SIGAL, MYRIE, SALAZAR --
read twice and ordered printed, and when printed to be committed to
the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the arts and cultural affairs law, the cannabis law, the
economic development law, the correction law, the education law, the
environmental conservation law, the executive law, the public authori-
ties law, the transportation law, the facilities development corpo-
ration act, the New York state medical care facilities finance agency
act and the New York state urban development corporation act, in
relation to replacing instances of the words or variations of the
words American Indian with the words Indigenous peoples or a variation
thereof

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

1 Section 1. The opening paragraph of subparagraph (i) of paragraph (c)
2 of subdivision 12 of section 3.07 of the arts and cultural affairs law,
3 as amended by chapter 255 of the laws of 1988, is amended to read as
4 follows:
5 In the performance of projects pursuant to this section, minority and
6 women-owned business enterprises shall be given the opportunity for
7 meaningful participation. For purposes hereof, minority business enter-
8 prise shall mean any business enterprise which is at least fifty-one per
9 centum owned by, or in the case of a publicly owned business, at least
10 fifty-one per centum of the stock or other voting interest is owned by
11 citizens or permanent resident aliens who are Black, Hispanic, Asian,
12 [~~American Indian~~] Indigenous peoples, Pacific Islander, or Alaskan
13 native, and such ownership interest is real, substantial and continuing
14 and has the authority to independently control the day to day business
15 decisions of the entity for at least one year; and women-owned business
16 enterprise shall mean any business enterprise which is at least fifty-
17 one per centum owned by, or in the case of a publicly owned business, at

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

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1 least fifty-one per centum of the stock to other voting interests of
2 which is owned by citizens or permanent resident aliens who are women,
3 and such ownership interest is real, substantial and continuing and has
4 the authority to independently control the day to day business decisions
5 of the entity for at least one year.

6 § 2. Subparagraph (ii) of paragraph (b) of subdivision 5 of section 87
7 of the cannabis law is amended to read as follows:

8 (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
9 Central or South American of either [~~Indian~~] Indigenous or Hispanic
10 origin, regardless of race;

11 § 3. Subdivision 3 and paragraphs (b) and (d) of subdivision 4 of
12 section 210 of the economic development law, as amended by chapter 669
13 of the laws of 2022, are amended to read as follows:

14 3. "Minority business enterprise" shall mean any business enterprise
15 which is at least fifty-one per centum owned by, or in the case of a
16 publicly owned business at least fifty-one per centum of the stock of
17 which is owned by, citizens or permanent resident noncitizens who are
18 Black, Hispanic, Asian or [~~American-Indian~~] Indigenous peoples, Pacific
19 Islander or Alaskan Native where such ownership interest is real,
20 substantial and continuing and where such persons have the authority to
21 independently control the day-to-day business decisions of the entity.

22 (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
23 Central or South American descent of either [~~Indian~~] Indigenous peoples
24 or Hispanic origin, regardless of race;

25 (d) [~~American-Indian~~] Indigenous peoples or Alaskan Native persons
26 having origins in any of the original peoples of North America.

27 § 4. Subdivision 1 of section 29 of the correction law, as amended by
28 chapter 322 of the laws of 2021, is amended to read as follows:

29 1. The department shall continue to collect, maintain, and analyze
30 statistical and other information and data with respect to persons
31 subject to the jurisdiction of the department, including but not limited
32 to: (a) the number of such persons: placed in the custody of the depart-
33 ment, assigned to a specific department program, accorded community
34 supervision and declared delinquent, recommitted to a state correctional
35 institution upon revocation of community supervision, or discharged upon
36 maximum expiration of sentence; (b) the criminal history of such
37 persons; (c) the social, educational, and vocational circumstances of
38 any such persons; (d) the institutional and community supervision
39 programs and the behavior of such persons; and, (e) the military back-
40 ground and circumstances, if such person served in the United States
41 armed forces. Provided, however, in the event any statistical informa-
42 tion on the ethnic background of the incarcerated individual population
43 of a correctional facility or facilities is collected by the department,
44 such statistical information shall contain, but not be limited to, the
45 following ethnic categories: (i) Caucasian; (ii) Asian; (iii) [~~American~~
46 ~~Indian~~] Indigenous peoples; (iv) Afro-American/Black; and (v) Spanish
47 speaking/Hispanic which category shall include, but not be limited to,
48 the following subcategories consisting of: (1) Puerto Ricans; (2)
49 Cubans; (3) Dominicans; and (4) other Hispanic nationalities.

50 § 5. Paragraph a of subdivision 2 of section 341-a of the education
51 law, as added by chapter 171 of the laws of 1987, is amended to read as
52 follows:

53 a. The test subject's race or ethnicity, including the following
54 groups: Black, White, [~~American-Indian~~] Indigenous peoples, Asian,
55 Hispanic or other;

§ 6. The opening paragraph of paragraph a of subdivision 1 of section 52-0113 of the environmental conservation law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

In the performance of projects pursuant to this article minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The department or the office shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in the projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this article shall be construed to limit the ability of the department or office to assure that qualified minority and women-owned business enterprises may participate in the program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian or ~~American Indian~~ Indigenous peoples, Pacific Islander or Alaskan natives and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are women, and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year.

§ 7. Paragraph (b) of subdivision 8 of section 310 of the executive law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

(b) Hispanic/Latino persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either ~~Indian~~ Indigenous or Hispanic origin, regardless of race;

§ 8. Paragraph (b) of subdivision 6 of section 821 of the executive law, as added by chapter 96 of the laws of 2019, is amended to read as follows:

(b) Hispanic/Latino persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either ~~Indian~~ Indigenous or Hispanic origin, regardless of race;

§ 9. The opening paragraph of subdivision 3 of section 1020-v of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

In the performance of projects pursuant to this title, minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The authority shall establish quantifiable standards and measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this title shall be construed to limit the ability of the authority to assure that qualified minority and women-owned business enterprises may participate in the program. For purposes hereof, minority business enterprise shall mean any business

enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock or other voting interest is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian, ~~American Indian~~ Indigenous peoples, Pacific islander, or Alaskan native, and such ownership interest is real, substantial and continuing and has the authority to independently control the day to day business decisions of the entity for at least one year; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock to other voting interests of which is owned by citizens or permanent resident noncitizens who are women, and such ownership interest is real, substantial and continuing and has the authority to independently control the day to day business decisions of the entity for at least one year.

§ 10. Subdivision 3 of section 1045-x of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

3. Any contracting agency empowered to award contracts for design, construction, services or materials shall seek meaningful participation in the performance of contracts by minority business enterprises and shall establish measures and procedures to identify those contracts and items of work for which minority business enterprises may best bid to actively and affirmatively promote and assist their participation so as to facilitate the award of a fair share of contracts to such enterprises. For purposes hereof, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian, ~~American Indian~~ Indigenous peoples or women, and such ownership interest is real, substantial and continuing. The provisions of this subdivision shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

§ 11. Subdivision 3 of section 1048-x of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

3. Any contracting agency empowered to award contracts for design, construction, services or materials shall seek meaningful participation in the performance of contracts by minority business enterprises and shall establish measures and procedures to identify those contracts and items of work for which minority business enterprises may best bid to actively and affirmatively promote and assist their participation so as to facilitate the award of a fair share of contracts to such enterprises. For purposes hereof, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian, ~~American Indian~~ Indigenous peoples or women, and such ownership interest is real, substantial and continuing. The provisions of this subdivision shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

§ 12. Subdivision 3 of section 1115-x of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

3. Any contracting agency empowered to award contracts for design, construction, services or materials shall seek meaningful participation in the performance of contracts by minority business enterprises and shall establish measures and procedures to identify those contracts and items of work for which minority business enterprises may best bid to actively and affirmatively promote and assist their participation so as to facilitate the award of a fair share of contracts to such enterprises. For purposes hereof, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian, ~~American-Indian~~ Indigenous peoples or women, and such ownership interest is real, substantial and continuing. The provisions of this subdivision shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

§ 13. Subdivision 3 of section 1197-q of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

3. The authority shall seek meaningful participation in the performance of contracts by minority business enterprises and shall establish measures and procedures to identify those contracts and items of work for which minority business enterprises may best bid to actively and affirmatively promote and assist their participation so as to facilitate the award of a fair share of contracts to such enterprises. For purposes hereof, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian, ~~American-Indian~~ Indigenous peoples or women, and such ownership interest is real, substantial and continuing. The provisions of this subdivision shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

§ 14. Subdivision 3 of section 1199-v of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

3. Any contracting agency empowered to award contracts for design, construction, services or materials shall seek meaningful participation in the performance of contracts by minority business enterprises and shall establish measures and procedures to identify those contracts and items of work for which minority business enterprises may best bid to actively and affirmatively promote and assist their participation so as to facilitate the award of a fair share of contracts to such enterprises. For purposes hereof, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian, ~~American-Indian~~ Indigenous peoples or women, and such ownership interest is real, substantial and continuing. The provisions of this subdivision shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

§ 15. Subparagraph (i) of paragraph (a) of subdivision 14 of section 1266-c of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

(i) In the performance of projects pursuant to this title minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The authority provided for in this title shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in the projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this title shall be construed to limit the ability of the authority to assure that qualified minority and women-owned business enterprises may participate in the program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian or ~~American Indian~~ Indigenous peoples, Pacific Islander or Alaskan natives and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are women, and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year.

The provisions of this paragraph shall not be construed to limit the ability of any minority or women-owned business enterprise to bid on any contract.

§ 16. Section 1974-d of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

§ 1974-d. Contracts. In connection with development, construction, operations and maintenance contracts for projects of the authority, minority and women-owned business enterprises and minority group members and women shall be given the opportunity for meaningful participation. The authority shall establish measures and procedures to secure meaningful participation by minority and women-owned business enterprises on contracts for projects of the authority. Such measures and procedures shall also promote the employment of minority group members and women on such contracts. For the purposes thereof, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian or ~~American Indian~~ Indigenous peoples, and such ownership interest is real, substantial and continuing and "women-owned business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one percent of the stock of which is owned by citizens or permanent resident noncitizens who are women and such ownership interest is real, substantial and continuing. The provisions of this section shall not be construed to limit the ability of any minority or women-owned business enterprise to bid on any contract. In order to implement the requirements and objectives of this section in connection with such projects, the authority shall be responsible for monitoring compliance with the provisions hereof, providing advice on the availability of competitive

1 qualified minority and women-owned business enterprises to perform
2 contracts proposed to be awarded, and making recommendations to improve
3 the access of minority and women-owned business enterprises to these
4 contracts.

5 § 17. Subdivision 3 of section 2050-v of the public authorities law,
6 as amended by chapter 669 of the laws of 2022, is amended to read as
7 follows:

8 3. The agency in awarding contracts for design, construction, services
9 or materials, shall seek meaningful participation in the performance of
10 contracts by minority business enterprises and shall establish measures
11 and procedures to identify those contracts and items of work for which
12 minority business enterprises may best bid to actively and affirmatively
13 promote and assist their participation so as to facilitate the award of
14 a fair share of contracts to such enterprises. For purposes hereof,
15 "minority business enterprise" shall mean any business enterprise which
16 is at least fifty-one per centum owned by, or in the case of a publicly
17 owned business, at least fifty-one per centum of the stock of which is
18 owned by citizens or permanent resident noncitizens who are Black,
19 Hispanic, Asian, [~~American Indian~~] Indigenous peoples or women, and such
20 ownership interest is real, substantial and continuing. The provisions
21 of this subdivision shall not be construed to limit the ability of any
22 minority business enterprise to bid on any contract.

23 § 18. Subdivision 4 of section 2799-gggg of the public authorities
24 law, as amended by chapter 669 of the laws of 2022, is amended to read
25 as follows:

26 4. The corporation shall seek meaningful participation by minority
27 business enterprises in the programs of the corporation and shall
28 actively and affirmatively promote and assist their participation in the
29 corporation's programs, so as to facilitate the award of a fair share of
30 contracts to such enterprises. For purposes hereof, "minority business
31 enterprise" shall mean any business enterprise which is at least fifty-
32 one per centum owned by, or in the case of publicly owned business, at
33 least fifty-one per centum of the stock of which is owned by, citizens
34 or permanent resident noncitizens who are Black, Hispanic, Asian, [~~Amer-~~
35 ~~ican Indian~~] Indigenous peoples or women, and such ownership interest is
36 real, substantial and continuing.

37 § 19. Subparagraph (ii) of paragraph (d) of subdivision 3 of section
38 2879 of the public authorities law, as amended by chapter 669 of the
39 laws of 2022, is amended to read as follows:

40 (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
41 Central or South American of either [~~Indian~~] Indigenous or Hispanic
42 origin, regardless of race;

43 § 20. Paragraph a of subdivision 2 of section 428 of the transporta-
44 tion law, as amended by chapter 669 of the laws of 2022, is amended to
45 read as follows:

46 a. In the performance of transportation infrastructure renewal
47 projects, minority and women-owned business enterprises shall be given
48 the opportunity for meaningful participation. The governor shall estab-
49 lish measures and procedures to secure meaningful participation and
50 identify those contracts and items of work for which minority and
51 women-owned business enterprises may best bid to actively and affirma-
52 tively promote and assist their participation in the department's
53 construction and procurement program for transportation infrastructure
54 renewal projects, so as to facilitate the award of a fair share of
55 contracts to such enterprises; provided, however, that nothing in this
56 article shall be construed to limit the ability of the governor to

1 assure that qualified minority and women-owned business enterprises may
2 participate in the transportation infrastructure renewal program. For
3 purposes hereof, minority business enterprise shall mean any business
4 enterprise which is at least fifty-one per centum owned by, or in the
5 case of a publicly owned business, at least fifty-one per centum of the
6 stock of which is owned by citizens or permanent resident noncitizens
7 who are Black, Hispanic, Asian or [~~American-Indian~~] Indigenous peoples,
8 and such ownership interest is real, substantial and continuing; and
9 women-owned business enterprise shall mean any business enterprise which
10 is at least fifty-one per centum owned by, or in the case of a publicly
11 owned business, at least fifty-one per centum of the stock of which is
12 owned by citizens or permanent resident noncitizens who are women, and
13 such ownership interest is real, substantial and continuing.

14 The provisions of this paragraph shall not be construed to limit the
15 ability of any minority business enterprise to bid on any contract.

16 § 21. Paragraph (a) of subdivision 1 of section 9-b of section 1 of
17 chapter 359 of the laws of 1968, constituting the facilities development
18 corporation act, as amended by chapter 669 of the laws of 2022, is
19 amended to read as follows:

20 (a) Minority and women-owned business enterprises shall be given the
21 opportunity for meaningful participation in all contracts executed by
22 the corporation pursuant to the provisions of this act other than
23 contracts the cost of which is borne solely by a municipality or munici-
24 palities. The corporation shall establish measures and procedures to
25 secure meaningful participation and identify those contracts and items
26 of work for which minority and women-owned business enterprises may best
27 bid to actively and affirmatively promote and assist their participation
28 in the projects, so as to facilitate the award of a fair share of
29 contracts to such enterprises; provided, however, that nothing in this
30 act shall be construed to limit the ability of the corporation to assure
31 that qualified minority and women-owned business enterprises may partic-
32 ipate in the program. For purposes hereof, minority business enterprise
33 shall mean any business enterprise which is at least fifty-one per
34 centum owned by, or in the case of a publicly owned business, at least
35 fifty-one per centum of the stock of which is owned by citizens or
36 permanent resident noncitizens who are Black, Hispanic, Asian or [~~Ameri-~~
37 ~~can-Indian~~] Indigenous peoples, Pacific Islander or Alaskan natives and
38 such ownership interest is real, substantial and continuing and have the
39 authority to independently control the day to day business decisions of
40 the entity for at least one year; and women-owned business enterprise
41 shall mean any business enterprise which is at least fifty-one per
42 centum owned by, or in the case of a publicly owned business, at least
43 fifty-one per centum of the stock of which is owned by citizens or
44 permanent resident noncitizens who are women, and such ownership inter-
45 est is real, substantial and continuing and have the authority to inde-
46 pendently control the day to day business decisions of the entity for at
47 least one year.

48 The provisions of this paragraph shall not be construed to limit the
49 ability of any minority or women-owned business enterprise to bid on any
50 contract.

51 § 22. Paragraph a of subdivision 1 of section 16-b of section 1 of
52 chapter 392 of the laws of 1973, constituting the New York state medical
53 care facilities finance agency act, as amended by chapter 669 of the
54 laws of 2022, is amended to read as follows:

55 a. In the performance of projects pursuant to this act minority and
56 women-owned business enterprises shall be given the opportunity for

1 meaningful participation. The agency shall establish measures and proce-
2 dures to secure meaningful participation and identify those contracts
3 and items of work for which minority and women-owned business enter-
4 prises may best bid to actively and affirmatively promote and assist
5 their participation in the projects, so as to facilitate the award of a
6 fair share of contracts to such enterprises; provided, however, that
7 nothing in this act shall be construed to limit the ability of the agen-
8 cy to assure that qualified minority and women-owned business enter-
9 prises may participate in the program. For purposes hereof, minority
10 business enterprise shall mean any business enterprise which is at least
11 fifty-one per centum owned by, or in the case of a publicly owned busi-
12 ness, at least fifty-one per centum of the stock of which is owned by
13 citizens or permanent resident noncitizens who are Black, Hispanic,
14 Asian or ~~American-Indian~~ Indigenous peoples, Pacific Islander or Alas-
15 kan natives and such ownership interest is real, substantial and contin-
16 uing and have the authority to independently control the day to day
17 business decisions of the entity for at least one year; and women-owned
18 business enterprise shall mean any business enterprise which is at least
19 fifty-one per centum owned by, or in the case of a publicly owned busi-
20 ness, at least fifty-one per centum of the stock of which is owned by
21 citizens or permanent resident noncitizens who are women, and such
22 ownership interest is real, substantial and continuing and have the
23 authority to independently control the day to day business decisions of
24 the entity for at least one year.

25 The provisions of this paragraph shall not be construed to limit the
26 ability of any minority or women-owned business enterprise to bid on any
27 contract.

28 § 23. Paragraphs (b) and (d) of subdivision 19 of section 3 of section
29 1 of chapter 174 of the laws of 1968 constituting the New York state
30 urban development corporation act, as added by chapter 839 of the laws
31 of 1987, is amended to read as follows:

32 (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
33 Central or South American descent of either ~~Indian~~ Indigenous or
34 Hispanic origin, regardless of race;

35 (d) ~~American-Indian~~ Indigenous peoples or Alaskan Native persons
36 having origins in any of the original peoples of North America and main-
37 taining identifiable tribal affiliations through membership and partic-
38 ipation or community identification.

39 § 24. This act shall take effect immediately, provided, however, that
40 the amendments to subdivision 8 of section 310 of the executive law made
41 by section seven of this act shall not affect the repeal of such section
42 and shall be deemed repealed therewith; provided further that the amend-
43 ments to subdivision 6 of section 821 of the executive law made by
44 section eight of this act shall not affect the repeal of such section
45 and shall be deemed repealed therewith.