

# STATE OF NEW YORK

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8305--B

## IN SENATE

January 17, 2024

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

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

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

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

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

to amend the state technology law, in relation to automated decision-making by state agencies (Part KK); in relation to establishing the New York state aid and incentives for municipalities redesign task force; and providing for the repeal of such provisions upon expiration thereof (Part LL); to amend the retirement and social security law, in relation to certain disabilities of university police officers appointed by the state university of New York (Part MM); to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system (Part NN); to amend the retirement and social security law, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors (Part OO); to amend the retirement and social security law, in relation to increasing the earning limitations for retired persons in positions of public service (Part PP); to amend part HH of chapter 56 of the laws of 2022 amending the retirement and social security law relating to waiving approval and income limitations on retirees employed in school districts and board of cooperative educational services, in relation to the effectiveness thereof (Part QQ); to amend the executive law, in relation to establishing the office of racial equity and social justice (Part RR); to amend the retirement and social security law, in relation to member contributions to retirement systems (Part SS); to amend the retirement and social security law, in relation to the calculation of past service credit for police officers employed by the division of law enforcement in the department of environmental protection in the city of New York transferring between the New York city employees' retirement system to the New York state and local police and fire retirement system (Part TT); to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement (Part UU); to amend the executive law, in relation to establishing the office of Native American affairs (Part VV); to amend the penal law, in relation to the definition of value for the purposes of larceny (Part WW); to amend the executive law, in relation to establishing an organized retail crime task force (Part XX); to amend the public officers law, in relation to prohibiting reimbursement of campaign committees and legal defense funds for defense costs incurred on behalf of state employees (Part YY); to amend the legislative law, in relation to relieving reporting requirements on small nonprofits (Part ZZ); to amend the correction law, in relation to available transportation for correction facility visitation (Part AAA); to amend the criminal procedure law, in relation to motions to vacate judgment; and to repeal certain provisions of such law relating thereto (Part BBB); to amend the judiciary law, in relation to audio-visual coverage of judicial proceedings; and to repeal section 218 of the judiciary law and section 52 of the civil rights law relating thereto (Part CCC); to amend the correction law, in relation to incarcerated individuals with a serious mental illness (Part DDD); to amend the county law and the judiciary law, in relation to setting hourly rates for persons representing certain persons in court or before a magistrate (Part EEE); to amend the estates, powers and trusts law, in relation to the payment and distribution of damages in wrongful death actions (Part FFF); directing the department of environmental conservation to conduct a study on ecological restoration needs of Jamaica Bay (Part GGG); to amend the penal law, the vehicle and traffic law, the executive law,

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

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

1 Section 1. This act enacts into law major components of legislation  
2 necessary to implement the state public protection and general govern-  
3 ment budget for the 2024-2025 state fiscal year. Each component is whol-  
4 ly contained within a Part identified as Parts A through III. The effec-  
5 tive date for each particular provision contained within such Part is  
6 set forth in the last section of such Part. Any provision in any section  
7 contained within a Part, including the effective date of the Part, which  
8 makes a reference to a section "of this act", when used in connection  
9 with that particular component, shall be deemed to mean and refer to the  
10 corresponding section of the Part in which it is found. Section three of  
11 this act sets forth the general effective date of this act.

12 PART A

13 Intentionally Omitted

14 PART B

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

17 § 165.66 Fostering the sale of stolen goods.

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

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

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

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

26 § 2. This act shall take effect on the first of November next succeed-  
27 ing the date upon which it shall have become a law.

28 PART C

29 Intentionally Omitted

30 PART D

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

1 mines to be necessary for the cost-effective and efficient operation of  
2 the correctional system, provided that the governor provides at least  
3 180 days notice prior to any such closures to the temporary president of  
4 the senate and the speaker of the assembly. Such notice shall include  
5 the list of facilities the governor plans to close, the number of incar-  
6 cerated individuals in said facilities, the number of staff working in  
7 said facilities, and information regarding staff placement and staff  
8 relocation efforts. The commissioner of corrections and community super-  
9 vision shall also report in detail to the temporary president of the  
10 senate and the speaker of the assembly an update on the results of staff  
11 placement and staff relocation efforts within 60 days after such  
12 closure.

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

16

## PART E

17 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax  
18 law, as amended by section 1 of part G of chapter 55 of the laws of  
19 2022, is amended to read as follows:

20 (b) The sum of one million five hundred thousand dollars must be  
21 deposited into the New York state emergency services revolving loan fund  
22 annually; provided, however, that such sums shall not be deposited for  
23 state fiscal years two thousand eleven--two thousand twelve, two thou-  
24 sand twelve--two thousand thirteen, two thousand fourteen--two thousand  
25 fifteen, two thousand fifteen--two thousand sixteen, two thousand  
26 sixteen--two thousand seventeen, two thousand seventeen--two thousand  
27 eighteen, two thousand eighteen--two thousand nineteen, two thousand  
28 nineteen--two thousand twenty, two thousand twenty--two thousand twen-  
29 ty-one, two thousand twenty-one--two thousand twenty-two, two thousand  
30 twenty-two--two thousand twenty-three, [~~and~~] two thousand twenty-three-  
31 -two thousand twenty-four, two thousand twenty-four--two thousand twen-  
32 ty-five, and two thousand twenty-five--two thousand twenty-six;

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

34

## PART F

35

Intentionally Omitted

36

## PART G

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

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

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

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

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

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

34 § 3. Section 16 of the cannabis law is amended by adding a new subdi-  
35 vision 7 to read as follows:

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

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

45 § 16-a. Emergency relief. Following service of [~~a notice of violation~~  
46 ~~and~~] an order requiring immediate cessation of unlicensed activity under  
47 this chapter, the office of cannabis management, or the attorney gener-  
48 al, at the request of and on behalf of the office, or any county attor-  
49 ney, corporation counsel, or local government authorized pursuant to  
50 subdivision eight of this section to bring and maintain a civil proceed-  
51 ing in accordance with the procedures set forth in this section, may  
52 bring and maintain a civil proceeding in the supreme court of the county  
53 in which the building or premises is located to permanently enjoin such  
54 unlicensed activity when conducted, maintained, or permitted in such  
55 building or premises, occupied as a place of business as described in  
56 subdivision eight of section ten of this chapter, in violation of subdi-



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

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

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

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

30 (d) Defendants, other than the building or premises wherein the unli-  
31 censed activity is being conducted, maintained, or permitted, shall be  
32 served with the notice of petition or order to show cause as provided in  
33 the civil practice law and rules or pursuant to court order. No more  
34 than thirty days prior to such service, the office shall mail a copy, by  
35 certified mail, of any [~~prior notice of violation or letter or~~] order to  
36 cease and desist relating to the unlicensed activity at the building or  
37 premises to the person in whose name the real estate affected by the  
38 proceeding is recorded in the office of the city register or the county  
39 clerk, as the case may be, who shall be presumed to be the owner there-  
40 of. Such mailing shall constitute notice to the owner and shall be  
41 deemed to be complete upon such mailing by the office as provided above.  
42 No more than fifteen days prior to such service, the office, [~~or~~] the  
43 attorney general, at the request of and on behalf of the office of  
44 cannabis management, or any local government authorized pursuant to  
45 subdivision eight of this section shall verify the ongoing occupancy of  
46 any natural person who is a tenant of record and alleged to have caused  
47 or permitted the unlicensed activity in the building or premises wherein  
48 the unlicensed activity is alleged to have been conducted, maintained,  
49 or permitted. [~~If at any time such defendants vacate such building or~~  
50 ~~premises, any action or proceeding filed in accordance with these proce-~~  
51 ~~dures relating to such building or premises shall be withdrawn.~~]

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



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

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

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

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

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

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

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

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

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

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

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

21 3. Temporary closing order. (a) If, on a motion for a preliminary  
22 injunction alleging unlicensed activity as described in this section in  
23 a building or premises used for commercial purposes only, the office or  
24 the attorney general demonstrates by clear and convincing evidence that  
25 such unlicensed activity is being conducted, maintained, or permitted  
26 and that the public health, safety, or welfare immediately requires a  
27 temporary closing order, a temporary order closing such part of the  
28 building or premises wherein such unlicensed activity is being  
29 conducted, maintained, or permitted may be granted without notice, pend-  
30 ing order of the court granting or refusing the preliminary injunction  
31 and until further order of the court. Upon granting a temporary closing  
32 order, the court shall direct the holding of a hearing for the prelimi-  
33 nary injunction at the earliest possible time but no later than [~~three~~  
34 ten] business days from the granting of such order; a decision on the  
35 motion for a preliminary injunction shall be rendered by the court with-  
36 in [~~three-business~~] thirty calendar days after the conclusion of the  
37 hearing.

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

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

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

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

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

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

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

39 (b) Upon the request of the office, any police officer or peace offi-  
40 cer with jurisdiction may assist in the enforcement of a temporary clos-  
41 ing order and temporary restraining order. Any reference to police offi-  
42 cer or peace officer in this subdivision and subdivisions six and seven  
43 of this section shall also include any investigator employed by the  
44 office of the attorney general.

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

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

3 (d) The police officer or peace officer serving a temporary closing  
4 order shall, upon service of the order, command all persons present in  
5 the building or premises to vacate the premises forthwith. Upon the  
6 building or premises being vacated, the premises shall be securely  
7 locked and all keys delivered to the officer serving the order who there-  
8 after [~~shall~~] may deliver the keys to the fee owner, lessor, or lessee  
9 of the building or premises involved. If the fee owner, lessor, or  
10 lessee is not at the building or premises when the order is being  
11 executed, the officer shall securely padlock the premises and retain the  
12 keys until the fee owner, lessor, or lessee of the building is ascer-  
13 tained, in which event, the officer [~~shall~~] may deliver the keys to such  
14 owner, lessor, or lessee or retain them pending further order of the  
15 court.

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

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

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

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

24 7. Permanent injunction. (a) A judgment awarding a permanent injunc-  
25 tion pursuant to this chapter shall direct that any illicit cannabis,  
26 cannabis product, cannabinoid hemp or hemp extract product, or any prod-  
27 uct marketed or labeled as such seized shall be turned over to the  
28 office of cannabis management or their authorized representative. The  
29 judgment may further direct any police officer or peace officer with  
30 jurisdiction to seize and remove from the building or premises all mate-  
31 rial, equipment, and instrumentalities used in the creation and mainte-  
32 nance of the unlicensed activity and shall direct the sale by the sher-  
33 iff of any such property in the manner provided for the sale of personal  
34 property under execution pursuant to the provisions of the civil prac-  
35 tice law and rules, if the estimated value of the property exceeds the  
36 estimated lawful expenses of such sale, or the disposal of the property  
37 if the estimated value of the property does not exceed the estimated  
38 lawful expenses of such sale. The net proceeds of any such sale, after  
39 deduction of the lawful expenses involved, shall be paid to the general  
40 fund of the state.

41 (b) A judgment awarding a permanent injunction pursuant to this chap-  
42 ter may direct the closing of the building or premises by any police  
43 officer or peace officer with jurisdiction to the extent necessary to  
44 abate the unlicensed activity and shall direct any police officer or  
45 peace officer with jurisdiction to post a copy of the judgment and a  
46 printed notice of such closing conforming to the requirements of this  
47 chapter. The closing directed by the judgment shall be for such period  
48 as the court may direct but in no event shall the closing be for a peri-  
49 od of more than one year from the posting of the judgment provided for  
50 in this section. If the owner shall file a bond in the value of the  
51 property ordered to be closed and submits proof to the court that the  
52 unlicensed activity has been abated and will not be created, maintained,  
53 or permitted for such period of time as the building or premises has  
54 been directed to be closed in the judgment, and also submits proof that  
55 they are also not affiliated with the person who is conducting the unli-  
56 censed activity, the court may vacate the provisions of the judgment



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

6 (c) Upon the request of the office of cannabis management or its  
7 authorized representative, or any county attorney, corporation counsel,  
8 or local government authorized pursuant to subdivision eight of this  
9 section to bring and maintain a civil proceeding in accordance with the  
10 procedures set forth in this section, any police officer or peace offi-  
11 cer with jurisdiction may assist in the enforcement of a judgment award-  
12 ing a permanent injunction entered in a proceeding brought pursuant to  
13 this chapter.

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

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

30 8. Civil proceedings. In addition to the authority granted in this  
31 section to the office of cannabis management and the attorney general,  
32 any county attorney, corporation counsel, or local government in which  
33 such building or premises is located may~~[, after the office of cannabis~~  
34 ~~management grants permission in writing,]~~ bring and maintain a civil  
35 proceeding in the supreme court of the county in which the building or  
36 premises is located to permanently enjoin the unlicensed activity  
37 described in this section and the person or persons conducting or main-  
38 taining such unlicensed activity, in accordance with the procedures set  
39 forth in this section. The office shall be permitted to intervene as of  
40 right in any such proceeding. Any such governmental entity which obtains  
41 a permanent injunction pursuant to this chapter shall be awarded, in  
42 addition to the costs and disbursements allowed by the civil practice  
43 law and rules, upon satisfactory proof by affidavit or such other  
44 evidence as may be submitted, any penalties awarded pursuant to para-  
45 graph (h) of subdivision one or paragraph (e) of subdivision five of  
46 this section and the actual costs, expenses and disbursements in bring-  
47 ing and maintaining the proceeding. The authority provided by this  
48 subdivision shall be in addition to, and shall not be deemed to diminish  
49 or reduce, any rights of the parties described in this section under  
50 existing law for any violation pursuant to this chapter or any other  
51 law.

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

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

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

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

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

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

27 (b) If the responding party is a partnership, limited liability part-  
28 nership, limited liability company, or other unincorporated association,  
29 including a for profit or not-for-profit membership organization or  
30 club, the information required pursuant to paragraph (a) of this subdivi-  
31 vision for all of its partners or members, as well as the state or other  
32 jurisdiction of its formation;

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

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

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



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

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

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

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

20 1-b. Any activity conducted in violation of subdivision one or one-a  
21 of this section creates a significant risk of imminent physical harm to  
22 natural persons, presents a danger to public health, safety, or welfare,  
23 and constitutes a public nuisance.

24 § 9. Section 131 of the cannabis law is amended by adding a new subdivi-  
25 sion 3 to read as follows:

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

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

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

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

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

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

41 (b) If a person engaging in the conduct described in paragraph (a) of  
42 this subdivision[~~7~~] or subdivision one-a of this section refuses to  
43 permit the office or the board from performing a regulatory inspection,  
44 such person may be assessed a civil penalty of up to [~~four~~ twenty thou-  
45 sand dollars for a first refusal and up to [~~eight~~ forty thousand  
46 dollars for a second or subsequent refusal within three years of a prior  
47 refusal. If the office or board is not permitted access for a regulatory  
48 inspection pursuant to section ten or section eleven of this chapter, as  
49 applicable, by such person, the attorney general, upon the request of  
50 the office or the board, shall be authorized to apply, without notice to  
51 such person, to the supreme court in the county in which the place of  
52 business is located for an order granting the office or board access to  
53 such place of business. The court may grant such an order if it deter-  
54 mines, based on evidence presented by the attorney general, that there  
55 is reasonable cause to believe that such place of business is a place of

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

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

19 1-a. Any person [~~found to have~~] who engaged in indirect retail sale in  
20 violation of subdivision one-a of section one hundred twenty-five of  
21 this [~~chapter~~] article, shall be subject to a civil penalty in an amount  
22 equaling the lesser of three times the revenue for such indirect retail  
23 sales or up to two thousand five hundred dollars for each such sale,  
24 provided, however, that where such conduct also constitutes a violation  
25 of subdivision one of this section, such person may only be subject to  
26 the civil penalties under one such subdivision, and provided, further,  
27 that where such person has been ordered to cease such conduct pursuant  
28 to subdivision one of section one hundred thirty-eight-a of this arti-  
29 cle, such person may be assessed a civil penalty of up to five thousand  
30 dollars for each day during which such violation continues in addition  
31 to any civil penalties set forth above.

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

36 2. seize any cannabis, cannabis product, cannabinoid hemp or hemp  
37 extract product, or any product marketed or labeled as such, found in  
38 the possession of a person engaged in the conduct described in subdivi-  
39 sion one of this section and their place of business, including a vehi-  
40 cle or storage facility used for such business;

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

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

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

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

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

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

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

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

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

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

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

39 § 138-b. Orders to seal. 1. In addition to any other authority  
40 conferred in this chapter, pursuant to the provisions of this section,  
41 the board or the office shall have the authority to seal the building or  
42 premises, including the storage facility, of any businesses engaged in  
43 unlicensed activity, when such activity is conducted, maintained, or  
44 permitted in such building or premises, occupied as a place of business  
45 as described in subdivision eight of section ten of this chapter, in  
46 violation of subdivision one or one-a of section one hundred twenty-five  
47 or subdivisions one or eight of section one hundred thirty-two of this  
48 article.

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

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

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

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

18 (a) documented sales to minors;

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

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

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

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

29 (f) documented presence of unlawful firearms at the building or prem-  
30 ises;

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

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

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

37 5. Notwithstanding the factors listed in subdivision four of this  
38 section, the office may issue an order to seal with an immediate effec-  
39 tive date upon a second, third, or fourth inspection in which unlicensed  
40 activity is confirmed to be continuing more than ten calendar days after  
41 a notice of violation and order to cease unlicensed activity was previ-  
42 ously issued by the office.

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

50 7. In assessing whether unlicensed activity within a building or prem-  
51 ises is more than de minimis, the office or board, as relevant, shall  
52 consider such factors as:

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



1 (b) information shared in any advertisements or other marketing  
2 content in connection with the unlicensed business and any direct or  
3 indirect sales of cannabis or other conduct in violation of this chap-  
4 ter; and

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

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

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

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

31 (c) Upon service and execution of the order to seal, the police offi-  
32 cer or peace officer shall post a copy thereof in a conspicuous place or  
33 upon one or more of the principal doors at entrances of such premises  
34 where the unlicensed activity is being conducted, maintained, or permit-  
35 ted. In addition, the officer shall affix, in a conspicuous place or  
36 upon one or more of the principal doors at entrances of such premises, a  
37 printed notice that the premises have been closed by order of the canna-  
38 bis control board, and the name of the officer or agency posting the  
39 notice.

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

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

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

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

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

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

17 11. If at any time a respondent vacates the building or premises  
18 subject to an order to seal issued by the office or board, or if the  
19 building owner provides sufficient proof thereof, any action or proceed-  
20 ing filed in accordance with these procedures relating to such building  
21 or premises may be withdrawn by the office or the board without preju-  
22 dice, and any order to seal may be vacated.

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

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

29 1. Any duly authorized enforcement agency of the state or of a subdivi-  
30 sion thereof, under a duty to enforce the provisions of the penal law  
31 or of any state or local law, ordinance, code, rule or regulation relat-  
32 ing to buildings, or the cannabis control board, office of cannabis  
33 management or the attorney general pursuant to section one hundred thir-  
34 ty-eight-a of the cannabis law, may serve personally upon the owner or  
35 landlord of real property authorized or otherwise intended or adver-  
36 tised, in whole or part, for use to buy, sell or otherwise provide goods  
37 or services, or for other business, commercial, professional services or  
38 manufacturing activities, or upon their agent, a written notice requir-  
39 ing the owner or landlord to make an application for the removal of a  
40 commercial tenant so using or occupying the same for a violation of  
41 article two hundred twenty-two of the penal law or article six of the  
42 cannabis law involving the unlicensed sale of cannabis or products  
43 marketed as such, where such property, or the portion thereof being used  
44 for such unlicensed activity, is not occupied for any other licensed or  
45 lawful purpose. If the owner or landlord or their agent does not make  
46 such application within five days thereafter; or, having made it, does  
47 not in good faith diligently prosecute it, the enforcement agency giving  
48 the notice may bring a proceeding under this article for such removal as  
49 though the petitioner were the owner or landlord of the premises, and  
50 shall have precedence over any similar proceeding thereafter brought by  
51 such owner or landlord or to one theretofore brought by them and not  
52 prosecuted diligently and in good faith. An enforcement agency author-  
53 ized to bring a petition hereunder may do so on their own initiative or  
54 upon a referral from an agency of the state or a subdivision thereof.  
55 The person in possession of the property, as well as any lessee or



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

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

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

11 (a) To conduct regulatory inspections during [~~normal business~~] operat-  
12 ing hours of any place of business, including a vehicle used for such  
13 business, where adult-use cannabis products are distributed, placed,  
14 stored, sold or offered for sale. For the purposes of this section,  
15 "place of business" shall not include a residence or other real proper-  
16 ty, or any personal vehicle on or about such property, not held out as  
17 open to the public or otherwise being utilized in a business or commer-  
18 cial manner, unless probable cause exists to believe that such resi-  
19 dence, real property or vehicle is being used in such a business or  
20 commercial manner for the buying or selling of adult-use cannabis  
21 products.

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

27

## PART H

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

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

35 § 2. The opening paragraph of subdivision 2 of section 99-d of the  
36 alcoholic beverage control law, as amended by chapter 560 of the laws of  
37 2011, is amended to read as follows:

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

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

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

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

18 § 4. Subdivision 1 of section 97 of the alcoholic beverage control  
19 law, as amended by section 19 of part Z of chapter 85 of the laws of  
20 2002, is amended to read as follows:

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

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

36 § 5-a. Subdivision 3 of section 97-a of the alcoholic beverage control  
37 law, as amended by chapter 106 of the laws of 2022, is amended to read  
38 as follows:

39 3. A temporary retail permit under paragraph (b) of subdivision one of  
40 this section may not be issued for any premises that is subject to the  
41 provisions of section sixty-three or seventy-nine of this chapter; a  
42 temporary retail permit under paragraph (b) of subdivision one of this  
43 section shall not be issued for a premises subject to the provisions of  
44 paragraph (b) of subdivision seven of section sixty-four, subparagraph  
45 (ii) of paragraph (a) of subdivision seven of section sixty-four-a,  
46 subparagraph (ii) of paragraph (a) of subdivision eleven of section  
47 sixty-four-c, or paragraph (b) of subdivision eight of section sixty-  
48 four-d of this chapter, unless and until a recommendation that there be  
49 a finding of public interest has been made by an administrative law  
50 judge pursuant to paragraph (f) of subdivision seven of section sixty-  
51 four, paragraph (d) of subdivision seven of section sixty-four-a, para-  
52 graph (c) of subdivision five of section sixty-four-b, paragraph (c) of  
53 subdivision eleven of section sixty-four-c, or paragraph (e) of subdivi-  
54 sion eight of section sixty-four-d of this chapter. Provided however,  
55 any premises granted a temporary retail permit pursuant to this subdivi-  
56 sion in a city with a population of one million or more people shall

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

15 § 5-b. Section 106 of the alcoholic beverage control law is amended by  
16 adding a new subdivision 2-b to read as follows:

17 2-b. Notwithstanding any provision of this chapter to the contrary, a  
18 retail licensee for on-premises consumption shall be authorized to  
19 purchase up to twelve bottles of wine and liquor per week from an off-  
20 premises retail licensee, and may resell any wine and liquor so  
21 purchased for consumption on the premises licensed therefor.

22 § 5-c. Section 105 of the alcoholic beverage control law is amended by  
23 adding a new subdivision 25 to read as follows:

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

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

34 PART I

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

37 § 97-d. Temporary wholesale permit. 1. Any person may apply to the  
38 liquor authority for a temporary permit to operate any alcoholic beverage  
39 wholesale facility as may be licensed under this chapter. Such  
40 application shall be in writing and verified and shall contain informa-  
41 tion as the liquor authority shall require. Such application shall be  
42 accompanied by a check or draft in the amount of one hundred twenty-five  
43 dollars for such permit.

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

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

49 (b) the applicant has obtained and provided evidence of all permits,  
50 licenses and other documents necessary for the operation of such a busi-  
51 ness; and

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

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

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

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

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

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

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

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

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

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

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

33 4. Notwithstanding any other provision of this chapter to the contra-  
34 ry, the authority may issue a cider producer or wholesaler's license,  
35 beer wholesaler's license, wine wholesaler's license, or liquor whole-  
36 saler's license to the holder of any wholesaler's license issued pursu-  
37 ant to this chapter for use at such licensee's existing licensed prem-  
38 ises. The liquor authority is hereby authorized to adopt such rules as  
39 it may deem necessary to carry out the purposes of this subdivision.

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

42 PART J

43 Section 1. Section 4 of chapter 118 of the laws of 2012 amending the  
44 alcoholic beverage control law relating to the powers of the chairman  
45 and members of the authority, as amended by chapter 124 of the laws of  
46 2021, is amended to read as follows:

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

49 § 2. This act shall take effect immediately.

50 PART K

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

1 temporary retail permits, as amended by section 1 of part 0 of chapter  
2 55 of the laws of 2023, is amended to read as follows:

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

7 § 2. This act shall take effect immediately.

8 PART L

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

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

12 § 111-a. Use of contiguous and non-contiguous municipal public space  
13 for on-premises alcoholic beverage sales by certain licensees. 1. The  
14 holder of a retail on-premises license issued pursuant to sections  
15 fifty-five, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eight-  
16 y-one, or eighty-one-a of this chapter or a manufacturing license that  
17 includes a privilege to sell and/or serve alcoholic beverages at retail  
18 for on-premises consumption on the licensed premises issued pursuant to  
19 section thirty, thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-  
20 eight-c, subdivision two-c of section sixty-one, section seventy-six,  
21 seventy-six-a, seventy-six-c, or seventy-six-d of this chapter may file  
22 an alteration application with the authority pursuant to subdivision one  
23 of section ninety-nine-d of this chapter for permission to add municipal  
24 public space that is either contiguous or non-contiguous to the licensed  
25 premises. Upon approval of such alteration application, such a licensee  
26 may exercise the privilege to sell and/or serve alcoholic beverages at  
27 retail for on-premises consumption on contiguous municipal public space  
28 or non-contiguous municipal public space provided:

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

34 (b) the licensee submits to the liquor authority a copy of such munic-  
35 ipal permit or other written authorization along with the alteration  
36 application;

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

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

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

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

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



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

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

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

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

45 5. The authority may promulgate guidance, rules and/or regulations  
46 necessary to implement the provisions of this section. Notwithstanding  
47 existing provisions of this chapter, the authority is authorized to  
48 provide simplified applications and notification procedures for licen-  
49 sees seeking to utilize municipal space for on-premises alcoholic bever-  
50 age sales whenever possible or appropriate. Nothing in this section  
51 shall prohibit the authority from requesting additional information from  
52 any applicant seeking to use new municipal space or renewal of existing  
53 municipal space.

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

1 undertake the addition, amendment and/or repeal of any rule or regu-  
 2 lation necessary for the implementation of this act.

3 PART M

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

6 4-a. In addition to the sick leave provided for in this section, on  
 7 and after January first, two thousand twenty-five, every employer shall  
 8 be required to provide to its employees forty hours of prenatal personal  
 9 leave during any fifty-two week calendar period. Prenatal personal leave  
 10 shall mean the health care received by an employee during pregnancy  
 11 related to such pregnancy, including physical examinations, monitoring  
 12 and testing, and discussions with a health care provider related to the  
 13 pregnancy. Prenatal personal leave may be taken in hourly increments.  
 14 Benefits for prenatal personal leave shall be paid in hourly install-  
 15 ments. Employees shall receive compensation at his or her regular rate  
 16 of pay, or the applicable minimum wage established pursuant to section  
 17 six hundred fifty-two of this chapter, whichever is greater, for the use  
 18 of paid prenatal personal leave.

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

20 PART N

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

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

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

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

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

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



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

4 § 2-a. Subdivision 9 of section 201 of the workers' compensation law,  
5 as amended by chapter 675 of the laws of 1977, paragraph B as amended by  
6 chapter 352 of the laws of 1981, is amended to read as follows:

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

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

19 § 2-b. Section 201 of the workers' compensation law is amended by  
20 adding a new subdivision 25 to read as follows:

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

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

26 § 203-a. ~~[Retaliatory]~~ Interference and retaliatory action prohibited  
27 for disability and family leave. 1. The provisions of section one  
28 hundred twenty of this chapter and section two hundred forty-one of this  
29 article shall be applicable to family and disability leave.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 2. (a) The weekly benefit for family leave that occurs (i) on or after  
2 January first, two thousand eighteen shall not exceed eight weeks during  
3 any fifty-two week calendar period and shall be fifty percent of the  
4 employee's average weekly wage but shall not exceed fifty percent of the  
5 state average weekly wage, (ii) on or after January first, two thousand  
6 nineteen shall not exceed ten weeks during any fifty-two week calendar  
7 period and shall be fifty-five percent of the employee's average weekly  
8 wage but shall not exceed fifty-five percent of the state average weekly  
9 wage, (iii) on or after January first, two thousand twenty shall not  
10 exceed ten weeks during any fifty-two week calendar period and shall be  
11 sixty percent of the employee's average weekly wage but shall not exceed  
12 sixty percent of the state average weekly wage, and (iv) on or after  
13 January first of each succeeding year, shall not exceed twelve weeks  
14 during any fifty-two week calendar period and shall be sixty-seven  
15 percent of the employee's average weekly wage but shall not exceed  
16 sixty-seven percent of the New York state average weekly wage in effect.  
17 The superintendent of financial services shall have discretion to delay  
18 the increases in the family leave benefit level provided in subpara-  
19 graphs (ii), (iii), and (iv) of this paragraph by one or more calendar  
20 years. In determining whether to delay the increase in the family leave  
21 benefit for any year, the superintendent of financial services shall  
22 consider: (1) the current cost to employees of the family leave benefit  
23 and any expected change in the cost after the benefit increase; (2) the  
24 current number of insurers issuing insurance policies with a family  
25 leave benefit and any expected change in the number of insurers issuing  
26 such policies after the benefit increase; (3) the impact of the benefit  
27 increase on employers' business and the overall stability of the program  
28 to the extent that information is readily available; (4) the impact of  
29 the benefit increase on the financial stability of the disability and  
30 family leave insurance market and carriers; and (5) any additional  
31 factors that the superintendent of financial services deems relevant. If  
32 the superintendent of financial services delays the increase in the  
33 family leave benefit level for one or more calendar years, the family  
34 leave benefit level that shall take effect immediately following the  
35 delay shall be the same benefit level that would have taken effect but  
36 for the delay. The weekly benefits for family leave that occurs on or  
37 after January first, two thousand eighteen shall not be less than one  
38 hundred dollars per week except that if the employee's wages at the time  
39 of family leave are less than one hundred dollars per week, the employee  
40 shall receive [~~his or her~~] the employee's full wages. Benefits may be  
41 payable to employees for paid family leave taken intermittently or for  
42 less than a full work week in increments of one full day or one fifth of  
43 the weekly benefit.

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

1 fifty percent of the New York state average weekly wage in effect and  
2 fifty-seven percent of the portion of the employee's average weekly  
3 wage that is more than fifty percent of the New York state aver-  
4 age weekly wage in effect but shall not exceed sixty-seven percent of  
5 the state average weekly wage in effect except that if the employee's  
6 average weekly wage is less than one hundred dollars, the benefit shall  
7 be such average weekly wage; (iii) on or after January first, two thou-  
8 sand twenty-eight shall be ninety percent of the portion of the employ-  
9 ee's weekly average wage that is equal to or less than fifty percent of  
10 the New York state average weekly wage in effect and sixty-seven  
11 percent of the portion of the employee's average weekly wage that is  
12 more than fifty percent of the New York state average weekly wage in  
13 effect but shall not exceed sixty-seven percent of the state average  
14 weekly wage in effect except that if the employee's average weekly wage  
15 is less than one hundred dollars, the benefit shall be such average  
16 weekly wage. The weekly benefit which the disabled employee is entitled  
17 to receive for disability commencing on or after May first, nineteen  
18 hundred eighty-nine and prior to January first, two thousand twenty-six  
19 shall be one-half of the employee's weekly wage, but in no case shall  
20 such benefit exceed one hundred seventy dollars; except that if the  
21 employee's average weekly wage is less than twenty dollars, the benefit  
22 shall be such average weekly wage. The weekly benefit which the disa-  
23 bled employee is entitled to receive for disability commencing on or  
24 after July first, nineteen hundred eighty-four shall be one-half of the  
25 employee's weekly wage, but in no case shall such benefit exceed one  
26 hundred forty-five dollars; except that if the employee's average weekly  
27 wage is less than twenty dollars, the benefit shall be such average  
28 weekly wage. The weekly benefit which the disabled employee is entitled  
29 to receive for disability commencing on or after July first, nineteen  
30 hundred eighty-three and prior to July first, nineteen hundred eighty-  
31 four shall be one-half of the employee's average weekly wage, but in no  
32 case shall such benefit exceed one hundred thirty-five dollars nor be  
33 less than twenty dollars; except that if the employee's average weekly  
34 wage is less than twenty dollars the benefit shall be such average week-  
35 ly wage. The weekly benefit which the disabled employee is entitled to  
36 receive for disability commencing on or after July first, nineteen  
37 hundred seventy-four, and prior to July first, nineteen hundred eighty-  
38 three, shall be one-half of the employee's average weekly wage, but in  
39 no case shall such benefit exceed ninety-five dollars nor be less than  
40 twenty dollars; except that if the employee's average weekly wage is  
41 less than twenty dollars, the benefit shall be such average weekly wage.  
42 The weekly benefit which the disabled employee is entitled to receive  
43 for disability commencing on or after July first, nineteen hundred  
44 seventy and prior to July first, nineteen hundred seventy-four shall be  
45 one-half of the employee's average weekly wage, but in no case shall  
46 such benefit exceed seventy-five dollars nor be less than twenty  
47 dollars; except that if the employee's average weekly wage is less than  
48 twenty dollars the benefit shall be such average weekly wage. For any  
49 period of disability less than a full week, the benefits payable shall  
50 be calculated by dividing the weekly benefit by the number of the  
51 employee's normal work days per week and multiplying the quotient by the  
52 number of normal work days in such period of disability. The weekly  
53 benefit for a disabled employee who is concurrently eligible for bene-  
54 fits in the employment of more than one covered employer shall, within  
55 the maximum and minimum herein provided, be one-half of the total of the  
56 employee's average weekly wages received from all such covered employ-

1 ers, and shall be allocated in the proportion of their respective aver-  
2 age weekly wage payments.

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

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

18 2. If an employee who is eligible for disability benefits under  
19 section two hundred three or two hundred seven of this article is disa-  
20 bled and has claimed or subsequently claims workers' compensation bene-  
21 fits under this chapter or benefits under the volunteer firefighters'  
22 benefit law or the volunteer ambulance workers' benefit law, and such  
23 claim is controverted on the ground that the employee's disability was  
24 not caused by an accident that arose out of and in the course of [~~his~~  
25 their] employment or by an occupational disease, or by an injury in line  
26 of duty as a volunteer firefighter or volunteer ambulance worker, the  
27 employee shall be entitled in the first instance to receive benefits  
28 under this article for [~~his or her~~] the employee's disability. If bene-  
29 fits have been paid under this article in respect to a disability  
30 alleged to have arisen out of and in the course of the employment or by  
31 reason of an occupational disease, or in line of duty as a volunteer  
32 firefighter or a volunteer ambulance worker, the employer or carrier or  
33 the chair making such payment may, at any time before award of workers'  
34 compensation benefits, or volunteer firefighters' benefits or volunteer  
35 ambulance workers' benefits, is made, file with the board a claim for  
36 reimbursement out of the proceeds of such award to the employee for the  
37 period for which disability benefits were paid to the employee under  
38 this article, and shall have a lien against the full award for  
39 reimbursement, notwithstanding the provisions of section thirty-three of  
40 this chapter or section twenty-three of the volunteer firefighters'  
41 benefit law or section twenty-three of the volunteer ambulance workers'  
42 benefit law provided the insurance carrier liable for payment of the  
43 award receives, before such award is made, a copy of the claim for  
44 reimbursement from the employer, carrier or chair who paid disability  
45 benefits, or provided the board's decision and award directs such  
46 reimbursement therefrom.

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

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

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



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

4 (ii) Beginning January first, two thousand thirty, the maximum employ-  
 5 ee contribution that a covered employer is authorized to collect from  
 6 each employee for the cost of disability benefits provided by this arti-  
 7 cle shall be one-half of one per centum of the employee's wages, but  
 8 shall not exceed thirty percent of the average of the combination of all  
 9 employee and employer contributions to disability benefits provided  
 10 pursuant to paragraph (b) of subdivision two of section two hundred four  
 11 of this article during the prior calendar year, as determined annually  
 12 by the superintendent of financial services pursuant to subsection (n)  
 13 of section four thousand two hundred thirty-five of the insurance law.  
 14 A self-insurer shall submit reports to the superintendent of financial  
 15 services for the purpose of determining thirty percent of the average of  
 16 the combination of all employee and employer contributions to disability  
 17 benefits provided pursuant to paragraph (b) of subdivision two of  
 18 section two hundred four of this article during the prior calendar year,  
 19 pursuant to subsection (n) of section four thousand two hundred thirty-  
 20 five of the insurance law.

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

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

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

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

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

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

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

20 § 218. [~~Disability benefit~~] Benefit rights inalienable. 1. Any agree-  
21 ment by an employee to waive [~~his~~] their rights under this article shall  
22 be void.

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

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

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

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



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

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

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

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

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

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

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

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

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

3 (B) A self-funded employer shall submit reports to the superintendent  
4 for the purpose of determining thirty percent of the average of the  
5 combination of all employee and employer contributions to disability  
6 benefits provided pursuant to paragraph (b) of subdivision two of  
7 section two hundred four of the workers' compensation law. A self-fund-  
8 ed employer shall submit a report to the superintendent by July first,  
9 two thousand twenty-nine that sets forth employee and employer contrib-  
10 utions to disability benefits provided pursuant to paragraph (b) of  
11 subdivision two of section two hundred four of the workers' compensa-  
12 tion law for the year-ending two thousand twenty-three, in a format deter-  
13 mined by the superintendent. Beginning April first, two thousand thir-  
14 ty, and annually thereafter, a self-funded employer shall submit a  
15 report to the superintendent that sets forth employee and employer  
16 contributions to disability benefits provided pursuant to paragraph (b)  
17 of subdivision two of section two hundred four of the workers' compen-  
18 sation law for the prior calendar year, in a format determined by the  
19 superintendent.

20 § 14-a. Section 203 of the workers' compensation law, as amended by  
21 section 3 of part SS of chapter 54 of the laws of 2016, is amended to  
22 read as follows:

23 § 203. Employees eligible for benefits under section two hundred four  
24 of this article. Employees in employment of a covered employer for four  
25 or more consecutive weeks and employees in employment during the work  
26 period usual to and available during such four or more consecutive weeks  
27 in any trade or business in which they are regularly employed and in  
28 which hiring from day to day of such employees is the usual employment  
29 practice shall be eligible for disability and family leave benefits as  
30 provided in section two hundred four of this article. [~~Employees in~~  
31 ~~employment of a covered employer for twenty-six or more consecutive~~  
32 ~~weeks and employees in employment during the work period usual to and~~  
33 ~~available during such twenty-six or more consecutive weeks in any trade~~  
34 ~~or business in which they are regularly employed and in which hiring~~  
35 ~~from day to day of such employees is the usual employment practice shall~~  
36 ~~be eligible for family leave benefits as provided in section two hundred~~  
37 ~~four of this article. Every such employee shall continue to be eligible~~  
38 ~~for family leave benefits only during employment with a covered employ-~~  
39 ~~er.] Every such employee shall continue to be eligible for disability  
40 and family leave benefits during such employment and for a period of  
41 four weeks after such employment terminates regardless of whether the  
42 employee performs any work for remuneration or profit in non-covered  
43 employment. If during such four week period the employee performs any  
44 work for remuneration or profit for another covered employer the employ-  
45 ee shall become eligible for disability and family leave benefits imme-  
46 diately with respect to that employment. In addition every such employee  
47 who has previously completed four or more consecutive weeks in employ-  
48 ment with the covered employer for purposes of disability and family  
49 leave benefits[, ~~or twenty-six or more consecutive weeks in employment~~  
50 ~~with the covered employer for purposes of paid family leave,~~] and  
51 returns to work with the same employer after an agreed and specified  
52 unpaid leave of absence or vacation without pay shall become eligible  
53 for benefits immediately with respect to such employment. An employee  
54 who during a period in which [~~he or she~~] the employee is eligible to  
55 receive benefits under subdivision two of section two hundred seven of  
56 this article returns to employment with a covered employer and an~~

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

16 § 14-b. Paragraph (b) of subdivision 4 of section 212 of the workers'  
17 compensation law, as added by section 13 of part SS of chapter 54 of the  
18 laws of 2016, is amended to read as follows:

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

28 § 14-c. Subdivision 5 of section 205 of the workers' compensation law,  
29 as added by section 6 of part SS of chapter 54 of the laws of 2016, is  
30 amended to read as follows:

31 5. (a) In any case in which the necessity for family leave is foresee-  
32 able based on an expected birth or placement, the employee shall provide  
33 the employer with not less than thirty days notice before the date the  
34 leave is to begin, of the employee's intention to take family leave  
35 under this article, except that if the date of the birth or placement  
36 requires leave to begin in less than thirty days, the employee shall  
37 provide such notice as is practicable. In any case in which the necessi-  
38 ty for family leave is foreseeable based on planned medical treatment,  
39 the employee shall provide the employer with not less than thirty days  
40 notice, before the date the leave is to begin, of the employees inten-  
41 tion to take family leave under this article, except that if the date of  
42 the treatment requires leave to begin in less than thirty days, the  
43 employee shall provide such notice as is practicable.

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

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

50 § 2605. Penalty for violating workers' compensation law. The super-  
51 intendent may impose a penalty not to exceed twenty-five hundred dollars  
52 per violation upon any insurer required to be licensed under the  
53 provisions of this chapter, if, after notice to and a hearing of such  
54 insurer, [~~he~~ the superintendent] finds it has unreasonably failed to  
55 comply with the workers' compensation law.

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

6 PART O

7 Intentionally Omitted

8 PART P

9 Section 1. The general business law is amended by adding a new article  
10 39-FF to read as follows:

11 ARTICLE 39-FF

12 NEW YORK CHILD DATA PROTECTION ACT

13 Section 899-ee. Definitions.

14 899-ff. Privacy protection by default.

15 899-gg. Third parties.

16 899-hh. Ongoing coverage.

17 899-ii. Respecting user-provided age flags.

18 899-jj. Protections for third-party operators.

19 899-kk. Rulemaking authority.

20 899-ll. Scope.

21 899-mm. Remedies.

22 § 899-ee. Definitions. For purposes of this article, the following  
23 terms shall have the following meanings:

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

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

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

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

33 3. "Operator" shall mean any person:

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

37 (b) who:

38 (i) collects or maintains, either directly or through another person,  
39 personal data from or about the users of such website, service, applica-  
40 tion, or connected device;

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

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

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

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

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

8 6. "Primarily directed to minors" shall mean a website, online  
9 service, online application, mobile application, or connected device, or  
10 a portion thereof, that is targeted to minors. A website, online  
11 service, online application, mobile application, or connected device, or  
12 portion thereof, shall not be deemed directed primarily to minors solely  
13 because such website, online service, online application, mobile appli-  
14 cation, or connected device, or portion thereof refers or links to any  
15 other website, online service, online application, mobile application,  
16 or connected device directed to minors by using information location  
17 tools, including a directory, index, reference, pointer, or hypertext  
18 link. A website, online service, online application, mobile application,  
19 or connected device, or portion thereof, shall be deemed directed to  
20 minors when it has actual knowledge that it is collecting personal data  
21 of users directly from users of another website, online service, online  
22 application, mobile application, or connected device primarily directed  
23 to minors.

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

30 8. "Third party" shall mean any person who is not any of the follow-  
31 ing:

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

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

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

38 § 899-ff. Privacy protection by default. 1. Except as provided for in  
39 subdivision six of this section and section eight hundred ninety-nine-jj  
40 of this article, an operator shall not process, or allow a third party  
41 to process, the personal data of a covered user collected through the  
42 use of a website, online service, online application, mobile applica-  
43 tion, or connected device unless and to the extent:

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

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

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

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

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



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

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

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

8 (e) investigating, establishing, exercising, preparing for, or defend-  
9 ing legal claims;

10 (f) complying with federal, state, or local laws, rules, or regu-  
11 lations;

12 (g) complying with a civil, criminal, or regulatory inquiry, investi-  
13 gation, subpoena, or summons by federal, state, local, or other govern-  
14 mental authorities;

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

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

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

25 (i) be made separately from any other transaction or part of a trans-  
26 action;

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

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

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

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

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

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

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

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

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

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

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

15 § 899-gg. Third parties. 1. Except as provided for in section eight  
16 hundred ninety-nine-jj of this article, no operator shall disclose the  
17 personal data of a covered user to a third party, or allow the process-  
18 ing of the personal data of a covered user by a third party, without a  
19 written, binding agreement governing such disclosure or processing. Such  
20 agreement shall clearly set forth instructions for the nature and  
21 purpose of the third-party's processing of the personal data,  
22 instructions for using or further disclosing the personal data, and the  
23 rights and obligations of both parties.

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

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

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

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

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

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

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

54 § 899-hh. Ongoing coverage. Upon learning that a user is no longer a  
55 covered user, an operator shall immediately provide notice that such

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

3 § 899-ii. Respecting user-provided age flags. 1. For the purposes of  
4 this article, an operator shall treat a user as a covered user if the  
5 user's device communicates or signals that the user is or shall be  
6 treated as a minor, including through a browser plug-in or privacy  
7 setting, device setting, or other mechanism.

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

18 § 899-jj. Protections for third-party operators. Sections eight  
19 hundred ninety-nine-ff and eight hundred ninety-nine-gg of this article  
20 shall not apply to an operator processing the personal data of a covered  
21 user of another website, online service, online application, mobile  
22 application, or connected device, or portion thereof, where the operator  
23 received reasonable written representations that the covered user  
24 provided informed consent for such processing, or:

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

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

30 § 899-kk. Rulemaking authority. The attorney general may promulgate  
31 such rules and regulations as are necessary to effectuate and enforce  
32 the provisions of this article.

33 § 899-ll. Scope. 1. This article shall apply to conduct that occurs in  
34 whole or in part in the state of New York. For purposes of this article,  
35 commercial conduct takes place wholly outside of the state of New York  
36 if the business collected such information while the covered user was  
37 outside of the state of New York, no part of the use of the covered  
38 user's personal data occurred in the state of New York, and no personal  
39 data collected while the covered user was in the state of New York is  
40 used.

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

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

49 § 899-mm. Remedies. Whenever it appears to the attorney general,  
50 either upon complaint or otherwise, that any person, within or outside  
51 the state, has engaged in or is about to engage in any of the acts or  
52 practices stated to be unlawful in this article, the attorney general  
53 may bring an action or special proceeding in the name and on behalf of  
54 the people of the state of New York to enjoin any violation of this  
55 article, to obtain restitution of any moneys or property obtained  
56 directly or indirectly by any such violation, to obtain disgorgement of

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

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

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

22 PART Q

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

25 2. Notwithstanding the provisions of subdivision one of this section,  
26 where the state and an employee organization representing state officers  
27 and employees who are in positions which are in collective negotiating  
28 units established pursuant to article fourteen of the civil service law  
29 enter into an agreement providing for an alternative procedure for the  
30 payment of salaries to such employees or where the director of employee  
31 relations shall authorize an alternative procedure for the payment of  
32 salaries to state officers or employees in the executive branch who are  
33 in positions which are not in collective negotiating units, such alter-  
34 native procedure shall be implemented in lieu of the procedure specified  
35 in subdivision one of this section. Notwithstanding any other provision  
36 of law to the contrary, where the state and an employee organization  
37 representing officers and employees in the executive branch who are in  
38 positions which are in collective negotiating units established pursuant  
39 to article fourteen of the civil service law enter into an agreement, or  
40 where the director of employee relations shall authorize for officers  
41 and employees in the executive branch who are in positions which are not  
42 in collective negotiating units, the alternate procedure specified  
43 herein shall be terminated for officers and employees hired on or after  
44 July first, two thousand twenty-four. The alternate procedure specified  
45 herein shall also be terminated for: (i) nonjudicial officers and  
46 employees of the unified court system hired on or after July first, two  
47 thousand twenty-four, if the chief administrator of the courts so  
48 elects; (ii) employees of the senate hired on or after July first, two  
49 thousand twenty-four, if the temporary president of the senate so  
50 elects; (iii) employees of the assembly hired on or after July first,  
51 two thousand twenty-four, if the speaker of the assembly so elects; and  
52 (iv) employees of joint legislative employers hired on or after July  
53 first, two thousand twenty-four, if the temporary president of the  
54 senate and the speaker of the assembly mutually so elect for all such

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

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

8 (c) For officers and employees hired after the effective date of this  
9 act, the withholding of five days of salary shall be accomplished in the  
10 same manner provided in paragraph (a) of this section provided, however,  
11 such withholding shall be taken on the first five payment dates in which  
12 such new employees would otherwise have received their salary. Notwith-  
13 standing any other provision of law to the contrary, where the state and  
14 an employee organization representing officers and employees in the  
15 executive branch who are in positions which are in collective negotiat-  
16 ing units established pursuant to article fourteen of the civil service  
17 law enter into an agreement, or where the director of employee relations  
18 shall authorize for officers or employees in the executive branch who  
19 are in positions which are not in collective negotiating units, officers  
20 and employees hired on or after July first, two thousand twenty-four,  
21 shall not be subject to the withholding of five days of salary on their  
22 first five payment dates as specified herein. Such withholding shall not  
23 be taken for: (i) nonjudicial officers and employees of the unified  
24 court system hired on or after July first, two thousand twenty-four, if  
25 the chief administrator of the courts so elects; (ii) employees of the  
26 senate hired on or after July first, two thousand twenty-four, if the  
27 temporary president of the senate so elects; (iii) employees of the  
28 assembly hired on or after July first, two thousand twenty-four, if the  
29 speaker of the assembly so elects; and (iv) employees of joint legisla-  
30 tive employers hired on or after July first, two thousand twenty-four,  
31 if the temporary president of the senate and the speaker of the assembly  
32 mutually so elect for all such joint legislative employers. Any  
33 election made pursuant to subparagraph (i), (ii), (iii), or (iv) of this  
34 paragraph shall be in writing and filed with the state comptroller not  
35 later than thirty days after the enactment of this legislation.

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

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



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

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

4 PART R

5 Intentionally Omitted

6 PART S

7 Intentionally Omitted

8 PART T

9 Intentionally Omitted

10 PART U

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

16 § 239-bb. County-wide shared services panels. 1. Definitions. The  
17 following terms shall have the following meanings for the purposes of  
18 this article:

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

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

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

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

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

39 b. The county CEO may invite any school district, board of cooperative  
40 educational services, fire district, fire protection district, or  
41 special improvement district in the county to join a panel. Upon such  
42 invitation, the governing body of such school district, board of cooper-  
43 ative educational services, fire district, fire protection district, or  
44 other special district may accept such invitation by selecting a repre-  
45 sentative of such governing body, by majority vote, to serve as a member

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

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

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

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

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

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

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

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

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

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

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

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

29 ~~8. For each county, new shared services actions in an approved and~~  
30 ~~submitted plan pursuant to this section or part BBB of chapter fifty-~~  
31 ~~nine of the laws of two thousand seventeen, may be eligible for funding~~  
32 ~~to match savings from such action, subject to available appropriation.~~  
33 ~~Savings that are actually and demonstrably realized by the participating~~  
34 ~~local governments are eligible for matching funding. For actions that~~  
35 ~~are part of an approved plan transmitted to the secretary of state in~~  
36 ~~accordance with paragraph b of subdivision seven of this section,~~  
37 ~~savings achieved during either: (i) January first through December thir-~~  
38 ~~ty-first from new actions implemented on or after January first through~~  
39 ~~December thirty-first of the year immediately following an approved and~~  
40 ~~transmitted plan, or (ii) July first of the year immediately following~~  
41 ~~an approved and transmitted plan through June thirtieth of the subse-~~  
42 ~~quent year from new actions implemented July first of the year imme-~~  
43 ~~diately following an approved plan through June thirtieth of the subse-~~  
44 ~~quent year may be eligible for matching funding. Only net savings~~  
45 ~~between local governments for each action would be eligible for matching~~  
46 ~~funding. Savings from internal efficiencies or any other action taken by~~  
47 ~~a local government without the participation of another local government~~  
48 ~~are not eligible for matching funding. Each county and all of the local~~  
49 ~~governments within the county that are part of any action to be imple-~~  
50 ~~mented as part of an approved plan must collectively apply for the~~  
51 ~~matching funding and agree on the distribution and use of any matching~~  
52 ~~funding in order to qualify for matching funding.~~

53 ~~9-] 4.~~ The department of state shall prepare a report to the governor,  
54 the temporary president of the senate and the speaker of the assembly on  
55 the county-wide shared services plans approved by the county-wide shared  
56 services panels created pursuant to part BBB of chapter fifty-nine of

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

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

- 7 (1) public health and insurance;
- 8 (2) emergency services;
- 9 (3) sewer, water, and waste management systems;
- 10 (4) energy procurement and efficiency;
- 11 (5) parks and recreation;
- 12 (6) education and workforce training;
- 13 (7) law and courts;
- 14 (8) shared equipment, personnel, and services;
- 15 (9) joint purchasing;
- 16 (10) governmental reorganization;
- 17 (11) transportation and highway departments; and
- 18 (12) records management and administrative functions.

19 b. for each of the counties the following information:

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

23 (2) the anticipated savings for each plan;

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

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

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

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

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

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

48 ~~12.]~~ 5. Notwithstanding any other provision of law to the contrary,  
49 monies constituting the funds of the village incorporation commission  
50 established pursuant to section ~~[2-259]~~ 2-260 of the village law shall  
51 be deposited with the state comptroller and held for the purposes of the  
52 village incorporation commission established in article two of the  
53 village law; provided, however, that such monies shall be derived from  
54 the appropriation dedicated to the matching funds program pursuant to  
55 subdivision eight of this section and provided further, that such fund-

1 ing for such entity shall not be subject to the requirements of subdivi-  
2 sion eight of this section related to savings.

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

14 PART V

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

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

25 The aggregate principal amount of such bonds, notes or other obli-  
26 gations outstanding shall not exceed [~~thirteen billion, five hundred~~  
27 ~~million dollars (\$13,500,000,000)~~], beginning July first, two thousand  
28 twenty-four, nineteen billion five hundred million dollars  
29 (\$19,500,000,000), provided however, that two hundred eighty-eight  
30 million dollars (\$288,000,000) shall be dedicated to the city university  
31 of New York, and beginning July first, two thousand twenty-five, twen-  
32 ty-five billion five hundred million dollars (\$25,500,000,000), provided  
33 however, that two hundred eighty-one million dollars (\$281,000,000)  
34 shall be dedicated to the city university of New York, excluding bonds,  
35 notes or other obligations issued pursuant to sections twenty-seven  
36 hundred ninety-nine-ss and twenty-seven hundred ninety-nine-tt of this  
37 title; provided, however, that upon any refunding or repayment of bonds  
38 (which term shall not, for this purpose, include bond anticipation  
39 notes), the total aggregate principal amount of outstanding bonds, notes  
40 or other obligations may be greater than [~~thirteen billion, five hundred~~  
41 ~~million dollars (\$13,500,000,000)~~], beginning July first, two thousand  
42 twenty-four, nineteen billion five hundred million dollars  
43 (\$19,500,000,000), and beginning July first, two thousand twenty-five,  
44 twenty-five billion five hundred million dollars (\$25,500,000,000), only  
45 if the refunding or repayment bonds, notes or other obligations were  
46 issued in accordance with the provisions of subparagraph (a) of subdivi-  
47 sion two of paragraph b of section 90.10 of the local finance law, as  
48 amended from time to time. Notwithstanding the foregoing, bonds, notes  
49 or other obligations issued by the authority may be outstanding in an  
50 amount greater than the amount permitted by the preceding sentence,  
51 provided that such additional amount at issuance, together with the  
52 amount of indebtedness contracted by the city of New York, shall not  
53 exceed the limit prescribed by section 104.00 of the local finance law.  
54 The authority shall have the power from time to time to refund any bonds



1 of the authority by the issuance of new bonds whether the bonds to be  
2 refunded have or have not matured, and may issue bonds partly to refund  
3 bonds of the authority then outstanding and partly to pay the cost of  
4 any project pursuant to section twenty-seven hundred ninety-nine-ff of  
5 this title. Bonds issued by the authority shall be payable solely out of  
6 particular revenues or other moneys of the authority as may be desig-  
7 nated in the proceedings of the authority under which the bonds shall be  
8 authorized to be issued, subject to any agreements entered into between  
9 the authority and the city, and subject to any agreements with the hold-  
10 ers of outstanding bonds pledging any particular revenues or moneys.

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

13

## PART W

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

18 t. Local government efficiency grant program beginning in the state  
19 fiscal year commencing April first, two thousand twenty-four. (i) (1)  
20 For the purposes of this paragraph, "municipality" shall mean a county,  
21 city, town, village, special improvement district, fire district, public  
22 library, association library, or public library system as defined by  
23 section two hundred seventy-two of the education law; provided, however,  
24 that for the purposes of this definition, a public library system shall  
25 be considered a municipality only in instances where such public library  
26 system advances a joint application on behalf of its member libraries,  
27 water authority, sewer authority, regional planning and development  
28 board, school district, or board of cooperative educational services;  
29 provided, however, that for the purposes of this definition, a board of  
30 cooperative educational services shall be considered a municipality only  
31 in instances where such board of cooperative educational services  
32 advances a joint application on behalf of school districts and other  
33 municipalities within the board of cooperative educational services  
34 region; provided, however, that any agreements with a board of cooper-  
35 ative educational services: shall not generate additional state aid;  
36 shall be deemed not to be a part of the program, capital and administra-  
37 tive budgets of the board of cooperative educational services for the  
38 purposes of computing charges upon component school districts pursuant  
39 to subdivision one and subparagraph seven of paragraph b of subdivision  
40 four of section nineteen hundred fifty, and subdivision one of section  
41 nineteen hundred fifty-one of the education law; and shall be deemed to  
42 be a cooperative municipal service for purposes of subparagraph two of  
43 paragraph d of subdivision four of section nineteen hundred fifty of the  
44 education law.

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

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

1 services, and regionalized delivery of services; provided, however, that  
2 such local government efficiency projects must demonstrate new opportu-  
3 nities for financial savings and operational efficiencies; provided,  
4 further, that eligible local government efficiency projects shall not  
5 include studies and plans for a local government re-organization eligi-  
6 ble to receive a local government citizens re-organization empowerment  
7 grant pursuant to paragraph q of this subdivision. The secretary of  
8 state may focus the grant program in specific functional areas, within  
9 distressed communities and areas of historically high local government  
10 costs and property taxes, or in areas of unique opportunity, in which  
11 case such areas of focus shall be detailed in a request for applica-  
12 tions.

13 (iii) Any approved project shall include an examination of financial  
14 savings, return on public investment and management improvements result-  
15 ing from project implementation.

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

32 (v) The maximum cumulative grant award for a local government effi-  
33 ciency project shall not exceed two hundred fifty thousand dollars per  
34 municipality; provided, however, that in no case shall such a project  
35 receive a cumulative grant award in excess of one million two hundred  
36 fifty thousand dollars. The maximum grant award for a local government  
37 efficiency planning project, or the planning component of a project that  
38 includes both planning and implementation of a local government effi-  
39 ciency project, shall not exceed twenty thousand dollars per munici-  
40 pality; provided, however, that in no event shall such a planning  
41 project receive a grant award in excess of one hundred thousand dollars.

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

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

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

9 (viii) Within one week of the receipt of an application, the depart-  
 10 ment of state shall review the application to ensure the applicant has  
 11 filed the correct application, and to determine if any required sections  
 12 of the application contain no information. Within one business day of  
 13 determining an applicant has filed an incorrect application, or deter-  
 14 mining an application contains no information in a section required to  
 15 contain information, the department shall so notify the applicant.  
 16 Applicants shall be permitted to amend an application found to be miss-  
 17 ing information, and such application shall be reconsidered for approval  
 18 if it is amended by the application deadline. If an applicant has  
 19 submitted an incorrect application, the applicant may submit the correct  
 20 application to the appropriate program by the deadline for such program  
 21 for consideration. Under no circumstances shall this subparagraph be  
 22 deemed to require the extension of any application deadline established  
 23 by the department, nor shall it obligate the department to conduct a  
 24 substantive review of the contents of any application outside of the  
 25 procedures established by the department for the purposes of maintaining  
 26 the competitive integrity of the grant program.

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

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

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

42 PART X

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

- 47 1. DOL-Child performer protection account (20401).
- 48 2. Local government records management account (20501).
- 49 3. Child health plus program account (20810).
- 50 4. EPIC premium account (20818).
- 51 5. Education - New (20901).
- 52 6. VLT - Sound basic education fund (20904).
- 53 7. Sewage treatment program management and administration fund  
 54 (21000).

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

1 62. Transportation aviation account (22165).  
2 63. Tax revenue arrearage account (22168).  
3 64. New York State Campaign Finance Fund account (22211).  
4 65. New York state medical indemnity fund account (22240).  
5 66. Behavioral health parity compliance fund (22246).  
6 67. Pharmacy benefit manager regulatory fund (22255).  
7 68. State university general income offset account (22654).  
8 69. Lake George park trust fund account (22751).  
9 70. Highway safety program account (23001).  
10 71. DOH drinking water program account (23102).  
11 72. NYCCC operating offset account (23151).  
12 73. Commercial gaming revenue account (23701).  
13 74. Commercial gaming regulation account (23702).  
14 75. Highway use tax administration account (23801).  
15 76. New York state secure choice administrative account (23806).  
16 77. New York state cannabis revenue fund (24800).  
17 78. Fantasy sports administration account (24951).  
18 79. Mobile sports wagering fund (24955).  
19 80. Highway and bridge capital account (30051).  
20 81. State university residence hall rehabilitation fund (30100).  
21 82. State parks infrastructure account (30351).  
22 83. Clean water/clean air implementation fund (30500).  
23 84. Hazardous waste remedial cleanup account (31506).  
24 85. Youth facilities improvement account (31701).  
25 86. Housing assistance fund (31800).  
26 87. Housing program fund (31850).  
27 88. Highway facility purpose account (31951).  
28 89. New York racing account (32213).  
29 90. Capital miscellaneous gifts account (32214).  
30 91. Information technology capital financing account (32215).  
31 92. New York environmental protection and spill remediation account  
32 (32219).  
33 93. Mental hygiene facilities capital improvement fund (32300).  
34 94. Correctional facilities capital improvement fund (32350).  
35 95. New York State Storm Recovery Capital Fund (33000).  
36 96. OGS convention center account (50318).  
37 97. Empire Plaza Gift Shop (50327).  
38 98. Unemployment Insurance Benefit Fund, Interest Assessment Account  
39 (50651).  
40 99. Centralized services fund (55000).  
41 100. Archives records management account (55052).  
42 101. Federal single audit account (55053).  
43 102. Civil service administration account (55055).  
44 103. Civil service EHS occupational health program account (55056).  
45 104. Banking services account (55057).  
46 105. Cultural resources survey account (55058).  
47 106. Neighborhood work project account (55059).  
48 107. Automation & printing chargeback account (55060).  
49 108. OFT NYT account (55061).  
50 109. Data center account (55062).  
51 110. Intrusion detection account (55066).  
52 111. Domestic violence grant account (55067).  
53 112. Centralized technology services account (55069).  
54 113. Labor contact center account (55071).  
55 114. Human services contact center account (55072).  
56 115. Tax contact center account (55073).



- 1 116. Department of law civil recoveries account (55074).
- 2 117. Executive direction internal audit account (55251).
- 3 118. CIO Information technology centralized services account (55252).
- 4 119. Health insurance internal service account (55300).
- 5 120. Civil service employee benefits division administrative account
- 6 (55301).
- 7 121. Correctional industries revolving fund (55350).
- 8 122. Employees health insurance account (60201).
- 9 123. Medicaid management information system escrow fund (60900).
- 10 124. Virtual currency assessments account.
- 11 125. Animal shelter regulation account.
- 12 126. Department of financial services IT modernization capital
- 13 account.

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

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

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

34 Economic Development and Public Authorities:

- 35 1. \$2,175,000 from the miscellaneous special revenue fund, underground
- 36 facilities safety training account (22172), to the general fund.
- 37 2. An amount up to the unencumbered balance from the miscellaneous
- 38 special revenue fund, business and licensing services account (21977),
- 39 to the general fund.
- 40 3. \$19,810,000 from the miscellaneous special revenue fund, code
- 41 enforcement account (21904), to the general fund.
- 42 4. \$3,000,000 from the general fund to the miscellaneous special
- 43 revenue fund, tax revenue arrearage account (22168).

44 Education:

- 45 1. \$2,792,000,000 from the general fund to the state lottery fund,
- 46 education account (20901), as reimbursement for disbursements made from
- 47 such fund for supplemental aid to education pursuant to section 92-c of
- 48 the state finance law that are in excess of the amounts deposited in
- 49 such fund for such purposes pursuant to section 1612 of the tax law.
- 50 2. \$1,096,000,000 from the general fund to the state lottery fund, VLT
- 51 education account (20904), as reimbursement for disbursements made from
- 52 such fund for supplemental aid to education pursuant to section 92-c of
- 53 the state finance law that are in excess of the amounts deposited in
- 54 such fund for such purposes pursuant to section 1612 of the tax law.
- 55 3. \$121,600,000 from the general fund to the New York state commercial
- 56 gaming fund, commercial gaming revenue account (23701), as reimbursement

1 for disbursements made from such fund for supplemental aid to education  
2 pursuant to section 97-nnnn of the state finance law that are in excess  
3 of the amounts deposited in such fund for purposes pursuant to section  
4 1352 of the racing, pari-mutuel wagering and breeding law.

5 4. \$995,000,000 from the general fund to the mobile sports wagering  
6 fund, education account (24955), as reimbursement for disbursements made  
7 from such fund for supplemental aid to education pursuant to section  
8 92-c of the state finance law that are in excess of the amounts deposit-  
9 ed in such fund for such purposes pursuant to section 1367 of the  
10 racing, pari-mutuel wagering and breeding law.

11 5. \$25,000,000 from the interactive fantasy sports fund, fantasy  
12 sports education account (24950), to the state lottery fund, education  
13 account (20901), as reimbursement for disbursements made from such fund  
14 for supplemental aid to education pursuant to section 92-c of the state  
15 finance law.

16 6. An amount up to the unencumbered balance in the fund on March 31,  
17 2025 from the charitable gifts trust fund, elementary and secondary  
18 education account (24901), to the general fund, for payment of general  
19 support for public schools pursuant to section 3609-a of the education  
20 law.

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

25 8. \$300,000 from the New York state local government records manage-  
26 ment improvement fund, local government records management account  
27 (20501), to the New York state archives partnership trust fund, archives  
28 partnership trust maintenance account (20351).

29 9. \$900,000 from the general fund to the miscellaneous special revenue  
30 fund, Batavia school for the blind account (22032).

31 10. \$900,000 from the general fund to the miscellaneous special reven-  
32 ue fund, Rome school for the deaf account (22053).

33 11. \$343,400,000 from the state university dormitory income fund  
34 (40350) to the miscellaneous special revenue fund, state university  
35 dormitory income reimbursable account (21937).

36 12. \$79,100,000 from the state university income fund, state universi-  
37 ty hospitals income reimbursable account (22656) to the general fund for  
38 hospital debt service for the period April 1, 2024 through March 31,  
39 2025.

40 13. \$24,000,000 from any of the state education department's special  
41 revenue and internal service funds to the miscellaneous special revenue  
42 fund, indirect cost recovery account (21978).

43 14. \$4,200,000 from any of the state education department's special  
44 revenue or internal service funds to the capital projects fund (30000).

45 15. \$30,013,000 from the general fund to the miscellaneous special  
46 revenue fund, HESC-insurance premium payments account (21960).

47 Environmental Affairs:

48 1. \$16,000,000 from any of the department of environmental conserva-  
49 tion's special revenue federal funds, and/or federal capital funds, to  
50 the environmental conservation special revenue fund, federal indirect  
51 recovery account (21065).

52 2. \$5,000,000 from any of the department of environmental conserva-  
53 tion's special revenue federal funds, and/or federal capital funds, to  
54 the conservation fund (21150) or Marine Resources Account (21151) as  
55 necessary to avoid diversion of conservation funds.

- 1 3. \$3,000,000 from any of the office of parks, recreation and historic  
2 preservation capital projects federal funds and special revenue federal  
3 funds to the miscellaneous special revenue fund, federal grant indirect  
4 cost recovery account (22188).
  - 5 4. \$1,000,000 from any of the office of parks, recreation and historic  
6 preservation special revenue federal funds to the miscellaneous capital  
7 projects fund, I love NY water account (32212).
  - 8 5. \$125,000,000 from the general fund to the environmental protection  
9 fund, environmental protection fund transfer account (30451).
  - 10 6. \$6,000,000 from the general fund to the hazardous waste remedial  
11 fund, hazardous waste oversight and assistance account (31505).
  - 12 7. An amount up to or equal to the cash balance within the special  
13 revenue-other waste management & cleanup account (21053) to the capital  
14 projects fund (30000) for services and capital expenses related to the  
15 management and cleanup program as put forth in section 27-1915 of the  
16 environmental conservation law.
  - 17 8. \$1,800,000 from the miscellaneous special revenue fund, public  
18 service account (22011) to the miscellaneous special revenue fund, util-  
19 ity environmental regulatory account (21064).
  - 20 9. \$7,000,000 from the general fund to the enterprise fund, state fair  
21 account (50051).
  - 22 10. \$10,000,000 from the waste management & cleanup account (21053) to  
23 the general fund.
  - 24 11. \$3,000,000 from the waste management & cleanup account (21053) to  
25 the environmental protection fund transfer account (30451).
  - 26 12. \$10,000,000 from the general fund to the miscellaneous special  
27 revenue fund, patron services account (22163).
  - 28 13. \$15,000,000 from the enterprise fund, golf account (50332) to the  
29 state park infrastructure fund, state park infrastructure account  
30 (30351).
- 31 Family Assistance:
- 32 1. \$7,000,000 from any of the office of children and family services,  
33 office of temporary and disability assistance, or department of health  
34 special revenue federal funds and the general fund, in accordance with  
35 agreements with social services districts, to the miscellaneous special  
36 revenue fund, office of human resources development state match account  
37 (21967).
  - 38 2. \$4,000,000 from any of the office of children and family services  
39 or office of temporary and disability assistance special revenue federal  
40 funds to the miscellaneous special revenue fund, family preservation and  
41 support services and family violence services account (22082).
  - 42 3. \$18,670,000 from any of the office of children and family services,  
43 office of temporary and disability assistance, or department of health  
44 special revenue federal funds and any other miscellaneous revenues  
45 generated from the operation of office of children and family services  
46 programs to the general fund.
  - 47 4. \$205,000,000 from any of the office of temporary and disability  
48 assistance or department of health special revenue funds to the general  
49 fund.
  - 50 5. \$2,500,000 from any of the office of temporary and disability  
51 assistance special revenue funds to the miscellaneous special revenue  
52 fund, office of temporary and disability assistance program account  
53 (21980).
  - 54 6. \$35,000,000 from any of the office of children and family services,  
55 office of temporary and disability assistance, department of labor, and  
56 department of health special revenue federal funds to the office of

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

3 7. \$205,000,000 from the miscellaneous special revenue fund, youth  
4 facility per diem account (22186), to the general fund.

5 8. \$621,850 from the general fund to the combined gifts, grants, and  
6 bequests fund, WB Hoyt Memorial account (20128).

7 9. \$5,000,000 from the miscellaneous special revenue fund, state  
8 central registry (22028), to the general fund.

9 10. \$900,000 from the general fund to the Veterans' Remembrance and  
10 Cemetery Maintenance and Operation account (20201).

11 11. \$5,000,000 from the general fund to the housing program fund  
12 (31850).

13 12. \$10,000,000 from any of the office of children and family services  
14 special revenue federal funds to the office of the court administration  
15 special revenue other federal iv-e funds account.

16 General Government:

17 1. \$9,000,000 from the general fund to the health insurance revolving  
18 fund (55300).

19 2. \$292,400,000 from the health insurance reserve receipts fund  
20 (60550) to the general fund.

21 3. \$150,000 from the general fund to the not-for-profit revolving loan  
22 fund (20650).

23 4. \$150,000 from the not-for-profit revolving loan fund (20650) to the  
24 general fund.

25 5. \$3,000,000 from the miscellaneous special revenue fund, surplus  
26 property account (22036), to the general fund.

27 6. \$19,000,000 from the miscellaneous special revenue fund, revenue  
28 arrearage account (22024), to the general fund.

29 7. \$3,326,000 from the miscellaneous special revenue fund, revenue  
30 arrearage account (22024), to the miscellaneous special revenue fund,  
31 authority budget office account (22138).

32 8. \$1,000,000 from the miscellaneous special revenue fund, parking  
33 account (22007), to the general fund, for the purpose of reimbursing the  
34 costs of debt service related to state parking facilities.

35 9. \$11,460,000 from the general fund to the agencies internal service  
36 fund, central technology services account (55069), for the purpose of  
37 enterprise technology projects.

38 10. \$10,000,000 from the general fund to the agencies internal service  
39 fund, state data center account (55062).

40 11. \$12,000,000 from the miscellaneous special revenue fund, parking  
41 account (22007), to the centralized services, building support services  
42 account (55018).

43 12. \$33,000,000 from the general fund to the internal service fund,  
44 business services center account (55022).

45 13. \$8,000,000 from the general fund to the internal service fund,  
46 building support services account (55018).

47 14. \$1,500,000 from the combined expendable trust fund, plaza special  
48 events account (20120), to the general fund.

49 15. \$50,000,000 from the New York State cannabis revenue fund (24800)  
50 to the general fund.

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

54 17. \$6,000,000 from the miscellaneous special revenue fund, standards  
55 and purchasing account (22019), to the general fund.

- 1 18. \$5,600,000 from the banking department special revenue fund  
2 (21970) funded by the assessment to defray operating expenses authorized  
3 by section 206 of the financial services law to the IT Modernization  
4 Capital Fund.
- 5 19. \$8,400,000 from the insurance department special revenue fund  
6 (21994) funded by the assessment to defray operating expenses authorized  
7 by section 206 of the financial services law to the IT Modernization  
8 Capital Fund.
- 9 20. \$500,000 from the pharmacy benefits bureau special revenue fund  
10 (22255) funded by the assessment to defray operating expenses authorized  
11 by section 206 of the financial services law, to the IT Modernization  
12 Capital Fund.
- 13 21. \$500,000 from the virtual currency special revenue fund (22262)  
14 funded by the assessment to defray operating expenses authorized by  
15 section 206 of the financial services law, to the IT Modernization Capi-  
16 tal Fund.
- 17 Health:
- 18 1. A transfer from the general fund to the combined gifts, grants and  
19 bequests fund, breast cancer research and education account (20155), up  
20 to an amount equal to the monies collected and deposited into that  
21 account in the previous fiscal year.
- 22 2. A transfer from the general fund to the combined gifts, grants and  
23 bequests fund, prostate cancer research, detection, and education  
24 account (20183), up to an amount equal to the moneys collected and  
25 deposited into that account in the previous fiscal year.
- 26 3. A transfer from the general fund to the combined gifts, grants and  
27 bequests fund, Alzheimer's disease research and assistance account  
28 (20143), up to an amount equal to the moneys collected and deposited  
29 into that account in the previous fiscal year.
- 30 4. \$3,600,000 from the miscellaneous special revenue fund, certificate  
31 of need account (21920), to the miscellaneous capital projects fund,  
32 healthcare IT capital subfund (32216).
- 33 5. \$4,000,000 from the miscellaneous special revenue fund, vital  
34 health records account (22103), to the miscellaneous capital projects  
35 fund, healthcare IT capital subfund (32216).
- 36 6. \$6,000,000 from the miscellaneous special revenue fund, profes-  
37 sional medical conduct account (22088), to the miscellaneous capital  
38 projects fund, healthcare IT capital subfund (32216).
- 39 7. \$131,000,000 from the HCRA resources fund (20800) to the capital  
40 projects fund (30000).
- 41 8. \$6,550,000 from the general fund to the medical cannabis trust  
42 fund, health operation and oversight account (23755).
- 43 9. An amount up to the unencumbered balance from the charitable gifts  
44 trust fund, health charitable account (24900), to the general fund, for  
45 payment of general support for primary, preventive, and inpatient health  
46 care, dental and vision care, hunger prevention and nutritional assist-  
47 ance, and other services for New York state residents with the overall  
48 goal of ensuring that New York state residents have access to quality  
49 health care and other related services.
- 50 10. \$500,000 from the miscellaneous special revenue fund, New York  
51 State cannabis revenue fund (24800), to the miscellaneous special reven-  
52 ue fund, environmental laboratory fee account (21959).
- 53 11. An amount up to the unencumbered balance from the public health  
54 emergency charitable gifts trust fund (23816), to the general fund, for  
55 payment of goods and services necessary to respond to a public health  
56 disaster emergency or to assist or aid in responding to such a disaster.



- 1 12. \$1,000,000,000 from the general fund to the health care transfor-  
2 mation fund (24850).
- 3 13. \$2,590,000 from the miscellaneous special revenue fund, patient  
4 safety center account (22140), to the general fund.
- 5 14. \$1,000,000 from the miscellaneous special revenue fund, nursing  
6 home receivership account (21925), to the general fund.
- 7 15. Intentionally omitted.
- 8 16. \$2,200,000 from the miscellaneous special revenue fund, adult home  
9 quality enhancement account (22091), to the general fund.
- 10 17. \$22,113,000 from the general fund, to the miscellaneous special  
11 revenue fund, helen hayes hospital account (22140).
- 12 18. \$4,850,000 from the general fund, to the miscellaneous special  
13 revenue fund, New York city veterans' home account (22141).
- 14 19. \$3,675,000 from the general fund, to the miscellaneous special  
15 revenue fund, New York state home for veterans' and their dependents at  
16 oxford account (22142).
- 17 20. \$2,055,000 from the general fund, to the miscellaneous special  
18 revenue fund, western New York veterans' home account (22143).
- 19 21. \$6,451,000 from the general fund, to the miscellaneous special  
20 revenue fund, New York state for veterans in the lower-hudson valley  
21 account (22144).
- 22 22. \$6,600,000 from the general fund, to the New York state medical  
23 indemnity fund (22240).
- 24 23. \$175,000,000 from the essential plan trust fund, to the general  
25 fund.
- 26 Labor:
- 27 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and  
28 penalty account (21923), to the child performer's protection fund, child  
29 performer protection account (20401).
- 30 2. \$11,700,000 from the unemployment insurance interest and penalty  
31 fund, unemployment insurance special interest and penalty account  
32 (23601), to the general fund.
- 33 3. \$50,000,000 from the DOL fee and penalty account (21923), unemploy-  
34 ment insurance special interest and penalty account (23601), and public  
35 work enforcement account (21998), to the general fund.
- 36 4. \$850,000 from the miscellaneous special revenue fund, DOL elevator  
37 safety program fund (22252) to the miscellaneous special revenue fund,  
38 DOL fee and penalty account (21923).
- 39 Mental Hygiene:
- 40 1. \$3,800,000 from the general fund, to the agencies internal service  
41 fund, civil service EHS occupational health program account (55056).
- 42 2. \$2,000,000 from the general fund, to the mental hygiene facilities  
43 capital improvement fund (32300).
- 44 3. \$20,000,000 from the opioid settlement fund (23817) to the miscel-  
45 laneous capital projects fund, opioid settlement capital account  
46 (32200).
- 47 4. \$20,000,000 from the miscellaneous capital projects fund, opioid  
48 settlement capital account (32200) to the opioid settlement fund  
49 (23817).
- 50 Public Protection:
- 51 1. \$1,350,000 from the miscellaneous special revenue fund, emergency  
52 management account (21944), to the general fund.
- 53 2. \$2,587,000 from the general fund to the miscellaneous special  
54 revenue fund, recruitment incentive account (22171).

- 1 3. \$23,773,000 from the general fund to the correctional industries  
2 revolving fund, correctional industries internal service account  
3 (55350).
- 4 4. \$2,000,000,000 from any of the division of homeland security and  
5 emergency services special revenue federal funds to the general fund.
- 6 5. \$115,420,000 from the state police motor vehicle law enforcement  
7 and motor vehicle theft and insurance fraud prevention fund, state  
8 police motor vehicle enforcement account (22802), to the general fund  
9 for state operation expenses of the division of state police.
- 10 6. \$138,272,000 from the general fund to the correctional facilities  
11 capital improvement fund (32350).
- 12 7. \$5,000,000 from the general fund to the dedicated highway and  
13 bridge trust fund (30050) for the purpose of work zone safety activities  
14 provided by the division of state police for the department of transpor-  
15 tation.
- 16 8. \$10,000,000 from the miscellaneous special revenue fund, statewide  
17 public safety communications account (22123), to the capital projects  
18 fund (30000).
- 19 9. Intentionally omitted.
- 20 10. \$1,000,000 from the general fund to the agencies internal service  
21 fund, neighborhood work project account (55059).
- 22 11. \$7,980,000 from the miscellaneous special revenue fund, finger-  
23 print identification & technology account (21950), to the general fund.
- 24 12. \$1,100,000 from the state police motor vehicle law enforcement and  
25 motor vehicle theft and insurance fraud prevention fund, motor vehicle  
26 theft and insurance fraud account (22801), to the general fund.
- 27 13. \$38,938,000 from the general fund to the miscellaneous special  
28 revenue fund, criminal justice improvement account (21945).
- 29 14. \$6,000,000 from the general fund to the miscellaneous special  
30 revenue fund, hazard mitigation revolving loan account.
- 31 15. Intentionally omitted.
- 32 Transportation:
  - 33 1. \$20,000,000 from the general fund to the mass transportation oper-  
34 ating assistance fund, public transportation systems operating assist-  
35 ance account (21401), of which \$12,000,000 constitutes the base need for  
36 operations.
  - 37 2. \$727,500,000 from the general fund to the dedicated highway and  
38 bridge trust fund (30050).
  - 39 3. \$244,250,000 from the general fund to the MTA financial assistance  
40 fund, mobility tax trust account (23651).
  - 41 4. \$5,000,000 from the miscellaneous special revenue fund, transporta-  
42 tion regulation account (22067) to the dedicated highway and bridge  
43 trust fund (30050), for disbursements made from such fund for motor  
44 carrier safety that are in excess of the amounts deposited in the dedi-  
45 cated highway and bridge trust fund (30050) for such purpose pursuant to  
46 section 94 of the transportation law.
  - 47 5. \$477,000 from the miscellaneous special revenue fund, traffic adju-  
48 dication account (22055), to the general fund.
  - 49 6. \$5,000,000 from the miscellaneous special revenue fund, transporta-  
50 tion regulation account (22067) to the general fund, for disbursements  
51 made from such fund for motor carrier safety that are in excess of the  
52 amounts deposited in the general fund for such purpose pursuant to  
53 section 94 of the transportation law.
- 54 Miscellaneous:
  - 55 1. \$500,000,000 from the general fund to any funds or accounts for the  
56 purpose of reimbursing certain outstanding accounts receivable balances.

1 2. \$500,000,000 from the general fund to the debt reduction reserve  
2 fund (40000).

3 3. \$450,000,000 from the New York state storm recovery capital fund  
4 (33000) to the revenue bond tax fund (40152).

5 4. \$15,500,000 from the general fund, community projects account GG  
6 (10256), to the general fund, state purposes account (10050).

7 5. \$100,000,000 from any special revenue federal fund to the general  
8 fund, state purposes account (10050).

9 6. \$3,650,000,000 from the special revenue federal fund, ARPA-Fiscal  
10 Recovery Fund (25546) to the general fund, state purposes account  
11 (10050) to cover eligible costs incurred by the state.

12 7. \$1,350,000,000 from the general fund to the hazardous waste over-  
13 sight and assistance account (31505), State parks infrastructure account  
14 (30351), environmental protection fund transfer account (30451), the  
15 correctional facilities capital improvement fund (32350), housing  
16 program fund (31850), or the Mental hygiene facilities capital improve-  
17 ment fund (32300), up to an amount equal to certain outstanding accounts  
18 receivable balances.

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

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

28 2. Upon request of the commissioner of agriculture and markets, up to  
29 \$3,000,000 from any special revenue fund or enterprise fund within the  
30 department of agriculture and markets to the general fund, to pay appro-  
31 priate administrative expenses.

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

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

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

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

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

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

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

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

24 § 8-a. Notwithstanding any law to the contrary, and in accordance with  
25 section 4 of the state finance law, the comptroller is hereby authorized  
26 and directed to transfer, upon request of the director of the budget, a  
27 total of up to \$100,000,000 from the general fund to the state universi-  
28 ty income fund, state university general revenue offset account (22655)  
29 and/or the state university income fund, state university hospitals  
30 income reimbursable account (22656) during the period July 1, 2024  
31 through June 30, 2025 to pay costs attributable to the state university  
32 health science center at Brooklyn and/or the state university of New  
33 York hospital at Brooklyn, respectively, pursuant to a transformation  
34 plan approved by the director of the budget.

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

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

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

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

9 § 13. Notwithstanding any law to the contrary, and in accordance with  
10 section 4 of the state finance law, the comptroller is hereby authorized  
11 and directed to transfer, upon request of the state university chancel-  
12 lor or his or her designee, up to \$55,000,000 from the state university  
13 income fund, state university hospitals income reimbursable account  
14 (22656), for services and expenses of hospital operations and capital  
15 expenditures at the state university hospitals; and the state university  
16 income fund, Long Island veterans' home account (22652) to the state  
17 university capital projects fund (32400) on or before June 30, 2025.

18 § 14. Notwithstanding any law to the contrary, and in accordance with  
19 section 4 of the state finance law, the comptroller, after consultation  
20 with the state university chancellor or his or her designee, is hereby  
21 authorized and directed to transfer moneys, in the first instance, from  
22 the state university collection fund, Stony Brook hospital collection  
23 account (61006), Brooklyn hospital collection account (61007), and Syra-  
24 cuse hospital collection account (61008) to the state university income  
25 fund, state university hospitals income reimbursable account (22656) in  
26 the event insufficient funds are available in the state university  
27 income fund, state university hospitals income reimbursable account  
28 (22656) to permit the full transfer of moneys authorized for transfer,  
29 to the general fund for payment of debt service related to the SUNY  
30 hospitals. Notwithstanding any law to the contrary, the comptroller is  
31 also hereby authorized and directed, after consultation with the state  
32 university chancellor or his or her designee, to transfer moneys from  
33 the state university income fund to the state university income fund,  
34 state university hospitals income reimbursable account (22656) in the  
35 event insufficient funds are available in the state university income  
36 fund, state university hospitals income reimbursable account (22656) to  
37 pay hospital operating costs or to permit the full transfer of moneys  
38 authorized for transfer, to the general fund for payment of debt service  
39 related to the SUNY hospitals on or before March 31, 2025.

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

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



1 authorized in the 2024-25 budget. Transfers from federal funds, debt  
2 service funds, capital projects funds, the community projects fund, or  
3 funds that would result in the loss of eligibility for federal benefits  
4 or federal funds pursuant to federal law, rule, or regulation as assent-  
5 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of  
6 1951 are not permitted pursuant to this authorization.

7 § 17. Notwithstanding any law to the contrary, and in accordance with  
8 section 4 of the state finance law, the comptroller is hereby authorized  
9 and directed to transfer, at the request of the director of the budget,  
10 up to \$100 million from any non-general fund or account, or combination  
11 of funds and accounts, to the miscellaneous special revenue fund, tech-  
12 nology financing account (22207), the miscellaneous capital projects  
13 fund, the federal capital projects account (31350), information technol-  
14 ogy capital financing account (32215), or the centralized technology  
15 services account (55069), for the purpose of consolidating technology  
16 procurement and services. The amounts transferred to the miscellaneous  
17 special revenue fund, technology financing account (22207) pursuant to  
18 this authorization shall be equal to or less than the amount of such  
19 monies intended to support information technology costs which are  
20 attributable, according to a plan, to such account made in pursuance to  
21 an appropriation by law. Transfers to the technology financing account  
22 shall be completed from amounts collected by non-general funds or  
23 accounts pursuant to a fund deposit schedule or permanent statute, and  
24 shall be transferred to the technology financing account pursuant to a  
25 schedule agreed upon by the affected agency commissioner. Transfers from  
26 funds that would result in the loss of eligibility for federal benefits  
27 or federal funds pursuant to federal law, rule, or regulation as assent-  
28 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of  
29 1951 are not permitted pursuant to this authorization.

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

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

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

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

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

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

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

19 5. Notwithstanding the provisions of section one hundred seventy-one-a  
20 of the tax law, as separately amended by chapters four hundred eighty-  
21 one and four hundred eighty-four of the laws of nineteen hundred eight-  
22 y-one, and notwithstanding the provisions of chapter ninety-four of the  
23 laws of two thousand eleven, or any other provisions of law to the  
24 contrary, during the fiscal year beginning April first, two thousand  
25 [~~twenty-three~~ **twenty-four**], the state comptroller is hereby authorized  
26 and directed to deposit to the fund created pursuant to this section  
27 from amounts collected pursuant to article twenty-two of the tax law and  
28 pursuant to a schedule submitted by the director of the budget, up to  
29 [~~\$1,716,913,000~~ **\$1,575,393,000**] as may be certified in such schedule as  
30 necessary to meet the purposes of such fund for the fiscal year begin-  
31 ning April first, two thousand [~~twenty-three~~ **twenty-four**].

32 § 24. Notwithstanding any law to the contrary, the comptroller is  
33 hereby authorized and directed to transfer, upon request of the director  
34 of the budget, on or before March 31, 2025, the following amounts from  
35 the following special revenue accounts to the capital projects fund  
36 (30000), for the purposes of reimbursement to such fund for expenses  
37 related to the maintenance and preservation of state assets:

38 1. \$43,000 from the miscellaneous special revenue fund, administrative  
39 program account (21982).

40 2. \$1,537,000 from the miscellaneous special revenue fund, helen hayes  
41 hospital account (22140).

42 3. \$474,000 from the miscellaneous special revenue fund, New York city  
43 veterans' home account (22141).

44 4. \$593,000 from the miscellaneous special revenue fund, New York  
45 state home for veterans' and their dependents at oxford account (22142).

46 5. \$177,000 from the miscellaneous special revenue fund, western New  
47 York veterans' home account (22143).

48 6. \$336,000 from the miscellaneous special revenue fund, New York  
49 state for veterans in the lower-hudson valley account (22144).

50 7. \$2,550,000 from the miscellaneous special revenue fund, patron  
51 services account (22163).

52 8. \$9,173,000 from the miscellaneous special revenue fund, state  
53 university general income reimbursable account (22653).

54 9. \$150,218,000 from the miscellaneous special revenue fund, state  
55 university revenue offset account (22655).

1 10. \$50,197,000 from the state university dormitory income fund, state  
2 university dormitory income fund (40350).

3 11. \$1,000,000 from the miscellaneous special revenue fund, litigation  
4 settlement and civil recovery account (22117).

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

8 6. Notwithstanding any law to the contrary, at the beginning of the  
9 state fiscal year, the state comptroller is hereby authorized and  
10 directed to receive for deposit to the credit of a fund and/or an  
11 account such monies as are identified by the director of the budget as  
12 having been intended for such deposit to support disbursements from such  
13 fund and/or account made in pursuance of an appropriation by law. As  
14 soon as practicable upon enactment of the budget, the director of the  
15 budget shall, but not less than three days following preliminary  
16 submission to the chairs of the senate finance committee and the assem-  
17 bly ways and means committee, file with the state comptroller an iden-  
18 tification of specific monies to be so deposited. Any subsequent change  
19 regarding the monies to be so deposited shall be filed by the director  
20 of the budget, as soon as practicable, but not less than three days  
21 following preliminary submission to the chairs of the senate finance  
22 committee and the assembly ways and means committee.

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

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

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

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

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

42 § 27. Notwithstanding any other law, rule, or regulation to the  
43 contrary, the state comptroller is hereby authorized and directed to use  
44 any balance remaining in the mental health services fund debt service  
45 appropriation, after payment by the state comptroller of all obligations  
46 required pursuant to any lease, sublease, or other financing arrangement  
47 between the dormitory authority of the state of New York as successor to  
48 the New York state medical care facilities finance agency, and the  
49 facilities development corporation pursuant to chapter 83 of the laws of  
50 1995 and the department of mental hygiene for the purpose of making  
51 payments to the dormitory authority of the state of New York for the  
52 amount of the earnings for the investment of monies deposited in the  
53 mental health services fund that such agency determines will or may have  
54 to be rebated to the federal government pursuant to the provisions of  
55 the internal revenue code of 1986, as amended, in order to enable such  
56 agency to maintain the exemption from federal income taxation on the

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

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

13 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
14 notwithstanding the provisions of section 18 of section 1 of chapter 174  
15 of the laws of 1968, the New York state urban development corporation is  
16 hereby authorized to issue bonds, notes and other obligations in an  
17 aggregate principal amount not to exceed [~~nine billion eight hundred~~  
18 ~~sixty five million eight hundred fifty nine thousand dollars~~  
19 ~~\$9,865,859,000~~] ten billion two hundred ninety-nine million three  
20 hundred fifty-nine thousand dollars \$10,299,359,000, and shall include  
21 all bonds, notes and other obligations issued pursuant to chapter 56 of  
22 the laws of 1983, as amended or supplemented. The proceeds of such  
23 bonds, notes or other obligations shall be paid to the state, for depos-  
24 it in the correctional facilities capital improvement fund to pay for  
25 all or any portion of the amount or amounts paid by the state from  
26 appropriations or reappropriations made to the department of corrections  
27 and community supervision from the correctional facilities capital  
28 improvement fund for capital projects. The aggregate amount of bonds,  
29 notes or other obligations authorized to be issued pursuant to this  
30 section shall exclude bonds, notes or other obligations issued to refund  
31 or otherwise repay bonds, notes or other obligations theretofore issued,  
32 the proceeds of which were paid to the state for all or a portion of the  
33 amounts expended by the state from appropriations or reappropriations  
34 made to the department of corrections and community supervision;  
35 provided, however, that upon any such refunding or repayment the total  
36 aggregate principal amount of outstanding bonds, notes or other obli-  
37 gations may be greater than [~~nine billion eight hundred sixty five~~  
38 ~~million eight hundred fifty nine thousand dollars \$9,865,859,000~~] ten  
39 billion two hundred ninety-nine million three hundred fifty-nine thou-  
40 sand dollars \$10,299,359,000, only if the present value of the aggregate  
41 debt service of the refunding or repayment bonds, notes or other obli-  
42 gations to be issued shall not exceed the present value of the aggregate  
43 debt service of the bonds, notes or other obligations so to be refunded  
44 or repaid. For the purposes hereof, the present value of the aggregate  
45 debt service of the refunding or repayment bonds, notes or other obli-  
46 gations and of the aggregate debt service of the bonds, notes or other  
47 obligations so refunded or repaid, shall be calculated by utilizing the  
48 effective interest rate of the refunding or repayment bonds, notes or  
49 other obligations, which shall be that rate arrived at by doubling the  
50 semi-annual interest rate (compounded semi-annually) necessary to  
51 discount the debt service payments on the refunding or repayment bonds,  
52 notes or other obligations from the payment dates thereof to the date of  
53 issue of the refunding or repayment bonds, notes or other obligations  
54 and to the price bid including estimated accrued interest or proceeds  
55 received by the corporation including estimated accrued interest from  
56 the sale thereof.

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

4 (a) Subject to the provisions of chapter fifty-nine of the laws of two  
5 thousand, in order to enhance and encourage the promotion of housing  
6 programs and thereby achieve the stated purposes and objectives of such  
7 housing programs, the agency shall have the power and is hereby author-  
8 ized from time to time to issue negotiable housing program bonds and  
9 notes in such principal amount as shall be necessary to provide suffi-  
10 cient funds for the repayment of amounts disbursed (and not previously  
11 reimbursed) pursuant to law or any prior year making capital appropri-  
12 ations or reappropriations for the purposes of the housing program;  
13 provided, however, that the agency may issue such bonds and notes in an  
14 aggregate principal amount not exceeding [~~thirteen billion six hundred~~  
15 ~~thirty-five million four hundred twenty-five thousand dollars~~  
16 ~~\$13,635,425,000~~] fourteen billion nine hundred million dollars  
17 \$14,900,000,000, plus a principal amount of bonds issued to fund the  
18 debt service reserve fund in accordance with the debt service reserve  
19 fund requirement established by the agency and to fund any other  
20 reserves that the agency reasonably deems necessary for the security or  
21 marketability of such bonds and to provide for the payment of fees and  
22 other charges and expenses, including underwriters' discount, trustee  
23 and rating agency fees, bond insurance, credit enhancement and liquidity  
24 enhancement related to the issuance of such bonds and notes. No reserve  
25 fund securing the housing program bonds shall be entitled or eligible to  
26 receive state funds apportioned or appropriated to maintain or restore  
27 such reserve fund at or to a particular level, except to the extent of  
28 any deficiency resulting directly or indirectly from a failure of the  
29 state to appropriate or pay the agreed amount under any of the contracts  
30 provided for in subdivision four of this section.

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

34 (b) The authority is hereby authorized, as additional corporate  
35 purposes thereof solely upon the request of the director of the budget:  
36 (i) to issue special emergency highway and bridge trust fund bonds and  
37 notes for a term not to exceed thirty years and to incur obligations  
38 secured by the moneys appropriated from the dedicated highway and bridge  
39 trust fund established in section eighty-nine-b of the state finance  
40 law; (ii) to make available the proceeds in accordance with instructions  
41 provided by the director of the budget from the sale of such special  
42 emergency highway and bridge trust fund bonds, notes or other obli-  
43 gations, net of all costs to the authority in connection therewith, for  
44 the purposes of financing all or a portion of the costs of activities  
45 for which moneys in the dedicated highway and bridge trust fund estab-  
46 lished in section eighty-nine-b of the state finance law are authorized  
47 to be utilized or for the financing of disbursements made by the state  
48 for the activities authorized pursuant to section eighty-nine-b of the  
49 state finance law; and (iii) to enter into agreements with the commis-  
50 sioner of transportation pursuant to section ten-e of the highway law  
51 with respect to financing for any activities authorized pursuant to  
52 section eighty-nine-b of the state finance law, or agreements with the  
53 commissioner of transportation pursuant to sections ten-f and ten-g of  
54 the highway law in connection with activities on state highways pursuant  
55 to these sections, and (iv) to enter into service contracts, contracts,  
56 agreements, deeds and leases with the director of the budget or the



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

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

24 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
25 thousand, (i) the dormitory authority shall not deliver a series of  
26 bonds for city university community college facilities, except to refund  
27 or to be substituted for or in lieu of other bonds in relation to city  
28 university community college facilities pursuant to a resolution of the  
29 dormitory authority adopted before July first, nineteen hundred eighty-  
30 five or any resolution supplemental thereto, if the principal amount of  
31 bonds so to be issued when added to all principal amounts of bonds  
32 previously issued by the dormitory authority for city university commu-  
33 nity college facilities, except to refund or to be substituted in lieu  
34 of other bonds in relation to city university community college facili-  
35 ties will exceed the sum of four hundred twenty-five million dollars and  
36 (ii) the dormitory authority shall not deliver a series of bonds issued  
37 for city university facilities, including community college facilities,  
38 pursuant to a resolution of the dormitory authority adopted on or after  
39 July first, nineteen hundred eighty-five, except to refund or to be  
40 substituted for or in lieu of other bonds in relation to city university  
41 facilities and except for bonds issued pursuant to a resolution supple-  
42 mental to a resolution of the dormitory authority adopted prior to July  
43 first, nineteen hundred eighty-five, if the principal amount of bonds so  
44 to be issued when added to the principal amount of bonds previously  
45 issued pursuant to any such resolution, except bonds issued to refund or  
46 to be substituted for or in lieu of other bonds in relation to city  
47 university facilities, will exceed [~~eleven billion three hundred four-~~  
48 ~~teen million three hundred fifty-two thousand dollars \$11,314,352,000~~]  
49 twelve billion four hundred eight million dollars \$12,408,000,000. The  
50 legislature reserves the right to amend or repeal such limit, and the  
51 state of New York, the dormitory authority, the city university, and the  
52 fund are prohibited from covenanting or making any other agreements with  
53 or for the benefit of bondholders which might in any way affect such  
54 right.

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

4 1. The dormitory authority is authorized to issue bonds, at the  
5 request of the commissioner of education, to finance eligible library  
6 construction projects pursuant to section two hundred seventy-three-a of  
7 the education law, in amounts certified by such commissioner not to  
8 exceed a total principal amount of [~~three hundred sixty-seven million~~  
9 ~~dollars \$367,000,000~~] four hundred twenty-one million dollars  
10 \$421,000,000.

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

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

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

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

6 10-a. Subject to the provisions of chapter fifty-nine of the laws of  
7 two thousand, but notwithstanding any other provision of the law to the  
8 contrary, the maximum amount of bonds and notes to be issued after March  
9 thirty-first, two thousand two, on behalf of the state, in relation to  
10 any locally sponsored community college, shall be [~~one billion two~~  
11 ~~hundred twenty seven million ninety five thousand dollars~~  
12 ~~\$1,227,095,000~~] one billion three hundred sixty-five million three  
13 hundred eight thousand dollars \$1,365,308,000. Such amount shall be  
14 exclusive of bonds and notes issued to fund any reserve fund or funds,  
15 costs of issuance and to refund any outstanding bonds and notes, issued  
16 on behalf of the state, relating to a locally sponsored community  
17 college.

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

22 b. The agency shall have power and is hereby authorized from time to  
23 time to issue negotiable bonds and notes in conformity with applicable  
24 provisions of the uniform commercial code in such principal amount as,  
25 in the opinion of the agency, shall be necessary, after taking into  
26 account other moneys which may be available for the purpose, to provide  
27 sufficient funds to the facilities development corporation, or any  
28 successor agency, for the financing or refinancing of or for the design,  
29 construction, acquisition, reconstruction, rehabilitation or improvement  
30 of mental health services facilities pursuant to paragraph a of this  
31 subdivision, the payment of interest on mental health services improve-  
32 ment bonds and mental health services improvement notes issued for such  
33 purposes, the establishment of reserves to secure such bonds and notes,  
34 the cost or premium of bond insurance or the costs of any financial  
35 mechanisms which may be used to reduce the debt service that would be  
36 payable by the agency on its mental health services facilities improve-  
37 ment bonds and notes and all other expenditures of the agency incident  
38 to and necessary or convenient to providing the facilities development  
39 corporation, or any successor agency, with funds for the financing or  
40 refinancing of or for any such design, construction, acquisition, recon-  
41 struction, rehabilitation or improvement and for the refunding of mental  
42 hygiene improvement bonds issued pursuant to section 47-b of the private  
43 housing finance law; provided, however, that the agency shall not issue  
44 mental health services facilities improvement bonds and mental health  
45 services facilities improvement notes in an aggregate principal amount  
46 exceeding [~~twelve billion four hundred eighteen million three hundred~~  
47 ~~thirty seven thousand dollars \$12,418,337,000~~] twelve billion nine  
48 hundred twenty-one million seven hundred fifty-six thousand dollars  
49 \$12,921,756,000, excluding mental health services facilities improvement  
50 bonds and mental health services facilities improvement notes issued to  
51 refund outstanding mental health services facilities improvement bonds  
52 and mental health services facilities improvement notes; provided,  
53 however, that upon any such refunding or repayment of mental health  
54 services facilities improvement bonds and/or mental health services  
55 facilities improvement notes the total aggregate principal amount of  
56 outstanding mental health services facilities improvement bonds and

1 mental health facilities improvement notes may be greater than [~~twelve~~  
2 ~~billion four hundred eighteen million three hundred thirty seven thou-~~  
3 ~~sand dollars \$12,418,337,000~~] twelve billion nine hundred twenty-one  
4 million seven hundred fifty-six thousand dollars \$12,921,756,000, only  
5 if, except as hereinafter provided with respect to mental health  
6 services facilities bonds and mental health services facilities notes  
7 issued pursuant to the provisions of section 47-b of the private housing  
8 finance law, the present value of the aggregate debt service of the  
9 refunding or repayment bonds to be issued shall not exceed the present  
10 value of the aggregate debt service of the bonds to be refunded or  
11 repaid. For purposes hereof, the present values of the aggregate debt  
12 service of the refunding or repayment bonds, notes or other obligations  
13 and of the aggregate debt service of the bonds, notes or other obli-  
14 gations so refunded or repaid, shall be calculated by utilizing the  
15 effective interest rate of the refunding or repayment bonds, notes or  
16 other obligations, which shall be that rate arrived at by doubling the  
17 semi-annual interest rate (compounded semi-annually) necessary to  
18 discount the debt service payments on the refunding or repayment bonds,  
19 notes or other obligations from the payment dates thereof to the date of  
20 issue of the refunding or repayment bonds, notes or other obligations  
21 and to the price bid including estimated accrued interest or proceeds  
22 received by the authority including estimated accrued interest from the  
23 sale thereof. Such bonds, other than bonds issued to refund outstanding  
24 bonds, shall be scheduled to mature over a term not to exceed the aver-  
25 age useful life, as certified by the facilities development corporation,  
26 of the projects for which the bonds are issued, and in any case shall  
27 not exceed thirty years and the maximum maturity of notes or any  
28 renewals thereof shall not exceed five years from the date of the  
29 original issue of such notes. Notwithstanding the provisions of this  
30 section, the agency shall have the power and is hereby authorized to  
31 issue mental health services facilities improvement bonds and/or mental  
32 health services facilities improvement notes to refund outstanding  
33 mental hygiene improvement bonds authorized to be issued pursuant to the  
34 provisions of section 47-b of the private housing finance law and the  
35 amount of bonds issued or outstanding for such purposes shall not be  
36 included for purposes of determining the amount of bonds issued pursuant  
37 to this section. The director of the budget shall allocate the aggregate  
38 principal authorized to be issued by the agency among the office of  
39 mental health, office for people with developmental disabilities, and  
40 the office of addiction services and supports, in consultation with  
41 their respective commissioners to finance bondable appropriations previ-  
42 ously approved by the legislature.

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

49 (a) Subject to the provisions of chapter 59 of the laws of 2000 but  
50 notwithstanding the provisions of section 18 of the urban development  
51 corporation act, the corporation is hereby authorized to issue bonds or  
52 notes in one or more series in an aggregate principal amount not to  
53 exceed [~~five hundred one million five hundred thousand dollars~~  
54 ~~\$501,500,000~~] five hundred twenty-two million five hundred thousand  
55 dollars \$522,500,000, excluding bonds issued to fund one or more debt  
56 service reserve funds, to pay costs of issuance of such bonds, and bonds

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

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

27 1. Notwithstanding the provisions of any other law to the contrary,  
28 the dormitory authority and the corporation are hereby authorized to  
29 issue bonds or notes in one or more series for the purpose of funding  
30 project costs for the office of information technology services, depart-  
31 ment of law, and other state costs associated with such capital  
32 projects. The aggregate principal amount of bonds authorized to be  
33 issued pursuant to this section shall not exceed [~~one billion three~~  
34 ~~hundred fifty-three million eight hundred fifty-two thousand dollars~~  
35 ~~\$1,353,852,000~~] one billion seven hundred forty-two million seven  
36 hundred twelve thousand dollars \$1,742,712,000, excluding bonds issued  
37 to fund one or more debt service reserve funds, to pay costs of issuance  
38 of such bonds, and bonds or notes issued to refund or otherwise repay  
39 such bonds or notes previously issued. Such bonds and notes of the  
40 dormitory authority and the corporation shall not be a debt of the  
41 state, and the state shall not be liable thereon, nor shall they be  
42 payable out of any funds other than those appropriated by the state to  
43 the dormitory authority and the corporation for principal, interest, and  
44 related expenses pursuant to a service contract and such bonds and notes  
45 shall contain on the face thereof a statement to such effect. Except for  
46 purposes of complying with the internal revenue code, any interest  
47 income earned on bond proceeds shall only be used to pay debt service on  
48 such bonds.

49 § 38. Subdivision (b) of section 11 of chapter 329 of the laws of  
50 1991, amending the state finance law and other laws relating to the  
51 establishment of the dedicated highway and bridge trust fund, as amended  
52 by section 38 of part PP of chapter 56 of the laws of 2023, is amended  
53 to read as follows:

54 (b) Any service contract or contracts for projects authorized pursuant  
55 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section  
56 14-k of the transportation law, and entered into pursuant to subdivision



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

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

25 § 53. 1. Notwithstanding the provisions of any other law to the  
26 contrary, the dormitory authority and the urban development corporation  
27 are hereby authorized to issue bonds or notes in one or more series for  
28 the purpose of funding project costs for the acquisition of equipment,  
29 including but not limited to the creation or modernization of informa-  
30 tion technology systems and related research and development equipment,  
31 health and safety equipment, heavy equipment and machinery, the creation  
32 or improvement of security systems, and laboratory equipment and other  
33 state costs associated with such capital projects. The aggregate prin-  
34 cipal amount of bonds authorized to be issued pursuant to this section  
35 shall not exceed [~~four hundred ninety-three million dollars~~  
36 ~~\$493,000,000~~] five hundred ninety-three million dollars \$593,000,000,  
37 excluding bonds issued to fund one or more debt service reserve funds,  
38 to pay costs of issuance of such bonds, and bonds or notes issued to  
39 refund or otherwise repay such bonds or notes previously issued. Such  
40 bonds and notes of the dormitory authority and the urban development  
41 corporation shall not be a debt of the state, and the state shall not be  
42 liable thereon, nor shall they be payable out of any funds other than  
43 those appropriated by the state to the dormitory authority and the urban  
44 development corporation for principal, interest, and related expenses  
45 pursuant to a service contract and such bonds and notes shall contain on  
46 the face thereof a statement to such effect. Except for purposes of  
47 complying with the internal revenue code, any interest income earned on  
48 bond proceeds shall only be used to pay debt service on such bonds.

49 2. Notwithstanding any other provision of law to the contrary, in  
50 order to assist the dormitory authority and the urban development corpo-  
51 ration in undertaking the financing for project costs for the acquisi-  
52 tion of equipment, including but not limited to the creation or modern-  
53 ization of information technology systems and related research and  
54 development equipment, health and safety equipment, heavy equipment and  
55 machinery, the creation or improvement of security systems, and labora-  
56 tory equipment and other state costs associated with such capital

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

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

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

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

41 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
42 notwithstanding the provisions of section 18 of section 1 of chapter 174  
43 of the laws of 1968, the New York state urban development corporation is  
44 hereby authorized to issue bonds, notes and other obligations in an  
45 aggregate principal amount not to exceed [~~one billion fourteen million~~  
46 ~~seven hundred thirty five thousand dollars \$1,014,735,000~~] one billion  
47 sixty-six million seven hundred fifty-five thousand dollars  
48 \$1,066,755,000, which authorization increases the aggregate principal  
49 amount of bonds, notes and other obligations authorized by section 40 of  
50 chapter 309 of the laws of 1996, and shall include all bonds, notes and  
51 other obligations issued pursuant to chapter 211 of the laws of 1990, as  
52 amended or supplemented. The proceeds of such bonds, notes or other  
53 obligations shall be paid to the state, for deposit in the youth facili-  
54 ties improvement fund or the capital projects fund, to pay for all or  
55 any portion of the amount or amounts paid by the state from appropri-  
56 ations or reappropriations made to the office of children and family

1 services from the youth facilities improvement fund for capital  
2 projects. The aggregate amount of bonds, notes and other obligations  
3 authorized to be issued pursuant to this section shall exclude bonds,  
4 notes or other obligations issued to refund or otherwise repay bonds,  
5 notes or other obligations theretofore issued, the proceeds of which  
6 were paid to the state for all or a portion of the amounts expended by  
7 the state from appropriations or reappropriations made to the office of  
8 children and family services; provided, however, that upon any such  
9 refunding or repayment the total aggregate principal amount of outstand-  
10 ing bonds, notes or other obligations may be greater than [~~one billion~~  
11 ~~fourteen million seven hundred thirty five thousand dollars~~  
12 ~~\$1,014,735,000~~] one billion sixty-six million seven hundred fifty-five  
13 thousand dollars \$1,066,755,000, only if the present value of the aggre-  
14 gate debt service of the refunding or repayment bonds, notes or other  
15 obligations to be issued shall not exceed the present value of the  
16 aggregate debt service of the bonds, notes or other obligations so to be  
17 refunded or repaid. For the purposes hereof, the present value of the  
18 aggregate debt service of the refunding or repayment bonds, notes or  
19 other obligations and of the aggregate debt service of the bonds, notes  
20 or other obligations so refunded or repaid, shall be calculated by  
21 utilizing the effective interest rate of the refunding or repayment  
22 bonds, notes or other obligations, which shall be that rate arrived at  
23 by doubling the semi-annual interest rate (compounded semi-annually)  
24 necessary to discount the debt service payments on the refunding or  
25 repayment bonds, notes or other obligations from the payment dates ther-  
26 eof to the date of issue of the refunding or repayment bonds, notes or  
27 other obligations and to the price bid including estimated accrued  
28 interest or proceeds received by the corporation including estimated  
29 accrued interest from the sale thereof.

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

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

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

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

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

1 2. Notwithstanding any other provision of law to the contrary, in  
2 order to assist the dormitory authority and the corporation in undertak-  
3 ing the financing for project costs for the regional economic develop-  
4 ment council initiative, the economic transformation program, state  
5 university of New York college for nanoscale and science engineering,  
6 projects within the city of Buffalo or surrounding environs, the New  
7 York works economic development fund, projects for the retention of  
8 professional football in western New York, the empire state economic  
9 development fund, the clarkson-trudeau partnership, the New York genome  
10 center, the cornell university college of veterinary medicine, the olym-  
11 pic regional development authority, projects at nano Utica, onondaga  
12 county revitalization projects, Binghamton university school of pharma-  
13 cy, New York power electronics manufacturing consortium, regional  
14 infrastructure projects, New York State Capital Assistance Program for  
15 Transportation, infrastructure, and economic development, high tech  
16 innovation and economic development infrastructure program, high tech-  
17 nology manufacturing projects in Chautauqua and Erie county, an indus-  
18 trial scale research and development facility in Clinton county, upstate  
19 revitalization initiative projects, downstate revitalization initiative,  
20 market New York projects, fairground buildings, equipment or facilities  
21 used to house and promote agriculture, the state fair, the empire state  
22 trail, the moynihan station development project, the Kingsbridge armory  
23 project, strategic economic development projects, the cultural, arts and  
24 public spaces fund, water infrastructure in the city of Auburn and town  
25 of Owasco, a life sciences laboratory public health initiative, not-for-  
26 profit pounds, shelters and humane societies, arts and cultural facili-  
27 ties improvement program, restore New York's communities initiative,  
28 heavy equipment, economic development and infrastructure projects,  
29 Roosevelt Island operating corporation capital projects, Lake Ontario  
30 regional projects, Pennsylvania station and other transit projects,  
31 athletic facilities for professional football in Orchard Park, New York,  
32 Rush - NY, New York AI Consortium, New York Creates UEV Tool, and other  
33 state costs associated with such projects the director of the budget is  
34 hereby authorized to enter into one or more service contracts with the  
35 dormitory authority and the corporation, none of which shall exceed  
36 thirty years in duration, upon such terms and conditions as the director  
37 of the budget and the dormitory authority and the corporation agree, so  
38 as to annually provide to the dormitory authority and the corporation,  
39 in the aggregate, a sum not to exceed the principal, interest, and  
40 related expenses required for such bonds and notes. Any service contract  
41 entered into pursuant to this section shall provide that the obligation  
42 of the state to pay the amount therein provided shall not constitute a  
43 debt of the state within the meaning of any constitutional or statutory  
44 provision and shall be deemed executory only to the extent of monies  
45 available and that no liability shall be incurred by the state beyond  
46 the monies available for such purpose, subject to annual appropriation  
47 by the legislature. Any such contract or any payments made or to be made  
48 thereunder may be assigned and pledged by the dormitory authority and  
49 the corporation as security for its bonds and notes, as authorized by  
50 this section.

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



1 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
2 notwithstanding any provisions of law to the contrary, one or more  
3 authorized issuers as defined by section 68-a of the state finance law  
4 are hereby authorized to issue bonds or notes in one or more series in  
5 an aggregate principal amount not to exceed [~~two hundred forty-seven~~  
6 ~~million dollars \$247,000,000~~] two hundred ninety-seven million dollars  
7 \$297,000,000, excluding bonds issued to finance one or more debt service  
8 reserve funds, to pay costs of issuance of such bonds, and bonds or  
9 notes issued to refund or otherwise repay such bonds or notes previously  
10 issued, for the purpose of financing capital projects for public  
11 protection facilities in the Division of Military and Naval Affairs,  
12 debt service and leases; and to reimburse the state general fund for  
13 disbursements made therefor. Such bonds and notes of such authorized  
14 issuer shall not be a debt of the state, and the state shall not be  
15 liable thereon, nor shall they be payable out of any funds other than  
16 those appropriated by the state to such authorized issuer for debt  
17 service and related expenses pursuant to any service contract executed  
18 pursuant to subdivision (b) of this section and such bonds and notes  
19 shall contain on the face thereof a statement to such effect. Except for  
20 purposes of complying with the internal revenue code, any interest  
21 income earned on bond proceeds shall only be used to pay debt service on  
22 such bonds.

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

27 1. Notwithstanding the provisions of any other law to the contrary,  
28 the dormitory authority and the urban development corporation are hereby  
29 authorized to issue bonds or notes in one or more series for the purpose  
30 of funding project costs undertaken by or on behalf of the state educa-  
31 tion department, special act school districts, state-supported schools  
32 for the blind and deaf, approved private special education schools,  
33 non-public schools, community centers, day care facilities, residential  
34 camps, day camps, Native American Indian Nation schools, and other state  
35 costs associated with such capital projects. The aggregate principal  
36 amount of bonds authorized to be issued pursuant to this section shall  
37 not exceed [~~three hundred twenty-one million seven hundred ninety-nine~~  
38 ~~thousand dollars \$321,799,000~~] four hundred million dollars  
39 \$400,000,000, excluding bonds issued to fund one or more debt service  
40 reserve funds, to pay costs of issuance of such bonds, and bonds or  
41 notes issued to refund or otherwise repay such bonds or notes previously  
42 issued. Such bonds and notes of the dormitory authority and the urban  
43 development corporation shall not be a debt of the state, and the state  
44 shall not be liable thereon, nor shall they be payable out of any funds  
45 other than those appropriated by the state to the dormitory authority  
46 and the urban development corporation for principal, interest, and  
47 related expenses pursuant to a service contract and such bonds and notes  
48 shall contain on the face thereof a statement to such effect. Except for  
49 purposes of complying with the internal revenue code, any interest  
50 income earned on bond proceeds shall only be used to pay debt service on  
51 such bonds.

52 § 45-a. Paragraph (b) of subdivision 3 and clause (B) of subparagraph  
53 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-  
54 ter 63 of the laws of 2005, relating to the composition and responsibil-  
55 ities of the New York state higher education capital matching grant



1 board, as amended by section 48 of part PP of chapter 56 of the laws of  
2 2023, are amended to read as follows:

3 (b) Within amounts appropriated therefor, the board is hereby author-  
4 ized and directed to award matching capital grants totaling [~~three~~  
5 ~~hundred eighty-five million dollars, \$385,000,000~~] four hundred twenty-  
6 five million dollars \$425,000,000. Each college shall be eligible for a  
7 grant award amount as determined by the calculations pursuant to subdi-  
8 vision five of this section. In addition, such colleges shall be eligi-  
9 ble to compete for additional funds pursuant to paragraph (h) of subdi-  
10 vision four of this section.

11 (B) The dormitory authority shall not issue any bonds or notes in an  
12 amount in excess of [~~three hundred eighty-five million dollars,~~  
13 ~~\$385,000,000~~] four hundred twenty-five million dollars \$425,000,000 for  
14 the purposes of this section; excluding bonds or notes issued to fund  
15 one or more debt service reserve funds, to pay costs of issuance of such  
16 bonds, and bonds or notes issued to refund or otherwise repay such bonds  
17 or notes previously issued. Except for purposes of complying with the  
18 internal revenue code, any interest on bond proceeds shall only be used  
19 to pay debt service on such bonds.

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

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

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

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

1 connections for water, sewer, gas, electrical, telephone, heating, air  
2 conditioning and other utility services, or a combination of any of the  
3 foregoing, whether for patient care and treatment or staff, staff family  
4 or service use, located at or related to any psychiatric center, any  
5 developmental center, or any state psychiatric or research institute or  
6 other facility now or hereafter established under the state department  
7 of mental hygiene. A mental health services facility shall also mean and  
8 include a residential care center for adults, a "community mental health  
9 and developmental disabilities facility", and a state or voluntary oper-  
10 ated treatment facility for use in the conduct of an alcoholism or  
11 substance abuse treatment program as defined in the mental hygiene law,  
12 unless such residential care center for adults, community mental health  
13 and developmental disabilities facility or alcoholism or substance abuse  
14 facility is expressly excepted or the context clearly requires other-  
15 wise. The definition contained in this subdivision shall not be  
16 construed to exclude therefrom a facility, whether or not owned or  
17 leased by a voluntary agency, to be made available under lease, or  
18 sublease, from the facilities development corporation to a voluntary  
19 agency at the request of the commissioners of the offices and directors  
20 of the divisions of the department of mental hygiene having jurisdiction  
21 thereof for use in providing services in a residential care center for  
22 adults, community mental health and developmental disabilities services,  
23 or for use in the conduct of an alcoholism or substance abuse treatment  
24 program. For purposes of this section mental health services facility  
25 shall also mean mental hygiene facility as defined in subdivision ten of  
26 section three of the facilities development corporation act and shall  
27 also include facilities for: (i) comprehensive psychiatric emergency  
28 programs and/or psychiatric inpatient programs or other similar programs  
29 under the auspice of municipalities and other public and not-for-profit  
30 agencies, dually licensed pursuant to article thirty-one of the mental  
31 hygiene law and article twenty-eight of the public health law; and (ii)  
32 housing for mentally ill persons under the auspice of municipalities and  
33 other public and not-for-profit agencies, approved by the commissioner  
34 of the office of mental health, pursuant to article forty-one of the  
35 mental hygiene law.

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

50 1. \$15,000,000 from the miscellaneous special revenue fund, state  
51 university general income reimbursable account (22653).

52 2. \$5,000,000 from state university dormitory income fund, state  
53 university dormitory income fund (40350).

54 3. \$5,000,000 from the enterprise fund, city university senior college  
55 operating fund (60851).

56 § 49. Intentionally omitted.

1 § 50. Intentionally omitted.

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

4 6-a. "Fixed assets". (i) Assets of a long-term, tangible character  
5 which are intended to continue to be held or used, such as land, build-  
6 ings, improvements, machinery, and equipment, and (ii) assets that  
7 provide a long-term interest in land, including conservation easements.

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

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

23 SCHEDULE

24 Principal Amount of Bonds Issued	Percentage Charge
25 a. [ <del>\$1,000,000</del> ] <u>\$20,000,000</u> or less	[ <del>-.168%</del> ] <u>0%</u>
26 b. [ <del>\$1,000,001 to \$5,000,000</del> ]	<del>.336%</del>
27 c. [ <del>\$5,000,001 to \$10,000,000</del> ]	<del>.504%</del>
28 d. [ <del>\$10,000,001 to \$20,000,000</del> ]	<del>.672%</del>
29 e.] More than \$20,000,000	[ <del>-.84%</del> ] <u>.35%</u>

30 § 53. Intentionally omitted.

31 § 54. Intentionally omitted.

32 § 55. Intentionally omitted.

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

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

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

13 § 57. This act shall take effect immediately and shall be deemed to  
 14 have been in full force and effect on and after April 1, 2024; provided,  
 15 however, that the provisions of sections one, two, three, four, five,  
 16 six, seven, eight, fourteen, fifteen, sixteen, seventeen, eighteen,  
 17 nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four  
 18 of this act shall expire March 31, 2025; and provided, further, that  
 19 sections twenty-five and twenty-six of this act shall expire March 31,  
 20 2028, when upon such dates the provisions of such sections shall be  
 21 deemed repealed.

22 PART Y

23 Intentionally Omitted

24 PART Z

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

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

30 § 3-112. State board of elections; uniform standards for processing  
 31 data requests and duty to send data and information to statewide data-  
 32 base. 1. For the purposes of this section:

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

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

42 1-a. There is hereby established within the state board of elections  
 43 the New York voting and elections database. Such database shall be a  
 44 central repository of certain elections and voting data available to the  
 45 public from an election authority in the state. The state board of  
 46 elections shall collect, host, and maintain in an electronic format  
 47 records provided to the state board of elections pursuant to this  
 48 section. Such records shall be maintained for at least twelve years.

49 1-b. The state board of elections, in consultation with the co-direc-  
 50 tors of the New York voting and elections academic center shall promul-  
 51 gate regulations within one hundred eighty days of the effective date of

1 this section on data standards for the method of processing and trans-  
2 mitting records required to be provided pursuant to this section. Such  
3 data standards promulgated by the state board of elections pursuant to  
4 this subdivision shall:

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

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

10 2. Upon the certification of election results and the completion of  
11 the voter history file after every election, each election authority  
12 shall, by January first after such election, or within ten business  
13 days, whichever is later, transmit to the state board of elections, if  
14 such election authority is able to maintain the record, copies of: (a)  
15 election results at the election district level for every statewide  
16 election and every election in every political subdivision; (b) contem-  
17 poraneous voter registration lists; (c) voter history files; (d) maps or  
18 other documentation of the configuration of districts in any format or  
19 formats as specified by the state board of elections; (e) tabulations of  
20 the number of valid and invalid affidavit ballots, the reasons for which  
21 affidavit ballots were invalid, and the quantity and disposition of  
22 affidavit ballots subject to the cure procedure prescribed by subdivi-  
23 sion three of section 9-209 of this chapter; (f) tabulations of the  
24 number of valid and invalid absentee ballots, the reasons for which  
25 absentee ballots were invalid and the quantity of absentee ballots  
26 invalid for each such reason, and the quantity and disposition of absen-  
27 tee ballots subject to the cure procedure prescribed by subdivision  
28 three of section 9-209 of this chapter; (g) lists of election day poll  
29 sites and early voting sites and maps or other documentation of the  
30 configuration of districts in any format or formats as specified by the  
31 state board of elections of the election districts assigned to each  
32 election day poll site or early voting site; (h) adopted districting or  
33 redistricting plans for every election in every political subdivision;  
34 and (i) any other publicly available data as requested by the state  
35 board of elections. Nothing in this section shall be construed to  
36 require an election authority to create or otherwise provide a record it  
37 is not capable of collecting. Within sixty days of receipt of records  
38 pursuant to this section, the New York voting and elections database  
39 shall post such records to its public facing website, provided that  
40 individual voter registration records shall not be published, but only  
41 made available to the public upon request. No cost shall be charged to  
42 access such records. The state board of elections shall provide the New  
43 York voting and elections academic center with full access to such data-  
44 base.

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

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



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

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

ARTICLE 117

NEW YORK VOTING AND ELECTIONS ACADEMIC CENTER

Section 5801. Statement of objectives and legislative findings.

5802. Establishment of the New York voting and elections academic center.

5803. Function of the New York voting and elections academic center.

5804. Co-directors on voting and elections.

5805. Annual report.

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

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

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

- (a) conduct classes both for credit and non-credit;
- (b) organize interdisciplinary groups of scholars to research voting and elections in the state;
- (c) conduct seminars involving voting and elections;



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

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

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

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

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

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

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

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

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

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

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

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

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

4 § 5804. Co-directors on voting and elections. 1. Two co-directors are  
5 hereby established in the New York voting and elections academic center.  
6 One co-director shall be within Binghamton University. One co-director  
7 shall be within the graduate school and university center of the city  
8 university of New York, provided that the co-director may have a primary  
9 appointment at another institution of the city university of New York.  
10 The leadership of the center shall also include two deputy directors,  
11 one from Binghamton University and one from Medgar Evers College.

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

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

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

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

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

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

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

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

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

50 (c) Each panelist shall serve a term of three years with the possibil-  
51 ity of reappointment. Panelists shall be eligible for reimbursements for  
52 reasonable costs incurred in performing their duties. The appointing  
53 authority for each panelist seat shall have the authority to fill vacan-  
54 cies or to remove a panelist for cause prior to the expiration of their  
55 term. Such vacancies shall be filled for the remainder of such term.

1 § 5805. Annual report. Not later than ninety days following the end of  
2 the state fiscal year the New York voting and elections academic center  
3 shall annually submit to the governor, the temporary president of the  
4 senate and the speaker of the assembly a report on the priorities and  
5 finances of the New York voting and elections academic center. The  
6 report shall summarize the activities of the center during the preceding  
7 state fiscal year and shall address topics including, but not limited  
8 to: (a) the collection, maintenance, and dissemination of relevant  
9 records; (b) educational, scholarly, or academic activities of the  
10 center; (c) compliance by political subdivisions with the requirements  
11 of section 3-112 of the election law and any enforcement actions; and  
12 (d) any outstanding challenges to the achievement of the objectives of  
13 the center under this article.

14 § 4. The civil practice law and rules is amended by adding a new rule  
15 4551 to read as follows:

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

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

24 § 2614. Transmission of publicly available data to the New York voting  
25 and elections database. Upon the certification of election results and  
26 the completion of the voter history file after each election, each  
27 school district that holds elections pursuant to this article shall  
28 transmit copies of records required to be transmitted pursuant to  
29 section 3-112 of the election law in a manner and time provided for in  
30 such section.

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

33 § 2038. Transmission of publicly available data to the New York voting  
34 and elections database. Upon the certification of election results and  
35 the completion of the voter history file after each election, each  
36 school district that holds school board elections pursuant to this arti-  
37 cle shall transmit copies of the records required to be transmitted  
38 pursuant to section 3-112 of the election law in a manner and time  
39 provided for in such section.

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

42 2-a. Upon the certification of election results and the completion of  
43 the voter history file after each election, each school district that  
44 holds school board elections pursuant to this article shall transmit  
45 copies of the records required to be transmitted pursuant to section  
46 3-112 of the election law in a manner and time provided for in such  
47 section.

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

50 § 15-140. Transmission of publicly available data to the New York  
51 voting and elections database. Upon the certification of election  
52 results and the completion of the voter history file after each  
53 election, each village that holds an election not conducted by a board  
54 of elections pursuant to this article shall transmit to the state board  
55 of elections copies of the records required to be transmitted pursuant

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

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

5 § 97-ss. New York voting and elections academic center fund. 1. There  
6 is hereby established in the joint custody of the state comptroller and  
7 the commissioner of taxation and finance a fund to be known as the New  
8 York voting and elections academic center fund.

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

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

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

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

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

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

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

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

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

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

46 § 11. This act shall take effect April 1, 2026 and shall apply to any  
47 election on or after such date. Provided, however that if section  
48 17-208 of the election law as added by section 4 of chapter 226 of the  
49 laws of 2022 shall not have taken effect on or before such date then  
50 section ten of this act shall take effect on the same date and in the  
51 same manner as such chapter of the laws of 2022 takes effect. Effective  
52 immediately, the addition, amendment and/or repeal of any rule or regu-  
53 lation necessary for the implementation of this act on its effective  
54 date are authorized to be made and completed on or before such date.

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

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

19 TITLE X

20 MULTISTATE VOTER LIST MAINTENANCE ORGANIZATION MEMBERSHIP AUTHORIZATION  
21 Section 5-1000. Joining a multistate voter list maintenance organiza-  
22 tion.

23 5-1001. Designating a member representative.

24 5-1002. Authorization to share registration records with multi-  
25 state voter list maintenance organization.

26 5-1003. Use of information from a multistate voter list mainte-  
27 nance organization.

28 § 5-1000. Joining a multistate voter list maintenance organization.  
29 The state board of elections shall join the state as a member in one or  
30 more multistate voter list maintenance organizations including, but not  
31 limited to, the electronic registration information center or its  
32 successor. The state board of elections shall expend funds for member-  
33 ship fees, dues and other expenses related to such membership.

34 § 5-1001. Designating a member representative. The state board of  
35 elections shall designate the chief election official of the state of  
36 New York as the representative to the board of directors of any multi-  
37 state voter list maintenance organization that the state is a member of  
38 including, but not limited to, the electronic registration information  
39 center or its successor.

40 § 5-1002. Authorization to share registration records with multistate  
41 voter list maintenance organization. 1. Notwithstanding any other  
42 provision of law, the member representative designated under section  
43 5-1001 of this title may provide to the multistate voter list mainte-  
44 nance organization that they are a member of the following information  
45 from the statewide voter registration list as defined in section 5-614  
46 of this article:

47 (a) all name fields;

48 (b) all address fields;

49 (c) date of birth;

50 (d) state voter identification number;

51 (e) voter's last registration date;

52 (f) activity dates as defined by the multistate voter list maintenance  
53 organization; and

54 (g) voter history.

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



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

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

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

11 § 5-1003. Use of information from a multistate voter list maintenance  
12 organization. 1. Notwithstanding any provision of law to the contrary,  
13 the state board of elections shall use any information provided by a  
14 multistate voter list maintenance organization that the state has joined  
15 pursuant to section 5-1001 of this title, including but not limited to,  
16 the use of such information in list maintenance activities performed  
17 pursuant to section 5-614 of this article.

18 2. To avoid inadvertent or accidental registration of persons ineligi-  
19 ble to register to vote, any mailing to any potentially eligible but  
20 unregistered person shall state the voter registration criteria, includ-  
21 ing but not limited to, any citizenship requirements.

22 § 3. The vehicle and traffic law is amended by adding a new section  
23 219-a to read as follows:

24 § 219-a. State membership in a multistate voter list maintenance  
25 organization. 1. Notwithstanding any other provision of law to the  
26 contrary, the commissioner is authorized to provide to the state's  
27 representative to a multistate voter list maintenance organization,  
28 designated under section 5-1001 of the election law, the following  
29 information: (a) all name fields; (b) all address fields; (c) DMV ID  
30 number; (d) last four digits of the DMV ID holder's social security  
31 number; (e) date of birth; (f) current record status; (g) phone number;  
32 and (h) e-mail address, provided that the conditions and terms of  
33 membership are consistent with the provisions of this chapter and title  
34 ten of article five of the election law pertaining to such membership or  
35 reciprocal recognition of vehicle registrations.

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

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

42 § 5. This act shall take effect immediately.

43 PART BB

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

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



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

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

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

#### 24 ARTICLE 42

#### 25 NEW YORK PRIVACY ACT

#### 26 Section 1100. Definitions.

#### 27 1101. Jurisdictional scope.

#### 28 1102. Consumer rights.

#### 29 1103. Controller, processor, and third party responsibilities.

#### 30 1104. Data brokers.

#### 31 1105. Limitations.

#### 32 1106. Enforcement.

#### 33 1107. Miscellaneous.

34 § 1100. Definitions. The following definitions apply for the purposes  
35 of this article unless the context clearly requires otherwise:

36 1. "Biometric information" means any personal data generated from the  
37 measurement or specific technological processing of a natural person's  
38 biological, physical, or physiological characteristics that allows or  
39 confirms the unique identification of a natural person, including fing-  
40 erprints, voice prints, iris or retina scans, facial scans or templates,  
41 and gait. "Biometric information" does not include a digital or phys-  
42 ical photograph, an audio or video recording, or any data generated from  
43 a digital or physical photograph, or an audio or video recording, unless  
44 such data is generated to identify a specific individual.

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

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

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

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

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

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

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

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

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

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

29 9. "Deidentified data" means data that cannot reasonably be used to  
30 infer information about, or otherwise be linked to a particular consum-  
31 er, household or device, provided that the processor or controller that  
32 possesses the data:

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

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

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

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

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

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

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

8 14. "Natural person" means a natural person acting only in an individ-  
9 ual or household context. It does not include a natural person known to  
10 be acting in a professional or employment context.

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

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

23 17. "Precise geolocation data" means information derived from technol-  
24 ogy, including, but not limited to, global position system level lati-  
25 tude and longitude coordinates or other mechanisms, that directly iden-  
26 tifies the specific location of an individual with precision and  
27 accuracy within a radius of one thousand seven hundred fifty feet,  
28 except as prescribed by regulations. Precise geolocation data does not  
29 include the content of communications or any data generated by or  
30 connected to advance utility metering infrastructure systems or equip-  
31 ment for use by a utility.

32 18. "Process", "processes" or "processing" means an operation or set  
33 of operations which are performed on data or on sets of data, including  
34 but not limited to the collection, use, access, sharing, monetization,  
35 analysis, retention, creation, generation, derivation, recording, organ-  
36 ization, structuring, storage, disclosure, transmission, analysis,  
37 disposal, licensing, destruction, deletion, modification, or deidentifi-  
38 cation of data.

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

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

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

52 22. "Sale", "sell", or "sold" means the disclosure, transfer, convey-  
53 ance, sharing, licensing, making available, processing, granting of  
54 permission or authorization to process, or other exchange of personal  
55 data, or providing access to personal data for monetary or other valu-  
56 able consideration by the controller to a third party. "Sale" includes

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

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

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

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

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

15 (a) racial or ethnic origin, religious beliefs, mental or physical  
16 health condition or diagnosis, sex life, sexual orientation, or citizen-  
17 ship or immigration status;

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

20 (c) precise geolocation data; or

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

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

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

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

34 § 1101. Jurisdictional scope. 1. This article applies to legal persons  
35 that conduct business in New York or produce products or services that  
36 are targeted to residents of New York, and that satisfy one or more of  
37 the following thresholds:

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

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

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

43 2. This article does not apply to:

44 (a) personal data processed by state and local governments, and munic-  
45 ipal corporations, for processes other than sale (filing and processing  
46 fees are not sale);

47 (b) a national securities association registered pursuant to section  
48 15A of the Securities Exchange Act of 1934, as amended, or regulations  
49 adopted thereunder or a registered futures association so designated  
50 pursuant to section 17 of the Commodity Exchange Act, as amended, or any  
51 regulations adopted thereunder;

52 (c) any nonprofit entity identified in section four hundred five of  
53 the financial services law to the extent such organization collects,  
54 processes, uses, or shares data solely in relation to identifying,  
55 investigating, or assisting (i) law enforcement agencies in connection

1 with suspected insurance-related criminal or fraudulent acts; or (ii)  
2 first responders in connection with catastrophic events;

3 (d) information that meets the following criteria:

4 (i) personal data collected, processed, sold, or disclosed pursuant to  
5 and in compliance with the federal Gramm-Leach-Bliley act (P.L.  
6 106-102), and implementing regulations;

7 (ii) personal data collected, processed, sold, or disclosed pursuant  
8 to the federal Driver's Privacy Protection Act of 1994 (18 U.S.C. Sec.  
9 2721 et seq.), if the collection, processing, sale, or disclosure is in  
10 compliance with that law;

11 (iii) personal data regulated by the federal Family Educational Rights  
12 and Privacy Act, U.S.C. Sec. 1232g and its implementing regulations;

13 (iv) personal data collected, processed, sold, or disclosed pursuant  
14 to the federal Farm Credit Act of 1971 (as amended in 12 U.S.C. Sec.  
15 2001-2279cc) and its implementing regulations (12 C.F.R. Part 600 et  
16 seq.) if the collection, processing, sale, or disclosure is in compli-  
17 ance with that law;

18 (v) personal data regulated by section two-d of the education law;

19 (vi) data maintained as employment records, for purposes other than  
20 sale;

21 (vii) protected health information that is lawfully collected by a  
22 covered entity or business associate and is governed by the privacy,  
23 security, and breach notification rules issued by the United States  
24 Department of Health and Human Services, Parts 160 and 164 of Title 45  
25 of the Code of Federal Regulations, established pursuant to the Health  
26 Insurance Portability and Accountability Act of 1996 (Public Law  
27 104-191) ("HIPAA") and the Health Information Technology for Economic  
28 and Clinical Health Act (Public Law 111-5);

29 (viii) patient identifying information for purposes of 42 C.F.R. Part  
30 2, established pursuant to 42 U.S.C. Sec. 290dd-2, as long as such data  
31 is not sold in violation of HIPAA or any state or federal law;

32 (ix) information and documents lawfully created for purposes of the  
33 federal Health Care Quality Improvement Act of 1986, and related regu-  
34 lations;

35 (x) patient safety work product created for purposes of 42 C.F.R. Part  
36 3, established pursuant to 42 U.S.C. Sec. 299b-21 through 299b-26;

37 (xi) information that is treated in the same manner as information  
38 exempt under subparagraph (vii) of this paragraph that is maintained by  
39 a covered entity or business associate as defined by HIPAA or a program  
40 or a qualified service organization as defined by 42 U.S.C. § 290dd-2,  
41 as long as such data is not sold in violation of HIPAA or any state or  
42 federal law;

43 (xii) deidentified health information that meets all of the following  
44 conditions:

45 (A) it is deidentified in accordance with the requirements for deiden-  
46 tification set forth in Section 164.514 of Part 164 of Title 45 of the  
47 Code of Federal Regulations;

48 (B) it is derived from protected health information, individually  
49 identifiable health information, or identifiable private information  
50 compliant with the Federal Policy for the Protection of Human Subjects,  
51 also known as the Common Rule; and

52 (C) a covered entity or business associate does not attempt to reiden-  
53 tify the information nor do they actually reidentify the information  
54 except as otherwise allowed under state or federal law;

55 (xiii) information maintained by a covered entity or business associ-  
56 ate governed by the privacy, security, and breach notification rules



1 issued by the United States Department of Health and Human Services,  
2 Parts 160 and 164 of Title 45 of the Code of Federal Regulations, estab-  
3 lished pursuant to the Health Insurance Portability and Accountability  
4 Act of 1996 (Public Law 104-191), to the extent the covered entity or  
5 business associate maintains the information in the same manner as  
6 protected health information as described in subparagraph (vii) of this  
7 paragraph;

8 (xiv) data collected as part of human subjects research, including a  
9 clinical trial, conducted in accordance with the Federal Policy for the  
10 Protection of Human Subjects, also known as the Common Rule, pursuant to  
11 good clinical practice guidelines issued by the International Council  
12 for Harmonisation or pursuant to human subject protection requirements  
13 of the United States Food and Drug Administration;

14 (xv) personal data processed only for one or more of the following  
15 purposes:

16 (A) product registration and tracking consistent with applicable  
17 United States Food and Drug Administration regulations and guidance;

18 (B) public health activities and purposes as described in Section  
19 164.512 of Title 45 of the Code of Federal Regulations; and/or

20 (C) activities related to quality, safety, or effectiveness regulated  
21 by the United States Food and Drug Administration; or

22 (xvi) personal data collected, processed, or disclosed pursuant to and  
23 in compliance with any opt-out program authorized by the public service  
24 commission or any other opt-out community distributed generation  
25 programs authorized in law; or

26 (e) (i) an activity involving the collection, maintenance, disclosure,  
27 sale, communication, or use of any personal data bearing on a consumer's  
28 credit worthiness, credit standing, credit capacity, character, general  
29 reputation, personal characteristics, or mode of living by a consumer  
30 reporting agency, as defined in Title 15 U.S.C. Sec. 1681a(f), by a  
31 furnisher of information, as set forth in Title 15 U.S.C. Sec. 1681s-2,  
32 who provides information for use in a consumer report, as defined in  
33 Title 15 U.S.C. Sec. 1861a(d), and by a user of a consumer report, as  
34 set forth in Title 15 U.S.C. Sec. 1681b.; and

35 (ii) this paragraph shall apply only to the extent that such activity  
36 involving the collection, maintenance, disclosure, sale, communication,  
37 or use of such data by that agency, furnisher, or user is subject to  
38 regulation under the Fair Credit Reporting Act, Title 15 U.S.C. Sec.  
39 1681 et seq., and the data is not collected, maintained, used, communi-  
40 cated, disclosed, or sold except as authorized by the Fair Credit  
41 Reporting Act.

42 § 1102. Consumer rights. 1. Right to notice. (a) Notice. Each control-  
43 ler that processes a consumer's personal data must make publicly and  
44 consistently available, in a conspicuous and readily accessible manner,  
45 a notice containing the following:

46 (i) a description of the consumer's rights under subdivisions two  
47 through seven of this section and how a consumer may exercise those  
48 rights, including how to withdraw consent;

49 (ii) the categories of personal data processed by the controller and  
50 by any processor who processes personal data on behalf of the control-  
51 ler;

52 (iii) the sources from which personal data is collected;

53 (iv) the purposes for processing personal data;

54 (v) the categories of third parties to whom the controller disclosed,  
55 shared, transferred or sold personal data and, for each category of  
56 third party, (A) the categories of personal data being shared,



1 disclosed, transferred, or sold to the third party, (B) the purposes for  
2 which personal data is being shared, disclosed, transferred, or sold to  
3 the third party, (C) any applicable retention periods for each category  
4 of personal data processed by the third parties or processed on their  
5 behalf, or if that is not possible, the criteria used to determine the  
6 period, and (D) whether the third parties may use the personal data for  
7 targeted advertising; and

8 (vi) the controller's retention period for each category of personal  
9 data that they process or is processed on their behalf, or if that is  
10 not possible, the criteria used to determine that period.

11 (b) Notice requirements.

12 (i) The notice must be written in easy-to-understand language and  
13 format at an eighth grade reading level or below and in at least twelve  
14 point font.

15 (ii) The categories of personal data processed and purposes for which  
16 each category of personal data is processed must be described in a clear  
17 and conspicuous manner, at a level specific enough to enable a consumer  
18 to exercise meaningful control over their personal data but not so  
19 specific as to render the notice unhelpful to a consumer.

20 (iii) The notice must be dated with its effective date and updated at  
21 least annually. When the information required to be disclosed to a  
22 consumer pursuant to paragraph (a) of this subdivision has not changed  
23 since the immediately previous notice (whether initial, annual, or  
24 revised) provided to the consumer, a controller may issue a statement  
25 that no changes have been made.

26 (iv) The notice, as well as each version of the notice in effect in  
27 the preceding six years, must be easily accessible to consumers and  
28 capable of being viewed by consumers at any time.

29 2. Right to opt out. (a) A controller must allow consumers the right  
30 to opt out, at any time, of processing personal data concerning the  
31 consumer for the purposes of:

32 (i) targeted advertising;

33 (ii) the sale of personal data; and

34 (iii) profiling in furtherance of decisions that produce legal or  
35 similarly significant effects concerning a consumer.

36 (b) A controller must provide clear and conspicuous means for the  
37 consumer or their agent to opt out of processing and clearly present as  
38 the most conspicuous choice an option to simultaneously opt out of all  
39 processing purposes set forth in paragraph (a) of this subdivision.

40 (c) A controller must not process personal data for any purpose from  
41 which the consumer has opted out.

42 (d) A controller must not request that a consumer who has opted out of  
43 certain purposes of processing personal data opt back in, unless those  
44 purposes subsequently become necessary to provide the services or goods  
45 requested by a consumer. Targeted advertising and sale of personal data  
46 shall not be considered processing purposes that are necessary to  
47 provide service or goods requested by a consumer.

48 (e) Controllers must treat user-enabled privacy controls in a browser,  
49 browser plug-in, smartphone application, operating system, device  
50 setting, or other mechanism that communicates or signals the consumer's  
51 choice not to opt out of the processing of personal data in furtherance  
52 of targeted advertising, the sale of their personal data, or profiling  
53 in furtherance of decisions that produce legal or similarly significant  
54 effects concerning the consumer as an opt out under this article. To the  
55 extent that the privacy control conflicts with a consumer's consent, the  
56 controller shall comply with the privacy control but may notify the

1 consumer of such conflict and provide to such consumer the choice to  
2 give controller specific consent to such processing.

3 3. Sensitive data. (a) A controller must obtain freely given, specif-  
4 ic, informed, and unambiguous opt-in consent from a consumer to:

5 (i) process the consumer's sensitive data related to that consumer for  
6 any purpose other than those in subdivision two of section eleven  
7 hundred five of this article; or

8 (ii) make any changes to the existing processing or processing  
9 purpose, including those regarding the method and scope of collection,  
10 of the consumer's sensitive data that may be less protective of the  
11 consumer's sensitive data than the processing to which the consumer has  
12 previously given their freely given, specific, informed, and unambiguous  
13 opt-in consent.

14 (b) Any request for consent to process sensitive data must be provided  
15 to the consumer, prior to processing their sensitive data, in a stand-  
16 alone disclosure that is separate and apart from any contract or privacy  
17 policy. The request for consent must:

18 (i) be written in a twelve point font or greater and include a clear  
19 and conspicuous description of each category of data and processing  
20 purpose for which consent is sought;

21 (ii) clearly identify and distinguish between categories of data and  
22 processing purposes that are necessary to provide the services or goods  
23 requested by the consumer and categories of data and processing purposes  
24 that are not necessary to provide the services or goods requested by the  
25 consumer;

26 (iii) enable a reasonable consumer to easily identify the categories  
27 of data and processing purposes for which consent is sought;

28 (iv) clearly present as the most conspicuous choice an option to  
29 provide only the consent necessary to provide the services or goods  
30 requested by the consumer;

31 (v) clearly present an option to deny consent; and

32 (vi) where the request seeks consent to sharing, disclosure, transfer,  
33 or sale of sensitive data to third parties, identify the categories of  
34 such third parties, the categories of data sold or shared with them, the  
35 processing purposes, the retention period, or if that is not possible,  
36 the criteria used to determine the period, and state if such sharing,  
37 disclosure, transfer, or sale enables or involves targeted advertising.  
38 The details of the categories of such third parties, and the categories  
39 of data, processing purposes, and the retention period, may be set forth  
40 in a different disclosure, provided that the request for consent  
41 contains a conspicuous and directly accessible link to that disclosure.

42 (c) Targeted advertising and sale of personal data shall not be  
43 considered processing purposes that are necessary to provide services or  
44 goods requested by a consumer.

45 (d) Once a consumer has provided freely given, specific, informed, and  
46 unambiguous opt-in consent to process their sensitive data for a proc-  
47 essing purpose, a controller may rely on such consent until it is with-  
48 drawn.

49 (e) A controller must provide a mechanism for a consumer to withdraw  
50 previously given consent at any time. Such mechanism shall make it as  
51 easy for a consumer to withdraw their consent as it is for such consumer  
52 to provide consent.

53 (f) A controller must not infer that a consumer has provided freely  
54 given, specific, informed, and unambiguous opt-in consent from the  
55 consumer's inaction or the consumer's continued use of a service or  
56 product provided by the controller.

1 (g) Controllers must not request consent from a consumer who has  
2 previously withheld or denied consent to process sensitive data, until  
3 at least twelve months after a denial, unless consent is necessary to  
4 provide the services or goods requested by the consumer.

5 (h) Controllers must treat user-enabled privacy controllers in a browser,  
6 browser plug-in, smartphone application, operating system, device  
7 setting, or other mechanism that communicates or signals the consumer's  
8 choices to opt out of the processing of personal data in furtherance of  
9 targeted advertising, the sale of their personal data, or profiling in  
10 furtherance of decisions that produce legal or similarly significant  
11 effects concerning the consumer as a denial of consent to process sensi-  
12 tive data under this article. To the extent that the privacy control  
13 conflicts with a consumer's consent, the privacy control settings  
14 govern, unless the consumer provides freely given, specific, informed,  
15 and unambiguous opt-in consent to override the privacy control, however,  
16 the controller may notify such consumer of such conflict and provide to  
17 the consumer the choice to give controller-specific consent to such  
18 processing.

19 (i) (i) A controller must not discriminate against a consumer for  
20 withholding or denying consent, including, but not limited to, by:

21 (A) denying services or goods to the consumer, unless the consumer  
22 does not consent to processing necessary to provide the services or  
23 goods requested by the consumer;

24 (B) charging different prices for goods or services, including through  
25 the use of discounts or other benefits, imposing penalties, or providing  
26 a different level or quality of services or goods to the consumer; or

27 (C) suggesting that the consumer will receive a different price or  
28 rate for goods or services or a different level or quality of services  
29 or goods.

30 (ii) A controller shall not be prohibited from offering a different  
31 price, rate, level, quality, or selection of goods or services to a  
32 consumer, including offering goods or services for no fee, if the offer-  
33 ing is in connection with a consumer's voluntary participation in bona  
34 fide loyalty, rewards, premium features, discounts, or club card  
35 program. If a consumer exercises their right pursuant to paragraph (a)  
36 of subdivision two of this section, a controller may not sell personal  
37 data to a third party controller as part of such a program unless: (A)  
38 the sale is reasonably necessary to enable the third party to provide a  
39 benefit to which the consumer is entitled; (B) the sale of personal data  
40 to third parties is clearly disclosed in the terms of the program; and  
41 (C) the third party uses the personal data only for purposes of facili-  
42 tating such a benefit to which the consumer is entitled and does not  
43 retain or otherwise use or disclose the personal data for any other  
44 purpose.

45 (j) A controller may, with the consumer's freely given, specific,  
46 informed, and unambiguous opt-in consent given pursuant to this section,  
47 operate a program in which information, products, or services sold to  
48 the consumer are discounted based solely on such consumer's prior  
49 purchases from the controller, provided that any sensitive data used to  
50 operate such program is processed solely for the purpose of operating  
51 such program.

52 (k) In the event of a merger, acquisition, bankruptcy, or other trans-  
53 action in which another entity assumes control or ownership of all or  
54 majority of the controller's assets, any consent provided to the  
55 controller by a consumer relating to sensitive data prior to such trans-

1 action other than consent to processing necessary to provide services or  
2 goods requested by the consumer, shall be deemed withdrawn.

3 4. Right to access. Upon the verified request of a consumer, a  
4 controller shall:

5 (a) confirm whether or not the controller is processing or has proc-  
6 essed personal data of that consumer, and provide access to a copy of  
7 any such personal data in a manner understandable to a reasonable  
8 consumer when requested; and

9 (b) provide the category of each processor or third party to whom the  
10 controller disclosed, transferred, or sold the consumer's personal data  
11 and, for each category of processor or third party, (i) the categories  
12 of the consumer's personal data disclosed, transferred, or sold to each  
13 processor or third party and (ii) the purposes for which each category  
14 of the consumer's personal data was disclosed, transferred, or sold to  
15 each processor or third party.

16 5. Right to portable data. Upon a verified request, and to the extent  
17 technically feasible, the controller must: (a) provide to the consumer a  
18 copy of all of, or a portion of, as designated in a verified request,  
19 the consumer's personal data in a structured, commonly used and  
20 machine-readable format and (b) transmit the data to another person of  
21 the consumer's or their agent's designation without hindrance.

22 6. Right to correct. (a) Upon the verified request of a consumer or  
23 their agent, a controller must conduct a reasonable investigation to  
24 determine whether personal data, the accuracy of which is disputed by  
25 the consumer, is inaccurate, with such investigation to be concluded  
26 within the time period set forth in paragraph (a) of subdivision eight  
27 of this section.

28 (b) Notwithstanding paragraph (a) of this subdivision, a controller  
29 may terminate an investigation initiated pursuant to such paragraph if  
30 the controller reasonably and in good faith determines that the dispute  
31 by the consumer is wholly without merit, including by reason of a fail-  
32 ure by a consumer to provide sufficient information to investigate the  
33 disputed personal data. Upon making any determination in accordance with  
34 this paragraph that a dispute is wholly without merit, a controller  
35 must, within the time period set forth in paragraph (a) of subdivision  
36 eight of this section, provide the affected consumer a statement in  
37 writing that includes, at a minimum, the specific reasons for the deter-  
38 mination, and identification of any information required to investigate  
39 the disputed personal data, which may consist of a standardized form  
40 describing the general nature of such information.

41 (c) If, after any investigation under paragraph (a) of this subdivi-  
42 sion of any personal data disputed by a consumer, an item of the  
43 personal data is found to be inaccurate or incomplete, or cannot be  
44 verified, the controller must:

45 (i) correct the inaccurate or incomplete personal data of the consum-  
46 er; and

47 (ii) unless it proves impossible or involves disproportionate effort,  
48 communicate such request to each processor or third party to whom the  
49 controller disclosed, transferred, or sold the personal data within one  
50 year preceding the consumer's request, and to require those processors  
51 or third parties to do the same for any further processors or third  
52 parties they disclosed, transferred, or sold the personal data to.

53 (d) If the investigation does not resolve the dispute, the consumer  
54 may file with the controller a brief statement setting forth the nature  
55 of the dispute. Whenever a statement of a dispute is filed, unless there  
56 exists reasonable grounds to believe that it is wholly without merit,

1 the controller must note that it is disputed by the consumer and include  
2 either the consumer's statement or a clear and accurate codification or  
3 summary thereof with the disputed personal data whenever it is  
4 disclosed, transferred, or sold to any processor or third party.

5 7. Right to delete. (a) Upon the verified request of a consumer, a  
6 controller must:

7 (i) within forty-five days after receiving the verified request,  
8 delete any or all of the consumer's personal data, as directed by the  
9 consumer or their agent, that the controller possesses or controls; and

10 (ii) unless it proves impossible or involves disproportionate effort  
11 that is documented in writing by the controller, communicate such  
12 request to each processor or third party to whom the controller  
13 disclosed, transferred or sold the personal data within one year preced-  
14 ing the consumer's request and to require those processors or third  
15 parties to do the same for any further processors or third parties they  
16 disclosed, transferred, or sold the personal data to.

17 (b) For personal data that is not possessed by the controller but by a  
18 processor of the controller, the controller may choose to (i) communi-  
19 cate the consumer's request for deletion to the processor, or (ii)  
20 request that the processor return to the controller the personal data  
21 that is the subject of the consumer's request and delete such personal  
22 data upon receipt of the request.

23 (c) A consumer's deletion of their online account must be treated as a  
24 request to the controller to delete all of that consumer's personal data  
25 directly related to that account.

26 (d) A controller must maintain reasonable procedures designed to  
27 prevent the reappearance in its systems, and in any data it discloses,  
28 transfers, or sells to any processor or third party, the personal data  
29 that is deleted pursuant to this subdivision.

30 (e) A controller is not required to comply with a consumer's request  
31 to delete personal data if:

32 (i) complying with the request would prevent the controller from  
33 performing accounting functions, processing refunds, effectuating a  
34 product recall pursuant to federal or state law, or fulfilling warranty  
35 claims, provided that the personal data that is the subject of the  
36 request is not processed for any purpose other than such specific activ-  
37 ities; or

38 (ii) it is necessary for the controller to maintain the consumer's  
39 personal data to engage in public or peer-reviewed scientific, histor-  
40 ical, or statistical research in the public interest that adheres to all  
41 other applicable ethics and privacy laws, when the controller's deletion  
42 of the information is likely to render impossible or seriously impair  
43 the achievement of such research, provided that the consumer has given  
44 informed consent and the personal data is not processed for any purpose  
45 other than such research.

46 (f) Where a consumer's request for deletion is denied, the controller  
47 shall provide the consumer with a written justification for such denial.

48 8. Responding to requests. (a) A controller must take action under  
49 subdivisions four through seven of this section and inform the consumer  
50 of any actions taken without undue delay and in any event within forty-  
51 five days of receipt of the request. That period may be extended once by  
52 forty-five additional days where reasonably necessary, taking into  
53 account the complexity and number of the requests. The controller must  
54 inform the consumer of any such extension within forty-five days of  
55 receipt of the request, together with the reasons for the delay. When a  
56 controller denies any such request, it must within this period disclose



1 to the consumer a statement in writing of the specific reasons for the  
2 denial and instructions for how to appeal the decision.

3 (b) A controller shall permit the exercise of rights and carry out its  
4 obligations set forth in subdivisions four through seven of this section  
5 free of charge, at least twice annually to the consumer. Where requests  
6 from a consumer are manifestly unfounded or excessive, in particular  
7 because of their repetitive character, the controller may either (i)  
8 charge a reasonable fee to cover the administrative costs of complying  
9 with the request or (ii) refuse to act on the request and notify the  
10 consumer of the reason for refusing the request. The controller bears  
11 the burden of demonstrating the manifestly unfounded or excessive char-  
12 acter of the request.

13 (c) (i) A controller shall promptly attempt, using commercially  
14 reasonable efforts, to verify that all requests to exercise any rights  
15 set forth in any section of this article requiring a verified request  
16 were made by the consumer who is the subject of the data, or by a person  
17 lawfully exercising the right on behalf of the consumer who is the  
18 subject of the data. Commercially reasonable efforts shall be determined  
19 based on the totality of the circumstances, including the nature of the  
20 data implicated by the request.

21 (ii) A controller may require the consumer to provide additional  
22 information only if the request cannot reasonably be verified without  
23 the provision of such additional information. A controller must not  
24 transfer or process any such additional information provided pursuant to  
25 this section for any other purpose and must delete any such additional  
26 information without undue delay and in any event within forty-five days  
27 after the controller has notified the consumer that it has taken action  
28 on a request under subdivisions four through seven of this section as  
29 described in paragraph (a) of this subdivision.

30 (iii) If a controller discloses this additional information to any  
31 processor or third party for the purpose of verifying a consumer  
32 request, it must notify the receiving processor or third party at the  
33 time of such disclosure, or as close in time to the disclosure as is  
34 reasonably practicable, that such information was provided by the  
35 consumer for the sole purpose of verification and cannot be processed  
36 for any purpose other than verification.

37 9. Implementation of rights. Controllers must provide easily accessi-  
38 ble and convenient means for consumers to exercise their rights under  
39 this article.

40 10. Non-waiver of rights. Any provision of a contract or agreement of  
41 any kind that purports to waive or limit in any way a consumer's rights  
42 under this article is contrary to public policy and is void and unen-  
43 forceable.

44 § 1103. Controller, processor, and third party responsibilities. 1.  
45 Controller responsibilities. (a) Data protection assessments. (i) A  
46 controller shall regularly conduct and document a data protection  
47 assessment for each of the controller's processing activities that  
48 presents a heightened risk of harm to a consumer. For the purposes of  
49 this section, processing that presents a heightened risk of harm to a  
50 consumer includes: (A) the processing of personal data for the purposes  
51 of targeting advertising, (B) the sale of personal data, (C) the proc-  
52 essing of personal data for the purposes of profiling, where such  
53 profiling presents a reasonably foreseeable risk of (I) unfair or decep-  
54 tive treatment of, or unlawful disparate impact on consumers, (II)  
55 financial, physical or reputational injury to consumers, (III) a phys-  
56 ical or other intrusion upon the solitude or seclusion, or the private



1 affairs or concerns of consumers where such intrusion would be offensive  
2 to a reasonable person, or (IV) other substantial injury to consumers;  
3 and (D) the processing of sensitive data.

4 (ii) Data protection assessments conducted pursuant to subparagraph  
5 (i) of this paragraph shall identify and weigh the benefits that may  
6 flow, directly and indirectly, from the processing to the controller,  
7 the consumer, other stakeholders and the public against the potential  
8 risks to the rights of the consumer associated with such processing, as  
9 mitigated by safeguards that can be employed by the controller to reduce  
10 such risks. The controller shall factor into any such data protection  
11 assessment that use of deidentified data and the reasonable expectations  
12 of consumers, as well as the context of the processing and the relation-  
13 ship between the controller and the consumer whose personal data will be  
14 processed.

15 (iii) The attorney general may require that a controller disclose any  
16 data protection assessment that is relevant to an investigation  
17 conducted by the attorney general, and the controller shall make the  
18 data protection assessment available to the attorney general. The attor-  
19 ney general may evaluate the data protection assessment to assess  
20 compliance with the provisions of this article. Data protection assess-  
21 ments shall be confidential and shall be exempt from disclosure under  
22 the freedom of information law. To the extent any information contained  
23 in a data protection assessment disclosure to the attorney general  
24 includes information subject to attorney-client privilege or work prod-  
25 uct protection, such disclosure shall not constitute a waiver of such  
26 privilege or protection.

27 (iv) A single data protection assessment may address a comparable set  
28 of processing operations that include similar activities.

29 (v) If a controller conducts a data protection assessment for the  
30 purpose of complying with another applicable law or regulation, the data  
31 protection assessment shall be deemed to satisfy the requirements estab-  
32 lished in this section if such data protection assessment is reasonably  
33 similar in scope and effect to the data protection assessment that would  
34 otherwise be conducted pursuant to this section.

35 (vi) Data protection assessment requirements shall apply to processing  
36 activities created or generated after the effective date of this arti-  
37 cle.

38 (b) Controllers must not engage in unfair, deceptive, or abusive acts  
39 or practices with respect to obtaining consumer consent, the processing  
40 of personal data, and a consumer's exercise of any rights under this  
41 article, including without limitation:

42 (i) designing a user interface with the purpose or substantial effect  
43 of deceiving consumers, obscuring consumers' rights under this article,  
44 or subverting or impairing user autonomy, decision-making, or choice; or

45 (ii) obtaining consent in a manner designed to overpower a consumer's  
46 resistance; for example, by making excessive requests for consent.

47 (c) Controllers must develop, implement, and maintain reasonable safe-  
48 guards to protect the security, confidentiality and integrity of the  
49 personal data of consumers including adopting reasonable administrative,  
50 technical and physical safeguards appropriate to the volume and nature  
51 of the personal data at issue.

52 (d) (i) A controller shall limit the use and retention of a consumer's  
53 personal data to what is (A) necessary to provide the services or goods  
54 requested by the consumer, (B) necessary for the internal business oper-  
55 ations of the controller and consistent with the disclosures made to the

1 consumer pursuant to section eleven hundred two of this article, or (C)  
2 necessary to comply with the legal obligations of the controller.

3 (ii) At least annually, a controller shall review its retention prac-  
4 tices for the purpose of ensuring that it is maintaining the minimum  
5 amount of personal data as is necessary for the operation of its busi-  
6 ness. A controller must securely dispose of all personal data that is no  
7 longer (A) necessary to provide the services or goods requested by the  
8 consumer, (B) necessary for the internal business operations of the  
9 controller and consistent with the disclosures made to the consumer  
10 pursuant to section eleven hundred two of this article, or (C) necessary  
11 to comply with the legal obligations of the controller.

12 (e) Non-discrimination. (i) (A) A controller must not discriminate  
13 against a consumer for exercising rights under this article, including  
14 but not limited to, by:

15 (I) denying services or goods to consumers;

16 (II) charging different prices for services or goods, including  
17 through the use of discounts or other benefits; imposing penalties; or  
18 providing a different level or quality of services or goods to the  
19 consumer; or

20 (III) suggesting that the consumer will receive a different price or  
21 rate for services or goods or a different level or quality of services  
22 or goods.

23 (B) A controller shall not be prohibited from offering a different  
24 price, rate, level, quality, or selection of goods or services to a  
25 consumer, including offering goods or services for no fee, if the offer-  
26 ing is in connection with a consumer's voluntary participation in bona  
27 fide loyalty, rewards, premium features, discounts, or club card  
28 program. If a consumer exercises their right pursuant to paragraph (a)  
29 of subdivision two of section eleven hundred two of this article, a  
30 controller may not sell personal data to a third party controller as  
31 part of such a program unless: (I) the sale is reasonably necessary to  
32 enable the third party to provide a benefit to which the consumer is  
33 entitled; (II) the sale of personal data to third parties is clearly  
34 disclosed in the terms of the program; and (III) the third party uses  
35 the personal data only for purposes of facilitating such a benefit to  
36 which the consumer is entitled and does not retain or otherwise use or  
37 disclose the personal data for any other purpose.

38 (ii) This paragraph does not apply to a controller's conduct with  
39 respect to opt-in consent, in which case paragraph (j) of subdivision  
40 three of section eleven hundred two of this article governs.

41 (f) Agreements with processors. (i) Before making any disclosure,  
42 transfer, or sale of personal data to any processor, the controller must  
43 enter into a written, signed contract with that processor. Such contract  
44 must be binding and clearly set forth instructions for processing data,  
45 the nature and purpose of processing, the type of data subject to proc-  
46 essing, the duration of processing, and the rights and obligations of  
47 both parties. The contract must also include requirements that the  
48 processor must:

49 (A) ensure that each person processing personal data is subject to a  
50 duty of confidentiality with respect to the data;

51 (B) protect the data in a manner consistent with the requirements of  
52 this article and at least equal to the security requirements of the  
53 controller set forth in their publicly available policies, notices, or  
54 similar statements;

1 (C) process the data only when and to the extent necessary to comply  
2 with its legal obligations to the controller unless otherwise explicitly  
3 authorized by the controller;

4 (D) not combine the personal data which the processor receives from or  
5 on behalf of the controller with personal data which the processor  
6 receives from or on behalf of another person or collects from its own  
7 interaction with consumers;

8 (E) comply with any exercises of a consumer's rights under section  
9 eleven hundred two of this article upon the request of the controller,  
10 subject to the limitations set forth in section eleven hundred five of  
11 this article;

12 (F) at the controller's direction, delete or return all personal data  
13 to the controller as requested at the end of the provision of services,  
14 unless retention of the personal data is required by law;

15 (G) upon the reasonable request of the controller, make available to  
16 the controller all data in its possession necessary to demonstrate the  
17 processor's compliance with the obligations in this article;

18 (H) allow, and cooperate with, reasonable assessments by the control-  
19 ler or the controller's designated assessor; alternatively, the process-  
20 or may arrange for a qualified and independent assessor to conduct an  
21 assessment of the processor's policies and technical and organizational  
22 measures in support of the obligations under this article using an  
23 appropriate and accepted control standard or framework and assessment  
24 procedure for such assessments. The processor shall provide a report of  
25 such assessment to the controller upon request;

26 (I) a reasonable time in advance before disclosing or transferring the  
27 data to any further processors, notify the controller of such a proposed  
28 disclosure or transfer and provide the controller an opportunity to  
29 approve or reject the proposal; and

30 (J) engage any further processor pursuant to a written, signed  
31 contract that includes the contractual requirements provided in this  
32 paragraph, containing at minimum the same obligations that the processor  
33 has entered into with regard to the data.

34 (ii) A controller must not agree to indemnify, defend, or hold a  
35 processor harmless, or agree to a provision that has the effect of  
36 indemnifying, defending, or holding the processor harmless, from claims  
37 or liability arising from the processor's breach of the contract  
38 required by clause (A) of subparagraph (i) of this paragraph or a  
39 violation of this article. Any provision of an agreement that violates  
40 this subparagraph is contrary to public policy and is void and unen-  
41 forceable.

42 (iii) Nothing in this paragraph relieves a controller or a processor  
43 from the liabilities imposed on it by virtue of its role in the process-  
44 ing relationship as defined by this article.

45 (iv) Determining whether a person is acting as a controller or proces-  
46 sor with respect to a specific processing of data is a fact-based deter-  
47 mination that depends upon the context in which personal data is to be  
48 processed. A processor that continues to adhere to a controller's  
49 instructions with respect to a specific processing of personal data  
50 remains a processor.

51 (g) Third parties. (i) A controller must not share, disclose, trans-  
52 fer, or sell personal data, or facilitate or enable the processing,  
53 disclosure, transfer, or sale to a third party of personal data for  
54 which a consumer has exercised their opt-out rights pursuant to subdivi-  
55 sion two of section eleven hundred two of this article, or for which  
56 consent of the consumer pursuant to subdivision three of section eleven

1 hundred two of this article, has not been obtained or is not currently  
2 in effect. Any request for consent to share, disclose, transfer, or sell  
3 personal data, or to facilitate or enable the processing, disclosure,  
4 transfer, or sale of personal data to a third party of personal data to  
5 a third party must clearly include the category of the third party and  
6 the processing purposes for which the third party may use the personal  
7 data.

8 (ii) A controller must not share, disclose, transfer, or sell personal  
9 data, or facilitate or enable the processing, disclosure, transfer, or  
10 sale to a third party of personal data if it can reasonably expect the  
11 personal data of a consumer to be used for purposes for which a consumer  
12 has exercised their opt-out rights pursuant to subdivision two of  
13 section eleven hundred two of this article, or for which the consumer  
14 has not consented to pursuant to subdivision three of section eleven  
15 hundred two of this article, or if it can reasonably expect that any  
16 rights of the consumer provided in this article would be compromised as  
17 a result of such transaction.

18 (iii) Before making any disclosure, transfer, or sale of personal data  
19 to any third party, the controller must enter into a written, signed  
20 contract. Such contract must be binding and the scope, nature, and  
21 purpose of processing, the type of data subject to processing, the dura-  
22 tion of processing, and the rights and obligations of both parties.  
23 Such contract must include requirements that the third party:

24 (A) Process that data only to the extent permitted by the agreement  
25 entered into with the controller; and

26 (B) Provide a mechanism to comply with any exercises of a consumer's  
27 rights under section eleven hundred two of this article upon the request  
28 of the controller, subject to any limitations thereon as authorized by  
29 this article; and

30 (C) To the extent the disclosure, transfer, or sale of the personal  
31 data causes the third party to become a controller, comply with all  
32 obligations imposed on controllers under this article.

33 2. Processor responsibilities. (a) For any personal data that is  
34 obtained, received, purchased, or otherwise acquired by a processor,  
35 whether directly from a controller or indirectly from another processor,  
36 the processor must comply with the requirements set forth in clauses (A)  
37 through (J) of subparagraph (i) of paragraph (f) of subdivision one of  
38 this section.

39 (b) A processor is not required to comply with a request submitted  
40 pursuant to this article if (i) the consumer submits the request direct-  
41 ly to the processor; and (ii) the processor has processed the consumer's  
42 personal data solely in its role as a processor for a controller.

43 (c) Processors shall be under a continuing obligation to engage in  
44 reasonable measures to review their activities for circumstances that  
45 may have altered their ability to identify a specific natural person and  
46 to update their classifications of data as identified or identifiable  
47 accordingly.

48 (d) A processor shall not engage in any sale of personal data other  
49 than on behalf of the controller pursuant to any agreement entered into  
50 with the controller.

51 3. Third party responsibilities. For any personal data that is  
52 obtained, received, purchased, or otherwise acquired or accessed by a  
53 third party from a controller or processor, the third party must:

54 (a) Process that data only to the extent permitted by any agreements  
55 entered into with the controller;

1 (b) Comply with any exercises of a consumer's rights under section  
2 eleven hundred two of this article upon the request of the controller or  
3 processor, subject to any limitations thereon as authorized by this  
4 article; and

5 (c) To the extent the third party becomes a controller for personal  
6 data, comply with all obligations imposed on controllers under this  
7 article.

8 4. Exceptions. The requirements of this section shall not apply where:

9 (a) The processing is required by law;

10 (b) The processing is made pursuant to a request by a federal, state,  
11 or local government or government entity; or

12 (c) The processing significantly advances protection against criminal  
13 or tortious activity.

14 § 1104. Data brokers. 1. A data broker, as defined under this article,  
15 must annually, on or before January thirty-first following a year in  
16 which a person meets the definition of data broker in this article:

17 (a) Register with the attorney general;

18 (b) Pay a registration fee of one hundred dollars or as otherwise  
19 determined by the attorney general pursuant to the regulatory authority  
20 granted to the attorney general under this article, not to exceed the  
21 reasonable cost of establishing and maintaining the database and infor-  
22 mational website described in this section; and

23 (c) Provide the following information:

24 (i) the name and primary physical, email, and internet website address  
25 of the data broker;

26 (ii) the name and business address of an officer or registered agent  
27 of the data broker authorized to accept legal process on behalf of the  
28 data broker;

29 (iii) a statement describing the method for exercising consumers  
30 rights under section eleven hundred two of this article;

31 (iv) a statement whether the data broker implements a purchaser  
32 credentialing process; and

33 (v) any additional information or explanation the data broker chooses  
34 to provide concerning its data collection practices.

35 2. Notwithstanding any other provision of this article, any controller  
36 that conducts business in the state of New York must:

37 (a) annually, on or before January thirty-first following a year in  
38 which a person meets the definition of controller in this act, provide  
39 to the attorney general a list of all data brokers or persons reasonably  
40 believed to be data brokers to which the controller provided personal  
41 data in the preceding year; and

42 (b) not sell a consumer's personal data to an entity reasonably  
43 believed to be a data broker that is not registered with the attorney  
44 general.

45 3. The attorney general shall establish, manage and maintain a state-  
46 wide registry on its internet website, which shall list all registered  
47 data brokers and make accessible to the public all the information  
48 provided by data brokers pursuant to this section. Printed hard copies  
49 of such registry shall be made available upon request and payment of a  
50 reasonable fee to be determined by the attorney general.

51 4. A data broker that fails to register as required by this section or  
52 submits false information in its registration is, in addition to any  
53 other injunction, penalty, or liability that may be imposed under this  
54 article, liable for civil penalties, fees, and costs in an action  
55 brought by the attorney general as follows: (a) a civil penalty of one  
56 thousand dollars for each day the data broker fails to register as



1 required by this section or fails to correct false information, (b) an  
2 amount equal to the fees that were due during the period it failed to  
3 register, and (c) expenses incurred by the attorney general in the  
4 investigation and prosecution of the action as the court deems appropri-  
5 ate.

6 § 1105. Limitations. 1. This article does not require a controller or  
7 processor to do any of the following solely for purposes of complying  
8 with this article:

9 (a) Reidentify deidentified data;

10 (b) Comply with a verified consumer request to access, correct, or  
11 delete personal data pursuant to this article if all of the following  
12 are true:

13 (i) The controller is not reasonably capable of associating the  
14 request with the personal data;

15 (ii) The controller does not associate the personal data with other  
16 personal data about the same specific consumer as part of its normal  
17 business practice; and

18 (iii) The controller does not sell the personal data to any third  
19 party or otherwise voluntarily disclose or transfer the personal data to  
20 any processor or third party, except as otherwise permitted in this  
21 article; or

22 (c) Maintain personal data in identifiable form, or collect, obtain,  
23 retain, or access any personal data or technology, in order to be capa-  
24 ble of associating a verified consumer request with personal data.

25 2. The obligations imposed on controllers and processors under this  
26 article do not restrict a controller's or processor's ability to do any  
27 of the following, to the extent that the use of the consumer's personal  
28 data is reasonably necessary and proportionate for these purposes:

29 (a) Comply with federal, state, or local laws, rules, or regulations,  
30 provided that no law enforcement agency or officer thereof shall access  
31 personal data without a subpoena or a lawfully executed search warrant,  
32 except for the attorney general for the purposes of enforcing this  
33 article, except where otherwise provided specifically in federal law;

34 (b) Investigate, establish, exercise, prepare for, or defend legal  
35 claims;

36 (c) Process personal data necessary to provide the services or goods  
37 requested by a consumer; perform a contract to which the consumer is a  
38 party; or take steps at the request of the consumer prior to entering  
39 into a contract;

40 (d) Take immediate steps to protect the life or physical safety of the  
41 consumer or of another natural person, and where the processing cannot  
42 be manifestly based on another legal basis;

43 (e) Prevent, detect, protect against, or respond to security inci-  
44 dents, identity theft, fraud, harassment, malicious or deceptive activ-  
45 ities, or any illegal activity; preserve the integrity or security of  
46 systems; or investigate, report, or prosecute those responsible for any  
47 such action;

48 (f) Identify and repair technical errors that impair existing or  
49 intended functionality; or

50 (g) Process business contact information, including a natural person's  
51 name, position name or title, business telephone number, business  
52 address, business electronic mail address, business fax number, or qual-  
53 ifications and any other similar information about the natural person.

54 3. The obligations imposed on controllers or processors under this  
55 article do not apply where compliance by the controller or processor  
56 with this article would violate an evidentiary privilege under New York



1 law and do not prevent a controller or processor from providing personal  
2 data concerning a consumer to a person covered by an evidentiary privi-  
3 lege under New York law as part of a privileged communication.

4 4. A controller that receives a request pursuant to subdivisions four  
5 through seven of section eleven hundred two of this article, or a  
6 processor or third party to whom a controller communicates such a  
7 request, may decline to fulfill the relevant part of such request if:

8 (a) the controller, processor, or third party is unable to verify the  
9 request using commercially reasonable efforts, as described in paragraph  
10 (c) of subdivision eight of section eleven hundred two of this article;

11 (b) complying with the request would be demonstrably impossible (for  
12 purposes of this paragraph, the receipt of a large number of verified  
13 requests, on its own, is not sufficient to render compliance with a  
14 request demonstrably impossible);

15 (c) complying with the request would impair the privacy of another  
16 individual or the rights of another to exercise free speech; or

17 (d) the personal data was created by a natural person other than the  
18 consumer making the request and is being processed for the purpose of  
19 facilitating interpersonal relationships or public discussion.

20 § 1106. Enforcement. 1. Whenever it appears to the attorney general,  
21 either upon complaint or otherwise, that any person or persons has  
22 engaged in or is about to engage in any of the acts or practices stated  
23 to be unlawful under this article, the attorney general may bring an  
24 action or special proceeding in the name and on behalf of the people of  
25 the state of New York to enjoin any violation of this article, to obtain  
26 restitution of any moneys or property obtained directly or indirectly by  
27 any such violation, to obtain disgorgement of any profits obtained  
28 directly or indirectly by any such violation, to obtain civil penalties  
29 of not more than twenty thousand dollars per violation, and to obtain  
30 any such other and further relief as the court may deem proper, includ-  
31 ing preliminary relief.

32 (a) Any action or special proceeding brought by the attorney general  
33 pursuant to this section must be commenced within six years.

34 (b) Each instance of unlawful processing counts as a separate  
35 violation. Unlawful processing of the personal data of more than one  
36 consumer counts as a separate violation as to each consumer. Each  
37 provision of this article that is violated counts as a separate  
38 violation.

39 (c) In assessing the amount of penalties, the court must consider any  
40 one or more of the relevant circumstances presented by any of the  
41 parties, including, but not limited to, the nature and seriousness of  
42 the misconduct, the number of violations, the persistence of the miscon-  
43 duct, the length of time over which the misconduct occurred, the will-  
44 fulness of the violator's misconduct, and the violator's financial  
45 condition.

46 2. In connection with any proposed action or special proceeding under  
47 this section, the attorney general is authorized to take proof and make  
48 a determination of the relevant facts, and to issue subpoenas in accord-  
49 ance with the civil practice law and rules. The attorney general may  
50 also require such other data and information as he or she may deem rele-  
51 vant and may require written responses to questions under oath. Such  
52 power of subpoena and examination shall not abate or terminate by reason  
53 of any action or special proceeding brought by the attorney general  
54 under this article.

55 3. Any person, within or outside the state, who the attorney general  
56 believes may be in possession, custody, or control of any books, papers,

1 or other things, or may have information, relevant to acts or practices  
2 stated to be unlawful in this article is subject to the service of a  
3 subpoena issued by the attorney general pursuant to this section.  
4 Service may be made in any manner that is authorized for service of a  
5 subpoena or a summons by the state in which service is made.

6 4. (a) Failure to comply with a subpoena issued pursuant to this  
7 section without reasonable cause tolls the applicable statutes of limi-  
8 tations in any action or special proceeding brought by the attorney  
9 general against the noncompliant person that arises out of the attorney  
10 general's investigation.

11 (b) If a person fails to comply with a subpoena issued pursuant to  
12 this section, the attorney general may move in the supreme court to  
13 compel compliance. If the court finds that the subpoena was authorized,  
14 it shall order compliance and may impose a civil penalty of up to one  
15 thousand dollars per day of noncompliance.

16 (c) Such tolling and civil penalty shall be in addition to any other  
17 penalties or remedies provided by law for noncompliance with a subpoena.

18 5. This section shall apply to all acts declared to be unlawful under  
19 this article, whether or not subject to any other law of this state, and  
20 shall not supersede, amend or repeal any other law of this state under  
21 which the attorney general is authorized to take any action or conduct  
22 any inquiry.

23 § 1107. Miscellaneous. 1. Preemption: This article does not annul,  
24 alter, or affect the laws, ordinances, regulations, or the equivalent  
25 adopted by any local entity regarding the processing, collection, trans-  
26 fer, disclosure, and sale of consumers' personal data by a controller or  
27 processor subject to this article, except to the extent those laws,  
28 ordinances, regulations, or the equivalent create requirements or obli-  
29 gations that conflict with or reduce the protections afforded to consum-  
30 ers under this article.

31 2. Impact report: The attorney general shall issue a report evaluating  
32 this article, its scope, any complaints from consumers or persons, the  
33 liability and enforcement provisions of this article including, but not  
34 limited to, the effectiveness of its efforts to enforce this article,  
35 and any recommendations for changes to such provisions. The attorney  
36 general shall submit the report to the governor, the temporary president  
37 of the senate, the speaker of the assembly, and the appropriate commit-  
38 tees of the legislature within two years of the effective date of this  
39 section.

40 3. Regulatory authority: (a) The attorney general is hereby authorized  
41 and empowered to adopt, promulgate, amend and rescind suitable rules and  
42 regulations to carry out the provisions of this article, including rules  
43 governing the form and content of any disclosures or communications  
44 required by this article.

45 (b) The attorney general may request, and shall receive, data and  
46 information from controllers conducting business in New York state,  
47 other New York state government entities administering notice and  
48 consent regimes, consumer protection and privacy advocates and research-  
49 ers, internet standards setting bodies, such as the internet engineering  
50 taskforce and the institute of electrical and electronics engineers, and  
51 other relevant sources, to conduct studies to inform suitable rules and  
52 regulations. The attorney general shall receive, upon request, data  
53 from other New York state governmental entities.

54 4. Exercise of rights: Any consumer right set forth in this article  
55 may be exercised at any time by the consumer who is the subject of the  
56 data or by a parent or guardian authorized by law to take actions of

1 legal consequence on behalf of the consumer who is the subject of the  
2 data. An agent authorized by a consumer may exercise the consumer rights  
3 set forth in subdivisions four through seven of section eleven hundred  
4 two of this article on the consumers behalf.

5 § 4. Severability. If any provision of this act, or any application of  
6 any provision of this act, is held to be invalid, that shall not affect  
7 the validity or effectiveness of any other provision of this act, or of  
8 any other application of any provision of this act, which can be given  
9 effect without that provision or application; and to that end, the  
10 provisions and applications of this act are severable.

11 § 5. This act shall take effect immediately; provided, however, that  
12 sections 1101, 1102, 1103, 1105, 1106 and 1107 of the general business  
13 law, as added by section three of this act, shall take effect one year  
14 after it shall have become a law.

15 PART CC

16 Section 1. This act shall be known and may be cited as the "secure our  
17 data act".

18 § 2. Legislative intent. The legislature finds that ransomware and  
19 other malware attacks have affected the electronically stored personal  
20 information relating to thousands of people statewide and millions of  
21 people nationwide. The legislature also finds that state entities  
22 receive such personal information from various sources, including the  
23 data subjects themselves, other state entities, and the federal govern-  
24 ment. In addition, the legislature finds that state entities use such  
25 personal information to make determinations regarding the data subjects.  
26 The legislature further finds that New Yorkers deserve to have their  
27 personal information that is in the possession of a state entity stored  
28 in a manner that will withstand any attempt by ransomware and other  
29 malware to alter, change, or encrypt such information.

30 Therefore, the legislature enacts the secure our data act which will  
31 guarantee that state entities will employ the proper technology to  
32 protect the personal information stored as backup information from any  
33 unauthorized alteration or change.

34 § 3. The state technology law is amended by adding a new section 210  
35 to read as follows:

36 § 210. Ransomware and other malware protection. 1. Definitions. For  
37 purposes of this section, the following terms shall have the following  
38 meanings:

39 (a) "Data subject" shall mean the person who is the subject of the  
40 personal information.

41 (b) "Immutable" means data that is stored unchanged over time or  
42 unable to be changed. For the purposes of backups, "immutable" shall  
43 mean that, once ingested, no external or internal operation can modify  
44 the data and must never be available in a read/write state to the  
45 client. "Immutable" shall specifically apply to the characteristics and  
46 attributes of a backup system's file system and may not be applied to  
47 temporary systems state, time-bound or expiring configurations, or  
48 temporary conditions created by a physical air gap as is implemented in  
49 most legacy systems. An immutable file system must demonstrate charac-  
50 teristics that do not permit the editing or changing of any data backed  
51 up to provide agencies with complete recovery capabilities.

52 (c) "Information system" shall mean any good, service or a combination  
53 thereof, used by any computer, cloud service, or interconnected system  
54 that is maintained for or used by a state entity in the acquisition,

1 storage, manipulation, management, movement, control, display, switch-  
2 ing, interchange, transmission, or reception of data or voice including,  
3 but not limited to, hardware, software, information appliances, firm-  
4 ware, programs, systems, networks, infrastructure, media, and related  
5 material used to automatically and electronically collect, receive,  
6 access, transmit, display, store, record, retrieve, analyze, evaluate,  
7 process, classify, manipulate, manage, assimilate, control, communicate,  
8 exchange, convert, coverage, interface, switch, or disseminate data of  
9 any kind or form.

10 (d) "Maintained" shall mean personal information stored by a state  
11 entity that was provided to the state entity by the data subject, a  
12 state entity, or a federal governmental entity. Such term shall also  
13 include personal information provided by an adverse party in the course  
14 of litigation or other adversarial proceeding.

15 (e) "Malware" shall mean malicious code included in any application,  
16 digital content, document, executable, firmware, payload, or software  
17 for the purpose of performing or executing one or more unauthorized  
18 processes designed to have an adverse impact on the availability, confi-  
19 dentiality, or integrity of data stored in an information system.

20 (f) "Ransomware" shall mean any type of malware that uses encryption  
21 technology to prevent users from accessing an information system or data  
22 stored by such information system until a ransom is paid.

23 (g) "State entity" shall mean any state board, bureau, division,  
24 committee, commission, council, department, public authority, public  
25 benefit corporation, office or other governmental entity performing a  
26 governmental or proprietary function for the state of New York, except:

27 (i) the judiciary; and

28 (ii) all cities, counties, municipalities, villages, towns, and other  
29 local agencies.

30 2. Data protection standards. (a) No later than one year after the  
31 effective date of this section, the director, in consultation with  
32 stakeholders and other interested parties, which shall include at least  
33 one public hearing, shall promulgate regulations that design and develop  
34 standards for:

35 (i) malware and ransomware protection for mission critical information  
36 systems and for personal information used by such information systems;

37 (ii) data backup that includes the creation of immutable backups of  
38 personal information maintained by the state entity and storage of such  
39 backups in a segmented environment, including a segmented device;

40 (iii) information system recovery that includes creating an identical  
41 copy of an immutable personal information backup maintained by or for  
42 the state entity that was stored in a segmented environment or on a  
43 segmented device for use when an information system has been adversely  
44 affected by rent somewhere or other malware and requires restoration  
45 from one or more backups; and

46 (iv) annual workforce training regarding protection from ransomware  
47 and other malware, as well as processes and procedures that should be  
48 followed in the event of a data incident involving ransomware or other  
49 malware.

50 (b) Such regulations may be adopted on an emergency basis. If such  
51 regulations are adopted on an emergency basis, the office shall engage  
52 in the formal rulemaking procedure no later than the day immediately  
53 following the date that the office promulgated such regulations on an  
54 emergency basis. Provided that the office has commenced the formal rule-  
55 making process, the regulations adopted on an emergency basis may be  
56 renewed no more than two times.

1 3. Vulnerability assessments. Notwithstanding any provision of law to  
2 the contrary, each state entity shall engage in vulnerability testing of  
3 its information systems as follows:

4 (a) Beginning January first, two thousand twenty-five and on a monthly  
5 basis thereafter, each state entity shall perform, or cause to be  
6 performed, a vulnerability assessment of at least one mission critical  
7 information system ensuring that each mission critical system has under-  
8 gone a vulnerability assessment during the past year. A report detailing  
9 the vulnerability assessment methodology and findings shall be made  
10 available to the office for review no later than forty-five days after  
11 the testing has been completed.

12 (b) Beginning December first, two thousand twenty-five, each state  
13 entity's entire information system shall undergo vulnerability testing.  
14 A report detailing the vulnerability assessment methodology and findings  
15 shall be made available to the office for review no later than forty-  
16 five days after such testing has been completed.

17 (c) The office shall assist state entities in complying with the  
18 provisions of this section.

19 4. Data and information system inventory. (a) No later than one year  
20 after the effective date of this section, each state entity shall create  
21 an inventory of the data maintained by the state entity and the purpose  
22 or purposes for which such data is maintained and used. The inventory  
23 shall include a listing of all personal information maintained by the  
24 state entity, along with the source and age of such information.

25 (b) No later than one year after the effective date of this section,  
26 each state entity shall create an inventory of the information systems  
27 maintained by or on behalf of the state entity and the purpose or  
28 purposes for which each such information system is maintained and used.  
29 The inventory shall denote those information systems that are mission  
30 critical and those that use personal information, and whether the infor-  
31 mation system is protected by immutable backups.

32 (c) Notwithstanding paragraphs (a) and (b) of this subdivision, if a  
33 state entity has already completed a data inventory or information  
34 systems inventory, such state entity shall update the previously  
35 completed data inventory or information system inventory no later than  
36 one year after the effective date of this section.

37 (d) Upon written request from the office, a state entity shall provide  
38 the office with either or both of the inventories required to be created  
39 or updated pursuant to this subdivision.

40 5. Incident management and recovery. (a) No later than eighteen months  
41 after the effective date of this section, each state entity shall have  
42 created an incident response plan for incidents involving ransomware or  
43 other malware that renders an information system or its data unavail-  
44 able, and incidents involving ransomware or other malware that result in  
45 the alteration or deletion of or unauthorized access to, personal infor-  
46 mation.

47 (b) Such incident response plan shall include a procedure for situ-  
48 ations where production and non-segmented information systems have been  
49 adversely affected by a data incident, as well as a procedure for the  
50 storage of personal information and mission critical backups on a  
51 segmented device or segmented portion of the state entity's information  
52 system to ensure that such personal information and mission critical  
53 systems are protected by immutable backups.

54 (c) Beginning January first, two thousand twenty-seven and on an annu-  
55 al basis thereafter, each state entity shall complete at least one exer-  
56 cise of its incident response plan that includes copying the immutable



1 personal information and mission critical applications from the  
2 segmented portion of the state entity's information system and using  
3 such copies in the state entity's restoration and recovery process. Upon  
4 completion of such exercise, the state entity shall document the inci-  
5 dent response plan's successes and shortcomings.

6 6. No private right of action. Nothing set forth in this section shall  
7 be construed as creating or establishing a private cause of action.

8 § 4. Severability. The provisions of this act shall be severable and  
9 if any portion thereof or the applicability thereof to any person or  
10 circumstances shall be held to be invalid, the remainder of this act and  
11 the application thereof shall not be affected thereby.

12 § 5. This act shall take effect immediately.

13 PART DD

14 Section 1. Section 106 of the alcoholic beverage control law is  
15 amended by adding a new subdivision 16 to read as follows:

16 16. A person holding a retail on-premises license for a movie theatre,  
17 other than a license for a movie theatre that meets the definitions of  
18 restaurant and meals, and where all seating is at tables where meals are  
19 served, shall:

20 (a) for every purchase of an alcoholic beverage, require the purchaser  
21 to provide written evidence of age as set forth in paragraph (b) of  
22 subdivision two of section sixty-five-b of this chapter; and

23 (b) allow the purchase of only one alcoholic beverage per transaction;  
24 and

25 (c) not commence the sale of alcoholic beverages until one hour prior  
26 to the start of the first motion picture, and cease all sales of alco-  
27 holic beverages after the conclusion of the final motion picture.

28 § 2. Subdivision 6 of section 64-a of the alcoholic beverage control  
29 law, as amended by chapter 475 of the laws of 2011, is amended to read  
30 as follows:

31 6. No special on-premises license shall be granted except for premises  
32 in which the principal business shall be (a) the sale of food or bever-  
33 ages at retail for consumption on the premises or (b) the operation of a  
34 legitimate theatre, including a motion picture theatre that is a build-  
35 ing or facility which is regularly used and kept open primarily for the  
36 exhibition of motion pictures for at least five out of seven days a  
37 week, or on a regular seasonal basis of no less than six contiguous  
38 weeks, to the general public where all auditorium seating is permanently  
39 affixed to the floor and at least sixty-five percent of the motion  
40 picture theatre's annual gross revenues is the combined result of admis-  
41 sion revenue for the showing of motion pictures and the sale of food and  
42 non-alcoholic beverages, or such other lawful adult entertainment or  
43 recreational facility as the liquor authority, giving due regard to the  
44 convenience of the public and the strict avoidance of sales prohibited  
45 by this chapter, shall by regulation classify for eligibility. [~~Nothing~~  
46 ~~contained in this subdivision shall be deemed to authorize the issuance~~  
47 ~~of a license to a motion picture theatre, except those meeting the defi-~~  
48 ~~inition of restaurant and meals, and where all seating is at tables where~~  
49 ~~meals are served.]~~

50 § 3. Subdivision 8 of section 64-a of the alcoholic beverage control  
51 law, as added by chapter 531 of the laws of 1964, is amended to read as  
52 follows:

53 8. Every special on-premises licensee shall regularly keep food avail-  
54 able for sale to its customers for consumption on the premises. The



1 availability of sandwiches, soups or other foods, whether fresh, proc-  
 2 essed, pre-cooked or frozen, shall be deemed compliance with this  
 3 requirement. For motion picture theatres licensed under paragraph (b)  
 4 of subdivision six of this section, food that is typically found in a  
 5 motion picture theatre, including but not limited to: popcorn, candy,  
 6 and light snacks, shall be deemed to be in compliance with this require-  
 7 ment. The licensed premises shall comply at all times with all the regu-  
 8 lations of the local department of health. Nothing contained in this  
 9 subdivision, however, shall be construed to require that any food be  
 10 sold or purchased with any liquor, nor shall any rule, regulation or  
 11 standard be promulgated or enforced requiring that the sale of food be  
 12 substantial or that the receipts of the business other than from the  
 13 sale of liquor equal any set percentage of total receipts from sales  
 14 made therein.

15 § 4. Subdivision 9 of section 64-a of the alcoholic beverage control  
 16 law, as added by chapter 531 of the laws of 1964, is amended to read as  
 17 follows:

18 9. In the case of a motion picture theatre applying for a license  
 19 under this section, any municipality required to be notified under  
 20 section one hundred ten-b of this chapter may express an opinion with  
 21 respect to whether the application should be approved, and such opinion  
 22 may be considered in determining whether good cause exists to deny any  
 23 such application.

24 10. The liquor authority may make such rules as it deems necessary to  
 25 carry out the provisions of this section.

26 § 5. This act shall take effect immediately and shall expire and be  
 27 deemed repealed 3 years after such date.

28 PART EE

29 Section 1. The alcoholic beverage control law is amended by adding two  
 30 new sections 59-b and 59-c to read as follows:

31 § 59-b. Direct interstate cider shipments. 1. Authorization. Notwith-  
 32 standing any provision of law, rule or regulation to the contrary, any  
 33 holder of a license to manufacture cider in any other state who obtains  
 34 an out-of-state direct shipper's license, as provided in this section,  
 35 may ship no more than thirty-six cases (no more than nine liters each  
 36 case) of cider produced by such license holder per year directly to a  
 37 resident of New York who is at least twenty-one years of age, for such  
 38 resident's personal use and not for resale, provided the state in which  
 39 such person is so licensed affords lawful means for shipments of cider  
 40 to be received by a resident thereof who is at least twenty-one years of  
 41 age, for such resident's personal use and not for resale, from a person  
 42 licensed in this state as a manufacturer and, provided further, that the  
 43 state in which such out-of-state cider producer is located affords to  
 44 New York state cider producer, farm cidery, farm winery and farm brewery  
 45 licensees reciprocal cider shipping privileges, meaning shipping privi-  
 46 leges that are substantially similar to the requirements in this  
 47 section. No person shall place an order for shipment of cider unless  
 48 they are twenty-one years of age or older. Any common carrier with a  
 49 permit issued pursuant to this chapter to whom such out-of-state ship-  
 50 per's license is presented is authorized to make delivery of shipments  
 51 provided for hereunder in this state in compliance with this section.

52 2. License. Before sending any shipment hereunder to a resident in  
 53 this state, the out-of-state shipper shall first obtain a license from  
 54 the authority under procedures prescribed by rules and regulations of

1 the authority and after providing the authority with a true copy of its  
2 current license to manufacture cider in the applicant's state of domi-  
3 cile along with a copy of the applicant's federal basic permit after  
4 payment of an annual fee of one hundred twenty-five dollars. Notwith-  
5 standing the provisions of section one hundred ten of this chapter, the  
6 authority in its discretion, may excuse an out-of-state cider producer  
7 from the submission of such information.

8 3. Licensee's responsibilities. The holder of an out-of-state direct  
9 shipper's license shall:

10 (a) ship no more than thirty-six cases (no more than nine liters each  
11 case) per year of cider produced by such license holder directly to a  
12 New York state resident who is at least twenty-one years of age, for  
13 such resident's personal use and not for resale;

14 (b) ensure that the outside of each shipping container used to ship  
15 cider directly to a New York resident is conspicuously labeled with the  
16 words: "CONTAINS HARD CIDER--SIGNATURE OF PERSON AGE 21 OR OLDER  
17 REQUIRED FOR DELIVERY--NOT FOR RESALE", or with other language specif-  
18 ically approved by the New York state liquor authority;

19 (c) maintain records in such manner and form as the authority may  
20 direct, showing the total amount of cider shipped into the state each  
21 calendar year; the names and addresses of the purchasers to whom the  
22 cider was shipped, the date purchased, the name of the common carrier  
23 used to deliver the cider, and the quantity and value of each shipment;

24 (d) in connection with the acceptance of an order for a delivery of  
25 cider to a New York resident, require the prospective customer to repre-  
26 sent that he or she has attained the age of twenty-one years or more and  
27 that the cider being purchased will not be resold or introduced into  
28 commerce;

29 (e) require common carriers to:

30 (i) require a recipient, at the delivery address, upon delivery, to  
31 demonstrate that the recipient is at least twenty-one years of age by  
32 providing a valid form of photographic identification authorized by  
33 section sixty-five-b of this chapter;

34 (ii) require a recipient to sign an electronic or paper form or other  
35 acknowledgement of receipt as approved by the authority; and

36 (iii) refuse delivery when the proposed recipient appears to be under  
37 twenty-one years of age and refuses to present valid identification as  
38 required by subparagraph (i) of this paragraph;

39 (f) file returns with and pay to the New York state department of  
40 taxation and finance all state and local sales taxes and excise taxes  
41 due on sales into this state in accordance with the applicable  
42 provisions of the tax law relating to such taxes, the amount of such  
43 taxes to be determined on the basis that each sale in this state was at  
44 the location where delivery is made;

45 (g) keep all records required by this section for three years and  
46 provide copies of such records, upon written request, to the authority  
47 or the department of taxation and finance;

48 (h) permit the authority or the department of taxation and finance to  
49 perform an audit of such out-of-state shipper upon request;

50 (i) execute a written consent to the jurisdiction of this state, its  
51 agencies and instrumentalities and the courts of this state concerning  
52 enforcement of this section and any related laws, rules, or regulations,  
53 including tax laws, rules or regulations; and

54 (j) prior to obtaining an out-of-state direct shipper's license,  
55 obtain a certificate of authority pursuant to section eleven hundred  
56 thirty-four of the tax law and a registration as a distributor pursuant

1 to sections four hundred twenty-one and four hundred twenty-two of the  
2 tax law.

3 4. Situs. Delivery of a shipment in this state by the holder of an  
4 out-of-state direct shipper's license shall be deemed to constitute a  
5 sale in this state at the place of delivery and shall be subject to all  
6 excise taxes levied pursuant to section four hundred twenty-four of the  
7 tax law and all sales taxes levied pursuant to articles twenty-eight and  
8 twenty-nine of such law.

9 5. Renewal. The out-of-state shipper may annually renew its license  
10 with the authority by paying a one hundred twenty-five dollar renewal  
11 fee, providing the authority with a true copy of its current license in  
12 such other state as an alcoholic beverage manufacturer and by complying  
13 with such other procedures as are prescribed by rule of the authority.

14 6. Rules and regulations. The authority and the department of taxation  
15 and finance may promulgate rules and regulations to effectuate the  
16 purposes of this section.

17 7. Enforcement. The authority may enforce the requirements of this  
18 section including the requirements imposed on the common carrier, by  
19 administrative proceedings to suspend or revoke an out-of-state ship-  
20 per's license and the authority may accept payment of an administrative  
21 fine in lieu of suspension, such payments to be determined by rules or  
22 regulations promulgated by the authority. In addition, the authority or  
23 the attorney general of the state of New York shall report violations of  
24 this section, where appropriate, to the United States department of the  
25 treasury, tax and trade bureau, for administrative action to suspend or  
26 revoke the federal basic permit.

27 8. Violations. In any action brought under this section, the common  
28 carrier and the licensee shall only be held liable for their independent  
29 acts.

30 § 59-c. Direct intrastate cider shipments. Any person having applied  
31 for and received a license as a cider producer or farm cidery under  
32 section fifty-eight or fifty-eight-c of this article, a farm winery  
33 under section seventy-six-a or seventy-six-d of this chapter, or a farm  
34 brewery under section fifty-one-a of this chapter may ship no more than  
35 thirty-six cases (no more than nine liters per case) of cider produced  
36 by such cider producer, farm cidery, farm winery or farm brewery per  
37 year directly to a New York state resident who is at least twenty-one  
38 years of age, for such resident's personal use and not for resale.

39 1. Licensee's shipping responsibilities. Notwithstanding any provision  
40 to the contrary contained in this chapter, any above referred licensee  
41 shall:

42 (a) ship no more than thirty-six cases (no more than nine liters) per  
43 year of cider produced by such license holder directly to a New York  
44 state resident who is at least twenty-one years of age, for such resi-  
45 dent's personal use and not for resale;

46 (b) ensure that the outside of each shipping container used to ship  
47 cider directly to a New York state resident is conspicuously labeled  
48 with the words: "CONTAINS HARD CIDER -- SIGNATURE OF PERSON AGE 21 OR  
49 OLDER REQUIRED FOR DELIVERY -- NOT FOR RESALE", or with other language  
50 specifically approved by the New York state liquor authority;

51 (c) maintain records in such manner and form as the authority may  
52 direct showing the total amount of cider shipped in the state each  
53 calendar year, the names and addresses of the purchasers to whom the  
54 cider was shipped, the date purchased, the name of the common carrier  
55 used to deliver the cider, and the quantity and value of each shipment.

1 Such records shall be kept for three years and, upon written request, be  
2 provided to the authority or the department of taxation and finance;

3 (d) in connection with the acceptance of an order for a delivery of  
4 cider to a New York resident, require the prospective customer to repre-  
5 sent that he or she has attained the age of twenty-one years or more and  
6 that the cider being purchased will not be resold or introduced into  
7 commerce; and

8 (e) require common carriers to:

9 (i) require a recipient, at the delivery address, upon delivery, to  
10 demonstrate that the recipient is at least twenty-one years of age by  
11 providing a valid form of photographic identification authorized by  
12 section sixty-five-b of this chapter;

13 (ii) require a recipient to sign an electronic or paper form or other  
14 acknowledgment of receipt as approved by the authority; and

15 (iii) refuse delivery when the proposed recipient appears to be under  
16 twenty-one years of age and refuses to present valid identification as  
17 required by subparagraph (i) of this paragraph.

18 2. Violations. In any action brought under this section, the common  
19 carrier and the licensee shall only be held liable for their independent  
20 acts.

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

23 PART FF

24 Section 1. Section 532 of the real property tax law is amended by  
25 adding two new subdivisions (m) and (n) to read as follows:

26 (m) All state lands located within the boundaries of the Sojourner  
27 Truth state park in the county of Ulster, exclusive of the improvements  
28 thereon.

29 (n) All state lands located within the boundaries of the Franny Reese  
30 state park in the county of Ulster, exclusive of the improvements there-  
31 on.

32 § 2. This act shall take effect immediately and shall apply to assess-  
33 ment rolls prepared on the basis of taxable status dates occurring on  
34 and after the date on which this act shall have become a law.

35 PART GG

36 Section 1. Section 170-e of the executive law, as amended by chapter  
37 123 of the laws of 2022, is amended to read as follows:

38 § 170-e. Collection of demographic information. 1. Every state agency,  
39 board, department, or commission that directly collects demographic data  
40 as to the ancestry or ethnic origin of residents of the state of New  
41 York shall use separate collection categories and tabulations for the  
42 following Asian and Pacific Islander groups in New York state:

43 (a) each major Asian group shall include Chinese, Japanese, Filipino,  
44 Korean, Vietnamese, Asian Indian, Bangladeshi, Pakistani, and all of the  
45 ten most populous Asian groups in the most recent five-year American  
46 community survey published by the United States Census Bureau; and

47 (b) each major Pacific Islander group shall include Native Hawaiian,  
48 Guamanian and Chamorro, and Samoan; or

49 (c) collection categories shall include a category for other Asian or  
50 Pacific Island group.

51 2. Every state agency, board, department, or commission that directly  
52 collects demographic data as to the ancestry or ethnic origin of resi-

1 dents of the state of New York shall use separate collection categories  
2 and tabulations for the White group in New York state.

3 3. Every state agency, board, department, or commission that directly  
4 collects demographic data as to the ancestry or ethnic origin of resi-  
5 dents of the state of New York shall use separate collection categories  
6 and tabulations for the following Middle Eastern or North African groups  
7 in New York state:

8 (a) Each major North African (NA) group, including, but not limited  
9 to, Egyptian, Moroccan, Algerian, Tunisian, and Libyan; and

10 (b) Each major Middle Eastern (ME) group, including, but not limited  
11 to, Yemeni, Iranian, Palestinian, Iraqi, Lebanese, Israeli, Syrian,  
12 Armenian, and Saudi; and

13 (c) Other Middle Eastern and North African (MENA) groups, including,  
14 but not limited to, transnational indigenous MENA communities like  
15 Amazigh and Syriac people.

16 4. Every state agency, board, department, or commission that directly  
17 collects demographic data as to the ancestry or ethnic origin of resi-  
18 dents of the state of New York shall use separate collection categories  
19 and tabulations for the following:

20 (a) the primary language spoken at home; and

21 (b) the ethnic group or ancestry.

22 [~~3-~~] 5. Upon the release of a new five-year American community survey  
23 published by the United States Census Bureau, every state agency, board,  
24 department or commission shall update their data collection and report-  
25 ing practices as required by this section and shall continue to collect  
26 and report on any demographic group no longer included in the ten most  
27 populous groups until the release of the following five-year American  
28 community survey, at which time state agencies, boards, departments or  
29 commissions may cease to collect and report on such demographic groups  
30 provided they remain outside the ten most populous groups.

31 6. Every state agency, board, department, or commission that directly  
32 collects demographic data as to the ancestry or ethnic origin of resi-  
33 dents of the state of New York shall allow multiple collection catego-  
34 ries to be selected.

35 [~~4-~~] 7. The data collected pursuant to the different collection cate-  
36 gories and tabulations described in subdivision one of this section, to  
37 the degree that the data quality is sufficient, shall be included in  
38 every demographic report on ancestry or ethnic origins of residents of  
39 the state of New York by the state agency, board, department, or commis-  
40 sion published or released on or after December first, two thousand  
41 [~~twenty-three~~] ~~twenty-four~~; provided, however, that for the department  
42 of labor, division of criminal justice services, office of mental health  
43 and office of temporary and disability assistance such requirements  
44 shall be effective July first, two thousand [~~twenty-four~~] ~~twenty-five~~.  
45 The data shall be made available to the public in accordance with state  
46 and federal law, except for personal identifying information, which  
47 shall be deemed confidential, by posting the data on the internet web  
48 site of the agency, board, department, or commission on or before Decem-  
49 ber first, two thousand [~~twenty-three~~] ~~twenty-four~~, and annually there-  
50 after; provided, however, that for the department of labor, division of  
51 criminal justice services, office of mental health and office of tempo-  
52 rary and disability assistance such requirements shall be effective July  
53 first, two thousand [~~twenty-four~~] ~~twenty-five~~. If the data quality is  
54 determined to be insufficient for publication, an explanation of the  
55 problem with the data quality shall be included in any report or publi-  
56 cation made available to the public. This subdivision shall not be



1 construed to prevent any other state agency from posting data collected  
2 pursuant to subdivision one of this section on the agency's internet web  
3 site, in the manner prescribed by this section.

4 ~~[5-]~~ 8. The requirements of this section shall not apply to the  
5 department of labor, the division of criminal justice services, the  
6 office of mental health or the office of temporary and disability  
7 assistance until two years after this section shall have become a law.

8 § 2. This act shall take effect on the one hundred twentieth day after  
9 it shall have become a law. Effective immediately, the addition, amend-  
10 ment and/or repeal of any rule or regulation necessary for the implemen-  
11 tation of this act on its effective date are authorized to be made and  
12 completed on or before such effective date.

13 PART HH

14 Section 1. Short title. This act shall be known and may be cited as  
15 the "Renewable Capitol Act".

16 § 2. The executive law is amended by adding a new section 204 to read  
17 as follows:

18 § 204. Renewable capitol project. 1. For the purpose of this section,  
19 the following terms shall have the following meanings:

20 (a) The "advisory committee" shall mean the committee established  
21 pursuant to paragraph (a) of subdivision three of this section.

22 (b) The "CLCPA" shall mean the New York state climate leadership and  
23 community protection act enacted as chapter one hundred six of the laws  
24 of two thousand nineteen, as it shall from time to time be amended.

25 (c) "Co-pollutants" shall have the same meaning as set forth in subdi-  
26 vision three of section 75-0101 of the environmental conservation law.

27 (d) "Emergency generator" shall mean the set of diesel generators  
28 located on Sheridan Avenue in Albany, New York as of the effective date  
29 of this section, that are intended to power the empire state plaza  
30 complex during an emergency fault condition causing an interruption to  
31 normal electricity service from the grid.

32 (e) "Empire state plaza complex" or the "complex" shall mean the  
33 complex of state-owned buildings and the land thereon in Albany, New  
34 York that utilize the steam distribution network of the Sheridan Avenue  
35 steam plant, including what are popularly known as Empire State Plaza,  
36 the State Capitol Building, the State Museum, the Alfred E. Smith Build-  
37 ing, the State Education Building, the Sheridan Avenue steam plant, and  
38 the former Albany New York Solid Waste Energy Recovery System incinera-  
39 tor building.

40 (f) "Greenhouse gas" shall have the same meaning as set forth in  
41 subdivision seven of section 75-0101 of the environmental conservation  
42 law.

43 (g) The "local community" shall mean the portion of Albany, New York  
44 designated as the local community under the plan, which shall include,  
45 at a minimum, the Albany Sheridan Hollow, Arbor Hill, Center Square,  
46 Mansion, Washington Park, West Hill and South End neighborhoods.

47 (h) "NYSERDA" shall mean the New York state energy research and devel-  
48 opment authority created under section eighteen hundred fifty-two of the  
49 public authorities law.

50 (i) The "office of general services" or the "office" shall mean the  
51 agency created under section two hundred of this article.

52 (j) The "empire state plaza decarbonization plan" or "plan" shall mean  
53 the plan set forth in subdivision three of this section, and mandated by  
54 this section and section ninety-one of the public buildings law.



1 (k) The "project" shall mean the work on the empire state plaza  
2 complex mandated by this section and section ninety-one of the public  
3 buildings law.

4 (l) A "power purchase agreement" shall mean an agreement between two  
5 parties, the seller and the buyer, to enter into a contractual obli-  
6 gation for the purchase of electricity.

7 (m) "Renewable energy systems" means systems that entirely generate  
8 electricity or thermal energy through use of the following technologies:  
9 solar thermal, photovoltaics, on land and offshore wind, hydroelectric,  
10 geothermal electric, geothermal ground source heat, tidal energy, wave  
11 energy, ocean thermal, and fuel cells which do not utilize a fossil fuel  
12 resource in the process of generating electricity or thermal energy.

13 (n) "Sheridan Avenue steam plant" shall mean the steam plant facility  
14 owned by New York state located as of the time of the effective date of  
15 this section at 79 Sheridan Avenue in Albany, New York.

16 2. (a) Within three years after the effective date of this section,  
17 the office of general services, in consultation with the power authority  
18 of the state of New York, shall ensure that all operations that power,  
19 heat or cool the empire state plaza complex shall entirely use renewable  
20 energy systems. In satisfying this requirement, the office may demon-  
21 strate that the amount of electrical energy credited to the complex  
22 annually from renewable sources through a power purchase agreement or  
23 similar instrument is not less than the amount of electrical energy  
24 consumed annually by the complex. Notwithstanding this mandate, the  
25 emergency generator shall be permitted to utilize non-renewable energy,  
26 but the office shall be empowered to retire or convert the emergency  
27 generator to wholly or entirely utilize renewables if possible.

28 (b) The project and the empire state plaza complex shall comply with  
29 the CLCPA, and any rules and regulations issued thereunder, and, in  
30 particular, section seven of such law; the statewide greenhouse gas  
31 emissions limits set forth in section 75-0107 of the environmental  
32 conservation law; and the targets established in subdivision two of  
33 section sixty-six-p of the public service law. Nothing in this paragraph  
34 shall preclude the office from mandating lower greenhouse gas emissions  
35 limits or compliance with greenhouse gas emissions limits in a shorter  
36 timeframe than set forth in section 75-0107 of the environmental conser-  
37 vation law, or in mandating a higher percentage of renewables or in a  
38 shorter timeframe than in subdivision two of section sixty-six-p of the  
39 public service law. Except in regard to the provision regarding to the  
40 emergency generator as set forth in paragraph (a) of this subdivision,  
41 any action taken in furtherance of the project that leads to any  
42 increase in the emissions of greenhouse gases shall be deemed inconsist-  
43 ent with and in interference with the attainment of the statewide green-  
44 house gas emissions limits established in article seventy-five of the  
45 environmental conservation law and therefore shall trigger the process  
46 set forth in subdivision two of section seven of the CLCPA.

47 3. (a) Within sixty days of the effective date of this section, the  
48 office shall establish an advisory committee to advise it on the prepa-  
49 ration, design and content of the plan. Such plan shall be completed no  
50 later than January thirty-first, two thousand twenty-six. The advisory  
51 committee shall consist of the commissioner of the department of envi-  
52 ronmental conservation and the chief executive officer of NYSERDA, or  
53 their designees, and additional members which shall be appointed by such  
54 commissioner in consultation with such chief executive officer, as  
55 follows: three representatives of Albany community organizations, at  
56 least two of which are from organizations whose mission, in whole or in

1 part, is to represent the interests of the Arbor Hill and/or Sheridan  
2 Hollow neighborhoods in Albany; two additional representatives of local  
3 environmental justice organizations; one individual not employed by New  
4 York state with recognized expertise in renewable energy; a represen-  
5 tative of labor organizations; a scientist with expertise in energy and  
6 climate policy; an engineer with expertise in energy (including geother-  
7 mal) and climate policy; and the mayor of Albany or his or her designee.  
8 The advisory committee shall meet at least three times annually, or  
9 additional times as the committee shall by majority vote determine. At  
10 such meetings, which shall be open to the public, the office, among  
11 other things, shall report on the progress made in completing the  
12 project and otherwise implementing this section. The advisory committee  
13 members shall receive no compensation for their services but shall be  
14 reimbursed for their actual and necessary expenses incurred in the  
15 performance of their duties. All agencies of the state or subdivisions  
16 thereof may, at the request of the advisory panel or the office, provide  
17 the advisory panel with such facilities, assistance and data as will  
18 enable the advisory panel to carry out its powers and duties.

19 (b) Each member of the advisory committee shall be entitled to one  
20 vote. No action may be taken by the advisory committee unless there is  
21 a quorum, which shall at all times be a majority of the members of the  
22 committee.

23 (c) The office shall retain a third party to perform an engineering  
24 study to be completed within one hundred eighty days after the effective  
25 date of this section, which shall consider the matters set forth in  
26 paragraph (f) of this subdivision and any other matters consistent with  
27 this section that the office shall direct. For the purposes of this  
28 paragraph, the term "third party" shall mean a professional engineer,  
29 not employed by the state of New York, or an engineering firm, provided  
30 that none of the engineers employed by such firm shall also be employed  
31 by the state of New York.

32 (d) The office shall be transparent in its work to develop the plan  
33 and shall maintain a website where a draft plan and other documents  
34 relevant to its development shall be posted for public review at least  
35 fourteen days prior to the first of the public hearings mandated by this  
36 paragraph. The advisory committee shall hold at least two public hear-  
37 ings at least sixty days prior to the release of the final plan, of  
38 which one shall be held in the Arbor Hill or Sheridan Hollow neighbor-  
39 hoods and one shall be held during the evening or weekend hours. The  
40 advisory committee shall make provisions for online and telephonic  
41 attendance and participation. At such public hearings, the draft plan  
42 shall be made available in written form for those physically attending.  
43 Provisions shall also be made for written comments on the draft plan.

44 (e) The plan shall contain recommendations on regulatory measures and  
45 other state actions to ensure that the mandates in subdivisions two and  
46 three of this section and section ninety-one of the public buildings law  
47 are met. The measures and actions set forth in the plan shall include:

48 i. a timeline for planned steps toward the completion of the project,  
49 including, but not limited to construction of the project and obtaining  
50 the necessary permits to begin operation. The timeline should maximize  
51 the potential for achieving, and if feasible making greater emissions  
52 reductions than the statewide greenhouse gas emissions limits set forth  
53 in section 75-0107 of the environmental conservation law and meeting the  
54 other mandates of the CLCPA;

1 ii. measures to maximize the benefits to the local community, includ-  
2 ing prioritizing the reduction of greenhouse gases and co-pollutants and  
3 improving public health in the local community;

4 iii. measures to optimize thermal load sharing, energy efficiency,  
5 demand response, and energy conservation;

6 iv. comprehensive consideration of renewable heat exchange systems or  
7 a combination of such systems to meet the heating and cooling needs of  
8 the empire state plaza complex, including but not limited to: geothermal  
9 heat exchange with the earth, geothermal heat exchange with the Hudson  
10 River, open-loop and closed-loop geothermal heat exchange with the aquif-  
11 er, heat exchange with potable water supplies, heat recovery from  
12 wastewater sources, air-source heat pump technology, and thermal stor-  
13 age, provided that such systems do not use combustion-based or fossil  
14 fuel energy;

15 v. prioritization of electricity procurement from renewable sources  
16 within New York Independent System Operator (NYISO) Zone F, especially  
17 sources most capable of providing electricity serving real-time load  
18 conditions of the empire state plaza complex. This shall include, but  
19 not be limited to, consideration of projects that expand electricity  
20 generation from ecologically-responsible, run-of-the-river hydroelectric  
21 facilities within the region; and

22 vi. electricity service upgrades for the empire state plaza complex  
23 necessary to support measures identified in this section.

24 (f) In designing the plan, the office shall be guided by any recommen-  
25 dations contained in the engineering study mandated by paragraph (c) of  
26 this subdivision, and any comments or recommendations made by the advi-  
27 sory committee, including as to such engineering study. Such advisory  
28 committee shall also be entitled to reject or modify any recommendation  
29 upon a finding that such recommendation would be inconsistent with or  
30 will interfere with the attainment of the statewide greenhouse gas emis-  
31 sions limits established in article seventy-five of the environmental  
32 conservation law, the climate justice provisions of the CLCPA, any rules  
33 or regulations issued thereunder, or this section. If the advisory  
34 committee rejects or modifies any recommendation, the original version  
35 of the recommendations as set forth in the engineering study shall  
36 presumptively not be considered by the office, unless substantial  
37 evidence exists to support the study's initial recommendations.

38 (g) The plan shall designate the geographic boundaries of the local  
39 community. In designating such boundaries, which shall include the Alba-  
40 ny Sheridan Hollow, Arbor Hill, Center Square, Mansion, Washington Park,  
41 West Hill, and South End neighborhoods, the office shall consider  
42 including in its designation any other communities that experience  
43 impacts on their water, air quality, noise and traffic from the empire  
44 state plaza complex.

45 (h) Any project that may be funded as a result of the renewable capi-  
46 tol project completed pursuant to this section shall: i. be deemed a  
47 public work project subject to article eight of the labor law; ii.  
48 require that the component parts of any renewable capitol project are  
49 produced or made in whole or substantial part in the United States, its  
50 territories or possessions, subject to a waiver provision similar to the  
51 one contained in subdivision two of section sixty-six-s of the public  
52 service law; iii. contain a requirement that any public owner or third  
53 party acting on behalf of a public owner enter into a project labor  
54 agreement as defined by section two hundred twenty-two of the labor law  
55 for all construction work; and iv. require the payment of prevailing  
56 wage standards consistent with article nine of the labor law for

1 building services work. Notwithstanding any provision of law to the  
2 contrary, all rights or benefits, including terms and conditions of  
3 employment, and protection of civil service and collective bargaining  
4 status of all existing public employees and the work jurisdiction,  
5 covered job titles, and work assignments, set forth in the civil service  
6 law and collective bargaining agreements with labor organizations  
7 representing public employees shall be preserved and protected. Any such  
8 project shall not result in the: (A) displacement of any currently  
9 employed worker or loss of position (including partial displacement as  
10 such a reduction in the hours of non-overtime work, wages, or employment  
11 benefits) or result in the impairment of existing collective bargaining  
12 agreements; (B) transfer of existing duties and functions related to  
13 maintenance and operations currently performed by existing employees of  
14 authorized entities to a contracting entity; or (C) transfer of future  
15 duties and functions ordinarily performed by employees of authorized  
16 entities to a contracting entity.

17 (i) In the case of any conflict as to the requirements of this section  
18 and section ninety-one of the public buildings law in regard to the  
19 project, this section shall prevail.

20 § 3. The tenth undesignated paragraph of section 1005 of the public  
21 authorities law, as added by chapter 55 of the laws of 1992, is amended  
22 to read as follows:

23 The authority is further authorized, as deemed feasible and advisable  
24 by the trustees, to acquire, maintain, manage, operate, improve and  
25 reconstruct as a project or projects of the authority one or both of the  
26 steam generation facilities owned by the state known as the Sheridan  
27 [~~avenue~~ Avenue steam [~~generating~~] plant [~~on Sheridan avenue in the city~~  
28 ~~of Albany and used to supply steam to state facilities~~], together with  
29 any properties, buildings and equipment at the sites thereof or ancil-  
30 lary thereto, for the generation and sale of thermal energy and the  
31 cogeneration and sale of electricity for use by facilities of the state  
32 within the county of Albany. All the authority's costs, including its  
33 acquisition, capital, operating and maintenance costs, shall be recover-  
34 ed fully from the customers receiving service from such project or  
35 projects. Thermal energy and electricity not required by the state may  
36 be sold by the authority to others. The authority is not authorized to  
37 use refuse or refuse-derived fuel in operating the project or projects.

38 As of the time period specified in paragraph (a) of subdivision two of  
39 section two hundred four of the executive law, all of the energy,  
40 including but not limited to heat, cooling and electricity, produced at  
41 the Sheridan Avenue steam plant shall utilize renewable energy systems.

42 Any agreement for such acquisition shall insure that the authority is  
43 not liable or otherwise responsible for circumstances arising from the  
44 prior operation of such facilities. The acquisition and purchase of such  
45 land, buildings and equipment by the authority, and any actions taken to  
46 effect such acquisition and purchase, are hereby exempt from the  
47 provisions of article eight of the environmental conservation law. The  
48 application of such exemption shall be strictly limited to the acquisi-  
49 tion and purchase of such land, buildings and equipment by the authority  
50 and such agreements with the state. Nothing herein shall exempt the  
51 authority from otherwise applicable laws respecting the expansion,  
52 conversion, operation and maintenance of such land, buildings and equip-  
53 ment. For the purposes of this subdivision, the terms "renewable energy  
54 systems" and "Sheridan Avenue steam plant" shall have the same meanings  
55 as in subdivision one of section two hundred four of the executive law.

1 § 4. Subdivisions 2 and 3 of section 90 of the public buildings law,  
2 as added by section 5 of part RR of chapter 56 of the laws of 2023, are  
3 amended to read as follows:

4 2. "Decarbonization" and "decarbonize" means eliminating all on-site  
5 combustion of fossil-fuels and associated co-pollutants with the excep-  
6 tion of back-up emergency generators and redundant systems needed to  
7 address public health, safety and security, providing heating and cool-  
8 ing through thermal energy, and thermal energy networks, from non-com-  
9 bustion sources, and to the greatest extent feasible producing on-site  
10 electricity that is one hundred percent renewable. Notwithstanding the  
11 provisions of this subdivision, for purposes of the empire state plaza  
12 complex, such term shall mean meeting the requirements of subdivisions  
13 two and three of section two hundred four of the executive law, and  
14 section ninety-one of this article, as such requirements are applicable  
15 to the empire state plaza complex.

16 3. "Highest-emitting facilities" means state-owned facilities that are  
17 among the highest producers of greenhouse gas emissions and collectively  
18 account for at least thirty percent of the greenhouse gas emissions as  
19 recorded by the authority's Build Smart NY program established pursuant  
20 to Executive Order 88 of 2012. Notwithstanding the provisions of this  
21 subdivision, one of such facilities shall be the empire state plaza  
22 complex. For purposes of this article, the "empire state plaza complex"  
23 shall have the same meaning as defined in paragraph (e) of subdivision  
24 one of section two hundred four of the executive law.

25 § 5. The opening paragraph and paragraph (g) of subdivision 1 and  
26 subdivision 2 of section 91 of the public buildings law, as added by  
27 section 5 of part RR of chapter 56 of the laws of 2023, are amended and  
28 a new paragraph (l) is added to subdivision 1 to read as follows:

29 The authority is hereby authorized and directed to establish decarbon-  
30 ization action plans for fifteen of the highest-emitting facilities that  
31 will serve as a basis for decarbonizing the facilities to the maximum  
32 extent practicable, and subject to any needed redundant systems and  
33 back-up systems needed for public safety and security. [~~Decarboniza-~~  
34 ~~tion~~] Except as provided in paragraph (h) of subdivision three of  
35 section two hundred four of the executive law, decarbonization action  
36 plans shall address the following matters at a minimum:

37 (g) [~~identification~~] Except for the empire state plaza decarbonization  
38 plan, identification of any parts of the facilities that cannot be  
39 decarbonized, with explanations.

40 (l) In the case of the empire state plaza complex decarbonization  
41 action plan, the items listed in paragraph (f) of subdivision three of  
42 section two hundred four of the executive law.

43 2. [~~The~~] Except for the decarbonization plan for the empire state  
44 plaza complex, the authority shall complete the decarbonization action  
45 plans no later than January thirty-first, two thousand twenty-six,  
46 provided that such date shall be extended for justifiable delay outside  
47 the control of the authority, including, but not limited to, previously  
48 planned or current major renovations or replacements to the facilities,  
49 delayed permitting or approval by building owners, local authorities, or  
50 other essential parties, external resource bottlenecks, pending or unre-  
51 solved investigations into utility grid capacity or similar circum-  
52 stances where crucial information is not yet available or determined.  
53 Such extension shall be limited to the time necessary to address the  
54 factors causing such delay. The empire state decarbonization plan shall  
55 be completed by January thirty-first, two thousand twenty-six, and no  
56 exclusions for justifiable delays shall be permitted.



1 § 6. Subdivisions 5, 6 and 7 of section 91 of the public buildings law  
2 are renumbered subdivisions 6, 7 and 8, and a new subdivision 5 is added  
3 to read as follows:

4 5. The authority shall be authorized to use the funding provided in  
5 subdivision four of this section to prepare the decarbonization action  
6 plan for the empire state plaza complex, to update or modify any study  
7 or plan undertaken, with the goal, in whole or in part of reducing  
8 greenhouse gas emissions applicable to such complex, or to perform the  
9 engineering study mandated by paragraph (d) of subdivision three of  
10 section two hundred four of the executive law, provided that such plan  
11 or study in the view of the authority would provide information useful  
12 for achieving the purposes of such section.

13 § 7. This act shall take effect immediately.

14 PART II

15 Section 1. Subdivision b of section 448 of the retirement and social  
16 security law is amended by adding a new paragraph 3 to read as follows:

17 3. Provided further, notwithstanding any other provision of this arti-  
18 cle to the contrary, where the member is in a title as defined in subdi-  
19 vision i of section eighty-nine of this chapter, and would have been  
20 entitled to a service retirement benefit at the time of such member's  
21 death and where such member's death occurs on or after July first, two  
22 thousand twenty-four, the beneficiary or beneficiaries nominated for the  
23 purposes of this subdivision may elect to receive, in a lump sum, an  
24 amount payable which shall be equal to the pension reserve that would  
25 have been established had the member retired on the date of such  
26 member's death, or the value of the death benefit and the reserve-for-  
27 increased-take-home-pay, if any, whichever is greater.

28 § 2. Subdivision b of section 508 of the retirement and social securi-  
29 ty law, as amended by chapter 476 of the laws of 2018, is amended to  
30 read as follows:

31 b. A member of a retirement system subject to the provisions of this  
32 article who is a police officer, firefighter, correction officer, inves-  
33 tigator revised plan member or sanitation worker and is in a plan which  
34 permits immediate retirement upon completion of a specified period of  
35 service without regard to age or who is subject to the provisions of  
36 section five hundred four or five hundred five of this article, shall  
37 upon completion of ninety days of service be covered for financial  
38 protection in the event of death in service pursuant to this subdivi-  
39 sion.

40 1. Such death benefit shall be equal to three times the member's sala-  
41 ry raised to the next highest multiple of one thousand dollars, but in  
42 no event shall it exceed three times the maximum salary specified in  
43 section one hundred thirty of the civil service law or, in the case of a  
44 member of a retirement system other than the New York city employees'  
45 retirement system, or in the case of a member of the New York city  
46 employees' retirement system who is a New York city uniformed  
47 correction/sanitation revised plan member or an investigator revised  
48 plan member, the specific limitations specified for age of entrance into  
49 service contained in subparagraphs (b), (c), (d), (e) and (f) of para-  
50 graph two of subdivision a of this section.

51 2. Provided further, notwithstanding any other provision of this arti-  
52 cle to the contrary, where the member is in a title as defined in subdi-  
53 vision i of section eighty-nine of this chapter, and would have been  
54 entitled to a service retirement benefit at the time of such member's

1 death and where such member's death occurs on or after July first, two  
2 thousand twenty-four, the beneficiary or beneficiaries nominated for the  
3 purposes of this subdivision may elect to receive, in a lump sum, an  
4 amount payable which shall be equal to the pension reserve that would  
5 have been established had the member retired on the date of such  
6 member's death, or the value of the death benefit and the reserve-for-  
7 increased-take-home-pay, if any, whichever is greater.

8 § 3. This act shall take effect immediately.

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

This bill would modify the in-service death benefit for retirement eligible members of the New York State and Local Employees' Retirement System who are employed by New York State as correction officers and security hospital treatment assistants. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death.

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase of approximately \$1.7 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2025. In future years this cost will vary but is expected to average 0.1% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$10.4 million which will be borne by the State of New York as a one-time payment. This estimate assumes that payment will be made on March 1, 2025.

These estimated costs are based on 17,000 affected members employed by the State of New York, with annual salary of approximately \$1.6 billion as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated January 25, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-97, prepared by the Actuary for the New York State and Local Retirement System.

9

PART JJ

10 Section 1. Subdivisions a and b of section 512 of the retirement and  
11 social security law, subdivision a as amended by chapter 298 of the laws  
12 of 2016, and subdivision b as amended by chapter 18 of the laws of 2012,  
13 are amended to read as follows:

1 a. A member's final average salary shall be the average wages earned  
2 by such a member during any three consecutive years which provide the  
3 highest average wage; provided, however, if the wages earned during any  
4 year included in the period used to determine final average salary  
5 exceeds that of the average of the previous two years by more than ten  
6 percent, the amount in excess of ten percent shall be excluded from the  
7 computation of final average salary. [~~Notwithstanding the preceding  
8 provisions of this subdivision to the contrary, for a member who first  
9 becomes a member of the New York state and local employees' retirement  
10 system on or after April first, two thousand twelve, or for a New York  
11 city police/fire revised plan member, a New York city enhanced plan  
12 member who receives the ordinary disability benefit provided for in  
13 subdivision e 1 of section five hundred six of this article or the acci-  
14 dental disability benefit provided for in paragraph three of subdivision  
15 e of section five hundred seven of this article, a New York city  
16 uniformed correction/sanitation revised plan member or an investigator  
17 revised plan member, a member's final average salary shall be the aver-  
18 age wages earned by such a member during any five consecutive years  
19 which provide the highest average wage; provided, however, if the wages  
20 earned during any year included in the period used to determine final  
21 average salary exceeds that of the average of the previous four years by  
22 more than ten percent, the amount in excess of ten percent shall be  
23 excluded from the computation of final average salary.~~] In determining  
24 final average salary pursuant to any provision of this subdivision,  
25 where the period used to determine final average salary is the period  
26 which immediately precedes the date of retirement, any month or months  
27 (not in excess of twelve) which would otherwise be included in computing  
28 final average salary but during which the member was on authorized leave  
29 of absence at partial pay or without pay shall be excluded from the  
30 computation of final average salary and the month or an equal number of  
31 months immediately preceding such period shall be substituted in lieu  
32 thereof.

33 b. Notwithstanding the provisions of subdivision a of this section,  
34 with respect to members of the New York state employees' retirement  
35 system [~~who first become members of the New York state and local employ-  
36 ees' retirement system before April first, two thousand twelve~~], the New  
37 York state and local police and fire retirement system and the New York  
38 city teachers' retirement system, a member's final average salary shall  
39 be equal to one-third of the highest total wages earned during any  
40 continuous period of employment for which the member was credited with  
41 three years of service credit; provided, however, if the wages earned  
42 during any year of credited service included the period used to deter-  
43 mine final average salary exceeds the average of the wages of the previ-  
44 ous two years of credited service by more than ten percent, the amount  
45 in excess of ten percent shall be excluded from the computation of final  
46 average salary. [~~For members who first become a member of the New York  
47 state and local employees' retirement system on or after April first,  
48 two thousand twelve, with respect to members of the New York state and  
49 local employees' retirement system, a member's final average salary  
50 shall be equal to one-fifth of the highest total wages earned during any  
51 continuous period of employment for which the member was credited with  
52 five years of service credit; provided, however, if the wages earned  
53 during any year of credited service included the period used to deter-  
54 mine final average salary exceeds the average of the wages of the previ-  
55 ous four years of credited service by more than ten percent, the amount~~

1 ~~in excess of ten percent shall be excluded from the computation of final~~  
2 ~~average salary.]~~

3 § 2. Subdivisions a and b of section 608 of the retirement and social  
4 security law, as amended by chapter 18 of the laws of 2012, are amended  
5 to read as follows:

6 a. [~~For members who first become members of a public retirement system~~  
7 ~~of the state before April first, two thousand twelve, a~~] A member's  
8 final average salary shall be the average wages earned by such a member  
9 during any three consecutive years which provide the highest average  
10 wage; provided, however, if the wages earned during any year included in  
11 the period used to determine final average salary exceeds that of the  
12 average of the previous two years by more than ten percent, the amount  
13 in excess of ten percent shall be excluded from the computation of final  
14 average salary. [~~For members who first become members of the New York~~  
15 ~~state and local employees' retirement system or the New York state~~  
16 ~~teachers' retirement system on or after April first, two thousand~~  
17 ~~twelve, a member's final average salary shall be the average wages~~  
18 ~~earned by such member during any five consecutive years which provide~~  
19 ~~the highest average wage; provided, however, if the wages earned during~~  
20 ~~any year included in the period used to determine final average salary~~  
21 ~~exceeds that of the average of the previous four years by more than ten~~  
22 ~~percent, the amount in excess of ten percent shall be excluded from the~~  
23 ~~computation of final average salary.] Where the period used to determine  
24 final average salary is the period which immediately precedes the date  
25 of retirement, any month or months (not in excess of twelve) which would  
26 otherwise be included in computing final average salary but during which  
27 the member was on authorized leave of absence at partial pay or without  
28 pay shall be excluded from the computation of final average salary and  
29 the month or an equal number of months immediately preceding such period  
30 shall be substituted in lieu thereof.~~

31 b. Notwithstanding the provisions of subdivision a of this section,  
32 with respect to members [~~who first became members~~] of the New York state  
33 and local employees' retirement system and the New York city teachers'  
34 retirement system [~~before April first, two thousand twelve~~], a member's  
35 final average salary shall be equal to one-third of the highest total  
36 wages earned by such member during any continuous period of employment  
37 for which the member was credited with three years of service credit;  
38 provided, however, if the wages earned during any year of credited  
39 service included in the period used to determine final average salary  
40 exceeds the average of the wages of the previous two years of credited  
41 service by more than ten percent, the amount in excess of ten percent  
42 shall be excluded from the computation of final average salary. [~~With~~  
43 ~~respect to members who first become members of the New York state and~~  
44 ~~local employees' retirement system and the New York city teachers'~~  
45 ~~retirement system on or after April first, two thousand twelve, a~~  
46 ~~member's final average salary shall be equal to one fifth of the highest~~  
47 ~~total wages earned by such member during any continuous period of~~  
48 ~~employment for which the member was credited with five years of service~~  
49 ~~credit; provided, however, if the wages earned during any year of cred-~~  
50 ~~ited service included in the period used to determine final average~~  
51 ~~salary exceeds the average of the wages of the previous four years of~~  
52 ~~credited service by more than ten percent, the amount in excess of ten~~  
53 ~~percent shall be excluded from the computation of final average salary.]~~

54 § 3. Subparagraph (ii) of paragraph 14 of subdivision e of section  
55 13-638.4 of the administrative code of the city of New York, as amended  
56 by chapter 18 of the laws of 2012, is amended to read as follows:

1 (ii) Subject to the provisions of subdivision f of this section where  
2 those provisions are applicable, and notwithstanding the provisions of  
3 subdivisions a and c of section six hundred eight of the RSSL, for a  
4 tier IV member of NYCERS who is a New York city revised plan member (as  
5 defined in subdivision m of section six hundred one of the RSSL) or a  
6 tier IV member of BERS who is a New York city revised plan member, the  
7 term "final average salary", as used in article fifteen of the RSSL,  
8 shall be equal to [~~one-fifth~~] one-third of the highest total wages  
9 earned by such member during any continuous period of employment for  
10 which the member was credited with [~~five~~] three years of service credit;  
11 provided that if the wages earned during any year of credited service  
12 included in the period used to determine final average salary exceeds  
13 the average of the wages of the previous four years of credited service  
14 by more than ten percent, the amount in excess of ten percent shall be  
15 excluded from the computation of final average salary, provided further  
16 that "wages", as used in this paragraph, shall mean the applicable  
17 provisions and limitations of the term "wages", as defined in subdivi-  
18 sion l of section six hundred one of the RSSL.

19 § 4. Subdivision a of section 1209 of the retirement and social secu-  
20 rity law, as amended by chapter 705 of the laws of 2023, is amended to  
21 read as follows:

22 a. For members who first become members of the New York state and  
23 local police and fire retirement system on or after April first, two  
24 thousand twelve, a member's final average salary shall be equal to one-  
25 fifth of the highest total wages earned by such member during any  
26 continuous period of employment for which the member was credited with  
27 five years of service credit; provided, however, if the wages earned  
28 during any year of credited service included in the period used to  
29 determine final average salary exceeds the average of the wages of the  
30 previous four years of credited service by more than ten percent, the  
31 amount in excess of ten percent shall be excluded from the computation  
32 of final average salary. Provided, however, beginning on or after April  
33 first, two thousand twenty-four, a member's final average salary shall  
34 be equal to one-third of the highest total wages earned by such member  
35 during any continuous period of employment for which the member was  
36 credited with three years of service credit; provided, however, if the  
37 wages earned during any year of credited service included in the period  
38 used to determine final average salary exceeds the average of the wages  
39 of the previous two years of credited service by more than ten percent,  
40 the amount in excess of ten percent shall be excluded from the computa-  
41 tion of final average salary. Wages in excess of the annual salary paid  
42 to the governor pursuant to section three of article four of the state  
43 constitution shall be excluded from the computation of final average  
44 salary for members who first become members of the New York state and  
45 local police and fire retirement system on or after April first, two  
46 thousand twelve.

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

50 § 6. This act shall take effect immediately.

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

This bill would provide Tier 6 members in the New York State and Local Retirement System a final average salary based on their highest salary earned over three consecutive years, where the salary earned in any year cannot exceed the average of the previous two years by more than 10%. Currently, final average salary for these members is based on their



highest salary earned over five consecutive years, where the salary earned in any year cannot exceed the average of the previous four years by more than 10%. The provisions of Section 25 of the Retirement and Social Security Law shall not apply.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), the increased costs would be shared by the State of New York and the local participating employers in the NYSLERS. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately \$1.17 billion.

NYSLERS	Increase in present value benefits	Increase in required contributions
Tiers 1 - 5	\$0	\$220 million
Tier 6	\$1.17 billion	\$950 million
Total	\$1.17 billion	\$1.17 billion

In the NYSLERS, this benefit improvement will be funded by increasing the billing rates charged annually to cover both retrospective and prospective benefit increases. The annual contribution required of all participating employers in NYSLERS is 0.4% of billable salary, or approximately \$51 million to the State of New York and approximately \$76 million to the local participating employers. This permanent annual cost will increase as Tier 6 salary grows and will vary by employer based upon the plan coverage and salary reported in Tier 6.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), the increased costs would be shared by the State of New York and the local participating employers in the NYSLPFRS. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately \$341 million.

NYSLPFRS	Increase in present value benefits	Increase in required contributions
Tiers 1 - 5	\$0	\$33 million
Tier 6	\$341 million	\$308 million
Total	\$341 million	\$341 million

In the NYSLPFRS, this benefit improvement will be funded by increasing the billing rates charged annually to cover both retrospective and prospective benefit increases. The annual contribution required of all participating employers in the NYSLPFRS is 0.70% of billable salary, or approximately \$6.0 million to the State of New York and approximately \$25 million to the local participating employers. The permanent annual cost will increase as Tier 6 salary grows and will vary by employer based upon the plan coverage and salary reported in Tier 6.

These estimated costs are based on 265,533 Tier 6 members in the NYSLERS and 16,599 Tier 6 members in the NYSLPFRS, with annual salary of approximately \$12 billion and \$1.5 billion, respectively, as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the

Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated February 2, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-118, prepared by the Actuary for the New York State and Local Retirement System.

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

As it relates to the New York State Teacher's Retirement System, this bill would amend subdivisions a and b of Section 608 of the Retirement and Social Security Law to change the definition of final average salary for Tier 6 members to be the same as that for Tier 3, 4 and 5 members. The final average salary for Tier 6 members would be based on any three consecutive years which produce the highest average salary. Currently, the final average salary for Tier 6 members is based on the salaries earned during any five consecutive years which provide the highest average salary. Additionally, under the bill, as in Tier 3, 4 and 5, if the salary for any year used in the period exceeds that of the average of the prior two years by more than 10%, the amount in excess of 10% shall be excluded from the computation. Currently, under Tier 6, if the salary for any year used in the period exceeds that of the average of the prior four years by more than 10%, the amount in excess of 10% is excluded from the computation.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be \$23.1 million or 0.12% of payroll if this bill is enacted.

The System's "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 5.31% of pay under the current Tier 6 benefit structure. This can be thought of as the long-term expected employer cost of Tier 6, based on current actuarial assumptions. For the proposed change to the Tier 6 benefit structure under this bill, this new entrant rate is estimated to increase to 5.55% of pay, an increase of 0.24% of pay.

Member data is from the System's most recent actuarial valuation files as of June 30, 2023, consisting of data provided by the employers to the Retirement System. The most recent data distributions and statistics can be found in the System's Annual Report for fiscal year ended June 30, 2023. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report as of June 30, 2023.

The source of this estimate is Fiscal Note 2024-17 dated February 2, 2024 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2024 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

SUMMARY: This proposed legislation, as it relates to the New York City Retirement Systems and Pension Funds (NYCRS), would increase the Final Average Salary used to calculate pension benefits for certain Tier 3 and Tier 6 members of NYCRS by reducing the number of years included in the average from five years to three years.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS  
by Fiscal Year for the first 25 years (\$ in Millions)

Year	NYCERS	TRS	BERS	POLICE	FIRE	TOTAL
2025	67.2	56.2	5.7	47.8	19.4	196.3
2026	63.9	54.9	5.9	44.2	21.3	190.2
2027	68.0	57.8	6.2	49.2	23.3	204.5
2028	72.2	60.9	6.5	54.8	25.5	219.9
2029	76.5	64.2	6.9	60.2	27.8	235.6
2030	80.8	67.7	7.2	66.0	30.2	251.9
2031	85.2	71.4	7.6	71.4	32.7	268.3
2032	89.5	75.4	7.9	76.0	35.3	284.1
2033	93.9	79.6	8.3	80.5	38.0	300.3
2034	98.5	84.1	8.7	85.0	40.8	317.1
2035	103.0	88.9	9.0	89.4	43.7	334.0
2036	107.6	93.9	9.4	93.8	46.7	351.4
2037	112.2	99.2	9.8	98.4	49.8	369.4
2038	116.9	104.8	8.0	103.4	53.1	386.2
2039	121.7	110.8	8.5	108.5	56.3	405.8
2040	103.5	116.9	8.9	113.4	59.6	402.3
2041	108.2	123.3	9.3	107.4	63.0	411.2
2042	113.0	129.7	9.7	112.3	66.4	431.1
2043	117.8	136.1	10.2	117.3	64.2	445.6
2044	122.7	123.8	10.6	122.3	67.6	447.0
2045	127.6	130.1	11.1	127.4	70.9	467.1
2046	132.6	136.4	11.5	132.5	74.2	487.2
2047	137.7	142.5	12.0	137.6	77.4	507.2
2048	142.9	148.6	12.5	142.9	80.7	527.6
2049	148.1	154.8	13.0	148.4	83.9	548.2

Employer Contribution impact beyond Fiscal Year 2049 is not shown. Projected contributions include future new hires that may be impacted.

The initial increase in employer contributions of \$196.3 million is estimated to be \$163.2 million for New York City and \$33.1 million for the other obligors of NYCRS.

INITIAL INCREASE (DECREASE) IN ACTUARIAL LIABILITIES  
as of June 30, 2023 (\$ in Millions)

Present Value (PV)	NYCERS	TRS	BERS	POLICE	FIRE
PV of Benefits:	633.8	666.9	53.3	570.7	279.6
PV of Employee Contributions:	0.0	0.0	0.0	0.0	0.0
PV of Employer Contributions:	633.8	666.9	53.3	570.7	279.6
Unfunded Accrued Liabilities:	207.9	189.6	17.8	105.3	53.8

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS	TRS	BERS	POLICE	FIRE
Number of Payments:	15	19	13	16	18
Fiscal Year of Last Payment:	2039	2043	2037	2040	2042
Amortization Payment:	22.9 M	18.6 M	2.2 M	10.8 M	5.5 M
Additional One-time Payment:	7.0 M	4.0 M	0.0 M	7.5 M	0.0 M

Unfunded Accrued Liability (UAL) increases for active members were amortized over the expected remaining working lifetime of those impacted by the benefit changes using level dollar payments. UAL attributable to terminated vested members was recognized in the first year.

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for the impacted population is summarized below.

	NYCERS	TRS	BERS	POLICE	FIRE
Active Members					
- Number Count:	92,737	60,663	12,932	20,089	5,030
- Average Age:	42.1	38.1	46.9	32.7	33.5
- Average Service:	4.6	5.0	4.0	6.1	5.5
- Average Salary:	80,600	80,000	56,200	107,400	112,400
Term. Vested Members					
- Number Count:	4,274	3,999	397	887	9
- Average Age:	41.5	37.9	44.6	34.6	37.6

IMPACT ON MEMBER BENEFITS: Currently, Final Average Salary (FAS) is based on a five-year average, with each year's salary limited to 110% of the average of the prior four year's salaries for the following groups:

\* Tier 3 and Tier 6 members who joined NYCERS on or after April 1, 2012, and

\* Tier 3 enhanced members of POLICE and FIRE who retire for disability.

Under the proposed legislation, the FAS for such members would be based on a three-year average, with each year's salary limited to 110% of the average of the prior two year's salaries (prior four year's salaries for NYCERS and BERS).

The five-year FAS for enhanced disability benefits for Corrections and Sanitation members of NYCERS is provided as part of an agreement under Retirement and Social Security Law Article 25 and is assumed to remain unchanged by this proposed legislation.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems. In addition:

\* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits).

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS but do not believe it impairs our objectivity and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2024-10 dated February 2, 2024 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2024 Legislative Session.

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## PART KK

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Section 1. Short title. This act shall be known and may be cited as the "legislative oversight of automated decision-making in government act (LOADing Act)".

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§ 2. The state technology law is amended by adding a new article 4 to read as follows:

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ARTICLE IV

8

AUTOMATED DECISION-MAKING IN STATE GOVERNMENT

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Section 401. Definitions.

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402. Use of automated decision-making systems by agencies.

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403. Impact assessments.

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§ 401. Definitions. For the purpose of this article:

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1. "Automated decision-making system" shall mean any software that uses algorithms, computational models, or artificial intelligence techniques, or a combination thereof, to automate, support, or replace human decision-making and shall include, without limitation, systems that process data, and apply predefined rules or machine learning algorithms to analyze such data, and generate conclusions, recommendations, outcomes, assumptions, projections, or predictions without meaningful human review and discretion. "Automated decision-making system" shall not include any software used primarily for basic computerized processes, such as calculators, spellcheck tools, autocorrect functions, spreadsheets, electronic communications, or any tool that relates only to internal management affairs such as ordering office supplies or processing payments, and that do not materially affect the rights, liberties, benefits, safety or welfare of any individual within the state.

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2. "State agency" shall mean any department, public authority, board, bureau, commission, division, office, council, committee or officer of the state. Such terms shall not include the legislature or judiciary.

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3. "Public assistance benefit" shall mean any service or program within the control of the state, or benefit provided by the state to individuals or households, including but not limited to public assistance, cash assistance, grants, child care assistance, housing assistance, unemployment benefits, transportation benefits, education assistance, domestic violence services, and any other assistance or benefit within the authority of the state to grant to individuals within the state. This shall not include any federal program that is administered by the federal government or the state.

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§ 402. Use of automated decision-making systems by agencies. 1. Any state agency, or any entity acting on behalf of such agency, shall be prohibited from, directly or indirectly, utilizing or applying any auto-

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1 mated decision-making system in performing any function that: (a) is  
2 related to the delivery of any public assistance benefit; (b) will have  
3 a material impact on the rights, civil liberties, safety or welfare of  
4 any individual within the state; or (c) affects any statutorily or  
5 constitutionally provided right of an individual; unless such utiliza-  
6 tion or application of the automated decision-making system is specif-  
7 ically authorized in law.

8 2. No state agency shall authorize any procurement, purchase or acqui-  
9 sition of any service or system utilizing, or relying on, automated  
10 decision-making systems prohibited in subdivision one of this section,  
11 except where the use of such system is specifically authorized in law.

12 § 403. Impact assessments. 1. No state agency shall utilize or apply  
13 any automated decision-making system unless the state agency, or an  
14 entity acting on behalf of such state agency, shall have conducted an  
15 impact assessment for the application and use of such automated deci-  
16 sion-making system. Following the first impact assessment, an impact  
17 assessment shall be conducted at least once every two years. An impact  
18 assessment shall be conducted prior to any material change to the auto-  
19 mated decision-making system that may change the outcome or effect of  
20 such system. Such impact assessments shall include:

21 (a) a description of the objectives of the automated decision-making  
22 system;

23 (b) an evaluation of the ability of the automated decision-making  
24 system to achieve its stated objectives;

25 (c) a description and evaluation of the objectives and development of  
26 the automated decision-making including:

27 (i) a summary of the underlying algorithms, computational modes, and  
28 artificial intelligence tools that are used within the automated deci-  
29 sion-making system; and

30 (ii) the design and training data used to develop the automated deci-  
31 sion-making system process;

32 (d) testing for:

33 (i) accuracy, fairness, bias and discrimination, and an assessment of  
34 whether the use of the automated decision-making system produces discri-  
35 minatory results on the basis of a consumer's or a class of consumers'  
36 actual or perceived race, color, ethnicity, religion, national origin,  
37 sex, gender, gender identity, sexual orientation, familial status, biom-  
38 etric information, lawful source of income, or disability and outlines  
39 mitigations for any identified performance differences in outcomes  
40 across relevant groups impacted by such use;

41 (ii) any cybersecurity vulnerabilities and privacy risks resulting  
42 from the deployment and use of the automated decision-making system, and  
43 the development or existence of safeguards to mitigate the risks;

44 (iii) any public health or safety risks resulting from the deployment  
45 and use of the automated decision-making system;

46 (iv) any reasonably foreseeable misuse of the automated decision-mak-  
47 ing system and the development or existence of safeguards against such  
48 misuse;

49 (e) the extent to which the deployment and use of the automated deci-  
50 sion-making system requires input of sensitive and personal data, how  
51 that data is used and stored, and any control users may have over their  
52 data; and

53 (f) the notification mechanism or procedure, if any, by which individ-  
54 uals impacted by the utilization of the automated decision-making system  
55 may be notified of the use of such automated decision-making system and

1 of the individual's personal data, and informed of their rights and  
2 options relating to such use.

3 2. Notwithstanding the provisions of this article or any other law, if  
4 an impact assessment finds that the automated decision-making system  
5 produces discriminatory or biased outcomes, the state agency shall cease  
6 any utilization, application, or function of such automated decision-  
7 making system, and of any information produced using such system.

8 3. Any impact assessment conducted pursuant to this subdivision shall  
9 be submitted to the governor, the temporary president of the senate, and  
10 the speaker of the assembly at least thirty days prior to the implemen-  
11 tation of the automated decision-making system that is the subject of  
12 such assessment. The impact statement of an automated decision-making  
13 system that is approved and utilized, shall be published on the website  
14 of the relevant agency. If the state agency makes a determination that  
15 the disclosure of any information required in the impact assessment  
16 would result in a substantial negative impact on health or safety of the  
17 public, infringe upon the privacy rights of individuals, or significant-  
18 ly impair the state agency's ability to protect its information technol-  
19 ogy or operational assets, it may redact such information, provided that  
20 an explanatory statement on the process by which the state agency made  
21 such determination is published along with the redacted impact assess-  
22 ment.

23 § 3. Disclosure of existing automated decision-making systems. Any  
24 state agency, that directly or indirectly, utilizes an automated deci-  
25 sion-making system, as defined in section 401 of the state technology  
26 law, shall submit to the legislature a disclosure on the use of such  
27 system, no later than one year after the effective date of this section.  
28 Such disclosure shall include:

29 (a) a description of the automated decision-making system utilized by  
30 such agency;

31 (b) a list of any software vendors related to such automated deci-  
32 sion-making system;

33 (c) the date that the use of such system began;

34 (d) a summary of the purpose and use of such system, including a  
35 description of human decision-making and discretion supported or  
36 replaced by the automated decision-making system;

37 (e) whether any impact assessments for the automated decision-making  
38 system were conducted and the dates and summaries of the results of such  
39 assessments where applicable; and

40 (f) any other information deemed relevant by the agency.

41 § 4. Section 101 of the state technology law is amended by adding a  
42 new subdivision 6 to read as follows:

43 6. "Artificial intelligence" or "AI" shall mean: (a) a machine-based  
44 system that operates with varying levels of autonomy and that may exhib-  
45 it adaptiveness after deployment and that, for explicit or implicit  
46 objectives, infers, from the input the system receives, how to generate  
47 outputs such as predictions, content, recommendations, or decisions that  
48 may influence physical or virtual environments. This includes, but is  
49 not limited to, systems, applications, software, or devices designed to:

50 (i) Sense, interpret, process, analyze, or otherwise comprehend data,  
51 text, speech, voice, images, video, sensor inputs, or other forms of  
52 information from the physical and virtual world.

53 (ii) Abstract concepts, detect patterns, extract features, develop  
54 explanatory and predictive data models, or otherwise derive higher-order  
55 insights through analysis of data and information.

1 (iii) Apply reasoning, decision logic, knowledge representation,  
2 prediction models, data model inferences, or other structured and  
3 unstructured techniques and capabilities to generate options, recommen-  
4 dations, forecasts, determinations, conclusions, actions, or other  
5 outputs that influence physical or virtual environments, systems, appli-  
6 cations, devices, or decision-making.

7 (iv) Operate autonomously once deployed, regardless of whether  
8 designed to allow human monitoring, oversight, intervention, or over-  
9 ride.

10 (b) This definition shall not include any software used primarily for  
11 basic computerized processes, such as calculators, spell check tools,  
12 autocorrect functions, spreadsheets, electronic communications, or any  
13 tool that relates only to internal management affairs such as ordering  
14 office supplies or processing payments, and that do not materially  
15 affect the rights, liberties, safety or welfare of any human.

16 § 5. The state technology law is amended by adding a new section 102-a  
17 to read as follows:

18 § 102-a. Chief artificial intelligence officer; functions, powers and  
19 duties. 1. There is hereby established the office of artificial intelli-  
20 gence within the office. The head of such office shall be the chief  
21 artificial intelligence officer and shall be appointed by the governor  
22 with the advice and consent of the senate. The chief artificial intelli-  
23 gence officer shall be in sole charge of the administration of the  
24 office, and shall report to the executive department. The chief artifi-  
25 cial intelligence officer shall be designated as management confidential  
26 in the noncompetitive class in accordance with the civil service law.  
27 The chief artificial intelligence officer shall have expertise in arti-  
28 ficial intelligence, data privacy, and the technology industry.

29 2. The office of artificial intelligence shall have the following  
30 functions, powers and duties:

31 (a) Develop statewide artificial intelligence policies and governance,  
32 including but not limited to:

33 (i) Developing and updating state policy and guidelines on the use,  
34 procurement, development, and deployment of artificial intelligence in a  
35 manner consistent with state laws;

36 (ii) Developing and updating a handbook regarding the use, study,  
37 development, evaluation, and procurement of systems that use artificial  
38 intelligence, in a manner consistent with state and federal laws, and  
39 national and international standards for use by the state's departments,  
40 boards, commissions, agencies and authorities;

41 (iii) Developing a risk management plan, including procedures for  
42 assessing and classifying risk levels, including, but not limited to,  
43 pertaining to the operations of the state, data security and privacy,  
44 and the rights, liberties, safety and welfare of any human for use of  
45 artificial intelligence and automated decision-making systems by the  
46 state's departments, boards, commissions, agencies and authorities; and

47 (iv) Setting governance standards for oversight of artificial intelli-  
48 gence and automated systems, and determining resource requirements for  
49 responsible adoption, including, but not limited to developing and  
50 deploying employee training programs for safe and responsible use of  
51 artificial intelligence; and

52 (v) Ensuring public access requirements are established for the publi-  
53 cation of information related to each state agency use of the automated  
54 systems and artificial intelligence.

1 (b) Coordinate the activities of any and all state departments,  
2 boards, commissions, agencies and authorities performing any functions  
3 using artificial intelligence tools.

4 (c) Coordinate and track state department, board, commission, agency  
5 and authority procurement and planning in state programs.

6 (d) Investigate and assess what resources, monetary or otherwise, if  
7 any, a department, board, commission, authority or agency requires to  
8 adapt to the changes that artificial intelligence will bring to the  
9 regulatory landscape and to adequately adopt and oversee the use of  
10 artificial intelligence across its operations.

11 (e) Provide guidance to governmental entities in developing, designing  
12 and deploying standards, mission, regulations, investments, practices,  
13 systems pertaining to the use of artificial intelligence tools, in a  
14 manner that protects the rights and safety of individuals, including but  
15 not limited to employee training, protecting privacy and data security,  
16 safeguarding against discrimination based on race, gender, ethnicity,  
17 religion, disability, sexual orientation, or socioeconomic status, miti-  
18 gating risks of misinformation and manipulation, and impact on the human  
19 workforce.

20 (f) Recommend the replacement, disconnection or deactivation of any  
21 application that utilizes artificial intelligence and that demonstrates  
22 that deployment and use is inconsistent with provisions of law or is  
23 otherwise harmful to the operations of the state, data security and  
24 privacy, or the rights, liberties, safety, and welfare of any human.

25 (g) Study the implications of the usage of artificial intelligence for  
26 data collection to inform testing and evaluation, verification and vali-  
27 dation of artificial intelligence to ensure that artificial intelligence  
28 will perform as intended, including when interacting with humans and  
29 other systems, develop common metrics to assess trustworthiness that  
30 artificial intelligence systems will perform as intended, and minimize  
31 performance problems and unanticipated outcomes, protect against risks  
32 to data security and privacy, and address the possibility of intentional  
33 misuse of an artificial intelligence system.

34 (h) Submit a report annually to the temporary president of the senate  
35 and the speaker of the assembly on progress, findings, studies and  
36 recommendations regarding the use of artificial intelligence in the  
37 various government agencies. Such report shall also be made publicly  
38 available on the office of information technology website. Where the  
39 chief artificial intelligence officer makes a determination that such  
40 disclosure would result in a substantial negative impact on health or  
41 safety of the public, infringe upon the privacy rights of individuals,  
42 or significantly impair the state's ability to protect its information  
43 technology or operational assets, the officer may redact such informa-  
44 tion, provided an explanatory statement by which such determination was  
45 made is published along with the redacted report. The provisions of this  
46 subdivision shall not be deemed to require or authorize the disclosure  
47 of confidential information or trade secrets.

48 (i) Investigate and conduct periodic audits any department's, board's,  
49 commission's, agency's or authority's use of artificial intelligence  
50 tools to ensure:

51 (i) departments, boards, commissions, agencies and authorities devel-  
52 op, acquire and use automated systems that comply with the constitution,  
53 state and federal laws;

54 (ii) ensure that any benefit a department, board, commission, agency  
55 or authority receives by using an automated system outweighs any risk in  
56 using that automated system;

1 (iii) ensure that each automated system is secure, protected and  
2 resistant to circumstances in which that automated system faces any  
3 systematic vulnerability, manipulation or malicious exploitation; and

4 (iv) nothing in this section shall be construed as restricting the  
5 artificial intelligence officer's or any state department's, board's,  
6 commission's, authority's or agency's access to:

7 (1) conduct any internal investigation aimed at developing, improving  
8 or repairing any product, service or technology,

9 (2) prevent, detect, protect, respond, investigate, report to any  
10 person responsible for any security incident, identity theft, fraud,  
11 harassment, malicious or misleading activity or illegal activity, or

12 (3) preserve the integrity or security of any system.

13 3. To effectuate the purposes of this section, the chief artificial  
14 intelligence officer may request and receive from any department, divi-  
15 sion, board, bureau, commission or other agency of the state or any  
16 political subdivision thereof or any public authority, staff and other  
17 assistance, information, and resources as will enable the office of  
18 artificial intelligence to properly carry out its functions, powers and  
19 duties.

20 § 6. The state technology law is amended by adding a new section 104-a  
21 to read as follows:

22 § 104-a. Advisory committee for state artificial intelligence policy.

23 1. There is hereby created in the division of broadband access an advi-  
24 sory committee for state artificial intelligence policy. The chief arti-  
25 ficial intelligence officer shall serve as chair of the committee. The  
26 committee shall be composed of a minimum of seven representatives or  
27 their equivalent selected from state agencies and appointed by the  
28 governor, provided that no more than one member shall be appointed from  
29 a single agency, and provided further that the director shall serve as  
30 an ex-officio member of the committee. In addition, one member shall be  
31 appointed by the speaker of the assembly, one by the temporary president  
32 of the senate, and two members to be appointed by the governor at the  
33 recommendation of the two largest organizations in the state represent-  
34 ing municipal leadership.

35 2. All members of the advisory committee shall serve at the pleasure  
36 of their appointing authority. The members of the committee shall  
37 receive no compensation for their services, but shall be allowed their  
38 actual and necessary expenses incurred in the performance of their  
39 duties.

40 3. No member of the advisory committee shall be disqualified from  
41 holding any other public office, nor forfeit any such office by reason  
42 of appointment hereunder, notwithstanding the provisions of any general,  
43 special or local law, ordinance or city charter, provided however that  
44 members appointed by the governor, speaker of the assembly, or temporary  
45 president of the senate shall be considered state officers and subject  
46 to the provisions of paragraph (a) of subdivision eight of section  
47 seventy-three of the public officers law.

48 4. The advisory committee shall, at minimum, meet twice in each calen-  
49 dar year, provided that additional meetings of the advisory committee  
50 may be called by the chairperson at any time.

51 5. The advisory committee shall:

52 (a) Advise the chief artificial intelligence officer on best practices  
53 for the use of artificial intelligence and automated systems in agen-  
54 cies;

55 (b) Advise the chief artificial intelligence officer on state policy  
56 for artificial intelligence and automated systems;



1 (c) Advise the chief artificial intelligence officer on the current  
2 state of the state in relation to competitiveness in artificial intelli-  
3 gence, including the scope and scale of New York's investments in arti-  
4 ficial intelligence research and development;

5 (d) Advise the chief artificial intelligence officer on improving the  
6 workforce, including use in training, education and worker assistance in  
7 relation to the use of artificial intelligence;

8 (e) Advise the chief artificial intelligence officer on leveraging  
9 local resources to optimize and improve operations in various areas of  
10 government operations, including but not limited to medical services,  
11 cyber security, infrastructure, and recovery from natural disasters;

12 (f) Advise the chief artificial intelligence officer on opportunities  
13 for local, regional, interstate, federal, and international cooperation  
14 in artificial intelligence research activities, standards development  
15 and regulations;

16 (g) Advise the chief artificial intelligence officer on strategies to  
17 prevent and mitigate artificial intelligence-assisted misinformation  
18 campaigns and the potentially harmful effects of artificial intelli-  
19 gence;

20 (h) Advise the chief artificial intelligence officer on how the state  
21 can leverage the substantial and growing expertise of the emerging tech-  
22 nologies, such as artificial intelligence, in the long-term development  
23 of public policies that affect the privacy, rights, and the use of arti-  
24 ficial intelligence online;

25 (i) Advise the chief artificial intelligence officer on strategies for  
26 the development of inter-governmental cooperation among agencies of the  
27 federal, state, and local governments and cooperation; and

28 (j) Make periodic recommendations to the legislature on legislative or  
29 regulatory changes.

30 § 7. Subdivisions 2 and 3 of section 102 of the state technology law,  
31 as added by chapter 430 of the laws of 1997 and as renumbered by chapter  
32 437 of the laws of 2004, are amended to read as follows:

33 2. The head of the office shall be the director of the office, who  
34 shall serve as the chief technology officer for the state of New York  
35 and shall be designated as management confidential in the noncompetitive  
36 class in accordance with the civil service law. The director shall be  
37 the chief executive officer of and in sole charge of the administration  
38 of the office, with exception to the office established pursuant to  
39 section one hundred two-a of this article and the committee established  
40 pursuant to section one hundred four-a of this article. The director  
41 shall be entitled to receive reimbursement for expenses actually and  
42 necessarily incurred by [~~him or her~~] such director in the performance of  
43 [~~his or her~~] such director's duties.

44 3. The director may, from time to time, create, abolish, transfer and  
45 consolidate bureaus and other units within the office not expressly  
46 established by law as [~~he or she~~] such director may determine necessary  
47 for the efficient operation of the office, subject to the approval of  
48 the director of the budget, with exception to the office established  
49 pursuant to section one hundred two-a of this article and the committee  
50 established pursuant to section one hundred four-a of this article.

51 § 8. This act shall take effect on the ninetieth day after it shall  
52 have become a law, provided that section two of this act shall take  
53 effect one year after it shall have become a law.



1 Section 1. 1. New York state aid and incentives for municipalities  
2 redesign task force. There is hereby created the aid and incentives for  
3 municipalities redesign task force whose membership shall consist of 7  
4 members: the director of the division of the budget or such director's  
5 designee as chair; the comptroller or such comptroller's designee; the  
6 executive director of the New York State Conference of Mayors or such  
7 director's designee; the executive director of the New York State Asso-  
8 ciation of Counties or such director's designee; the executive director  
9 of the New York State Association of Towns or such director's designee;  
10 one member appointed by the temporary president of the senate; and one  
11 member appointed by the speaker of the assembly. The task force shall  
12 report to the governor, the speaker of the assembly and the temporary  
13 president of the senate no later than one year after the effective date  
14 of this act. Such report shall include, but not be limited to:

15 (a) A review and analysis of the current aid and incentives for muni-  
16 cipalities formula and allocations;

17 (b) An analysis of available alternatives to the current aid and  
18 incentives for municipalities formula and allocations, including models  
19 from other states; provided however, that such alternatives shall  
20 include the allocation of funds to any municipality which is not  
21 currently receiving aid and incentives for municipalities funding;

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

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

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

44 § 2. This act shall take effect immediately and shall expire and be  
45 deemed repealed December 31, 2025.

46

#### PART MM

47 Section 1. Subdivision 3 of section 363-a of the retirement and social  
48 security law, as amended by chapter 437 of the laws of 2016, is amended  
49 to read as follows:

50 3. As used in this section, the terms "firefighter" and "police offi-  
51 cer" mean any member who is performing police or fire service, as the  
52 phrase police or fire service is defined in paragraphs a, b, c, d, f (as  
53 added by chapter six hundred seventy-four of the laws of nineteen eight-  
54 y-six), f (as added by chapter six hundred seventy-seven of the laws of

1 nineteen eighty-six), g, h, i and j of subdivision eleven of section  
2 three hundred two of this article, and who, prior to entry into service  
3 as a firefighter or police officer, successfully passed a physical exam-  
4 ination which failed to disclose evidence of any disease or other  
5 impairment of the heart.

6 § 2. The amendments to section 363-a of the retirement and social  
7 security law made by section one of this act shall not affect, impair,  
8 or invalidate any temporary right, privilege, or benefit conferred  
9 pursuant to the provisions of a general, special or local law (other  
10 than pursuant to articles 14 and 15 of the retirement and social securi-  
11 ty law) for any member of a public retirement system or pension plan  
12 funded by the state or one of its political subdivisions, nor shall any  
13 amendments thereto affect the application of such provisions as extended  
14 by the provisions of section 480 of the retirement and social security  
15 law.

16 § 3. This act shall take effect immediately.

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

This bill is a technical correction to Chapter 561 of the Laws of 2015. It would add a "heart bill" performance of duty disability provision for police officers of the State University of New York who are members of the New York State and Local Police and Fire Retirement System (NYSLPFRS).

If this legislation is enacted during the 2024 Legislative Session, it would lead to more disabilities being classified as "in performance of duty".

However, we anticipate that few additional performance of duty disability retirements will be granted, and thus, the resulting costs are expected to be negligible.

These estimated costs are based on 557 affected members employed by the State of New York, with annual salary of approximately \$53.8 million as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated March 5, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-91, prepared by the Actuary for the New York State and Local Retirement System.

1 Section 1. Subdivision a of section 503 of the retirement and social  
2 security law, as amended by chapter 18 of the laws of 2012, is amended  
3 to read as follows:

4 a. The normal service retirement benefit specified in section five  
5 hundred four of this article shall be payable to general members, other  
6 than elective members, who have met the minimum service requirements  
7 upon retirement and attainment of age sixty-two, provided, however, a  
8 general member who is a peace officer employed by the unified court  
9 system or a member of a teachers' retirement system may retire without  
10 reduction of his or her retirement benefit upon attainment of at least  
11 fifty-five years of age and completion of thirty or more years of  
12 service. For members who become members of the New York state and local  
13 employees' retirement system on or after April first, two thousand  
14 twelve, the normal service retirement benefits specified in section five  
15 hundred four of this article shall be payable to general members, other  
16 than elective members, who have met the minimum service requirements  
17 upon retirement and attainment of age sixty-three; provided that, a  
18 member who is a peace officer employed by the unified court system may  
19 retire without reduction of his or her retirement benefit upon attain-  
20 ment of at least fifty-five years of age and completion of thirty or  
21 more years of service.

22 § 2. Subdivisions a and a-1 of section 603 of the retirement and  
23 social security law, subdivision a as amended and subdivision a-1 as  
24 added by chapter 18 of the laws of 2012, are amended to read as follows:

25 a. The service retirement benefit specified in section six hundred  
26 four of this article shall be payable to members who have met the mini-  
27 mum service requirements upon retirement and attainment of age sixty-  
28 two, other than members who are eligible for early service retirement  
29 pursuant to subdivision c of section six hundred four-b of this article,  
30 subdivision c of section six hundred four-c of this article, subdivision  
31 d of section six hundred four-d of this article, subdivision c of  
32 section six hundred four-e of this article, subdivision c of section six  
33 hundred four-f of this article, subdivision c of section six hundred  
34 four-g of this article, subdivision c of section six hundred four-h of  
35 this article or subdivision c of section six hundred four-i of this  
36 article, provided, however, a member of a teachers' retirement system or  
37 the New York state and local employees' retirement system who first  
38 joins such system before January first, two thousand ten or a member who  
39 is a uniformed court officer or peace officer employed by the unified  
40 court system [~~who first becomes a member of the New York state and local~~  
41 ~~employees' retirement system before April first, two thousand twelve~~]  
42 may retire without reduction of his or her retirement benefit upon  
43 attainment of at least fifty-five years of age and completion of thirty  
44 or more years of service, provided, however, that a uniformed court  
45 officer or peace officer employed by the unified court system who first  
46 becomes a member of the New York state and local employees' retirement  
47 system on or after January first, two thousand ten and retires without  
48 reduction of his or her retirement benefit upon attainment of at least  
49 fifty-five years of age and completion of thirty or more years of  
50 service pursuant to this section shall be required to make the member  
51 contributions required by subdivision f of section six hundred thirteen  
52 of this article for all years of credited and creditable service,  
53 provided further that the [~~the~~] preceding provisions of this subdivision  
54 shall not apply to a New York city revised plan member.

55 a-1. For members who first become a member of a public retirement  
56 system of the state on or after April first, two thousand twelve, except

1 for uniformed court officers or peace officers employed by the unified  
2 court system, the service retirement benefit specified in section six  
3 hundred four of this article shall be payable to members who have met  
4 the minimum service requirements upon retirement and have attained age  
5 sixty-three.

6 § 3. Subdivisions a and b-1 of section 604 of the retirement and  
7 social security law, subdivision a as amended and subdivision b-1 as  
8 added by chapter 18 of the laws of 2012, are amended to read as follows:

9 a. The service retirement benefit at normal retirement age for a  
10 member with less than twenty years of credited service, or less than  
11 twenty-five years credited service for a member who joins the New York  
12 state teachers' retirement system on or after January first, two thou-  
13 sand ten, shall be a retirement allowance equal to one-sixtieth of final  
14 average salary times years of credited service. Normal retirement age  
15 for members who first become members of a public retirement system of  
16 the state on or after April first, two thousand twelve shall be age  
17 sixty-three; except that the normal retirement age shall be sixty-two  
18 for a member who is a peace officer or uniformed court officer employed  
19 by the unified court system.

20 b-1. Notwithstanding any other provision of law to the contrary, the  
21 service retirement benefit for members with twenty or more years of  
22 [~~credit~~] credited service who first become a member of a public retire-  
23 ment system of the state on or after April first, two thousand twelve at  
24 age sixty-three, or at age sixty-two for uniformed court officers or  
25 peace officers employed by the unified court system, shall be a pension  
26 equal to the sum of thirty-five per centum and one-fiftieth of final  
27 average salary for each year of service in excess of twenty times final  
28 average salary times years of credited service. In no event shall any  
29 retirement benefit payable without optional modification be less than  
30 the actuarially equivalent annuitized value of the member's contrib-  
31 utions accumulated with interest at five percent per annum compounded  
32 annually to the date of retirement.

33 § 4. Paragraph 3 of subdivision i of section 603 of the retirement and  
34 social security law, as added by chapter 18 of the laws of 2012, is  
35 amended to read as follows:

36 3. A member of a public retirement system of the state who has met the  
37 minimum service requirement, but who is not a New York city transit  
38 authority member, as defined in paragraph one of subdivision a of  
39 section six hundred four-b of this article, may retire prior to normal  
40 retirement age, but no earlier than attainment of age fifty-five, in  
41 which event, the amount of his or her retirement benefit computed with-  
42 out optional modification shall be reduced by six and one-half per  
43 centum for each year by which early retirement precedes age sixty-three;  
44 provided, however, that for a member who is a uniformed court officer or  
45 peace officer employed by the unified court system, the retirement bene-  
46 fit computed without optional modification shall be reduced in accord-  
47 ance with paragraph one of this subdivision.

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

51 § 6. This act shall take effect immediately; provided that the amend-  
52 ments to subdivision a of section 603 of the retirement and social secu-  
53 rity law made by section two of this act shall not affect the expiration  
54 of such subdivision and shall be deemed to expire therewith.

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

This bill would allow any Tier 6 member who is a uniformed court officer or peace officer employed by the unified court system to retire without early age reduction upon attaining 30 years of creditable service and age 55. It would also reduce the normal retirement age from 63 to 62 and lessen the reductions in benefits for those who retire prior to normal retirement age.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), the increased costs would be borne entirely by the State of New York. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately \$34.2 million.

In the NYSLERS, this benefit improvement will be funded by (1) billing a past service cost to cover retrospective benefit increases and (2) increasing the billing rates charged annually to cover prospective benefit increases, as follows:

(1) To fund retrospective costs, the State of New York will be required to pay \$18.9 million as of March 1, 2025.

(2) To fund prospective costs, the annual contribution required of the State of New York will include a separate itemized charge equal to 1.0% of billable salary reported to the NYSLERS for the affected members, or approximately \$2.2 million beginning in fiscal year ending March 31, 2025. This permanent annual cost will increase as Tier 6 salary grows and will vary in subsequent billing cycles with changes in the billing rate.

These estimated costs are based on 2,207 affected members employed by New York State, with annual salary of approximately \$166 million as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated March 8, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-92, prepared by the Actuary for the New York State and Local Retirement System.

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PART 00

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Section 1. The retirement and social security law is amended by adding a new section 604-j to read as follows:

§ 604-j. Twenty-five year retirement program for fire protection inspector members. a. Definitions. The following words and phrases as

1 used in this section shall have the following meanings unless a differ-  
2 ent meaning is plainly required by the context.

3 1. "Fire protection inspector member" shall mean a member who is  
4 employed by the city of New York or by the New York city fire department  
5 in a title whose duties are those of a fire protection inspector or  
6 associate fire protection inspector; or in a title whose duties require  
7 the supervision of employees whose duties are those of a fire protection  
8 inspector or associate fire protection inspector.

9 2. "Twenty-five year retirement program" shall mean all the terms and  
10 conditions of this section.

11 3. "Starting date of the twenty-five year retirement program" shall  
12 mean the effective date of this section.

13 4. "Participant in the twenty-five year retirement program" shall mean  
14 any fire protection inspector member who, under the applicable  
15 provisions of subdivision b of this section, is entitled to the rights,  
16 benefits, and privileges and is subject to the obligations of the twen-  
17 ty-five year retirement program, as applicable to them.

18 5. "Discontinued member" shall mean a participant in the twenty-five  
19 year retirement program who, while they were a fire protection inspector  
20 member, discontinued service as such a member and has a right to a  
21 deferred vested benefit under subdivision d of this section.

22 6. "Administrative code" shall mean the administrative code of the  
23 city of New York.

24 7. "Allowable service as a fire protection inspector member" shall  
25 mean all service as a fire protection inspector member.

26 b. Participation in the twenty-five year retirement program. 1.  
27 Subject to the provisions of paragraphs six and seven of this subdivi-  
28 sion, any person who is a fire protection inspector member on the start-  
29 ing date of the twenty-five year retirement program and who, as such a  
30 fire protection inspector member or otherwise, last became subject to  
31 the provisions of this article prior to such starting date, may elect to  
32 become a participant in the twenty-five year retirement program by  
33 filing, within one hundred eighty days after the starting date of the  
34 twenty-five year retirement program, a duly executed application for  
35 such participation with the retirement system of which such person is a  
36 member, provided they are such a fire protection inspector member on the  
37 date such application is filed.

38 2. Subject to the provisions of paragraphs six and seven of this  
39 subdivision, any person who becomes a fire protection inspector member  
40 after the starting date of the twenty-five year retirement program and  
41 who, as such a fire protection inspector member or otherwise, last  
42 became subject to the provisions of this article prior to such starting  
43 date, may elect to become a participant in the twenty-five year retire-  
44 ment program by filing, within one hundred eighty days after becoming  
45 such a fire protection inspector member, a duly executed application for  
46 such participation with the retirement system for which such person is a  
47 member, provided they are such a fire protection inspector member on the  
48 date such application is filed.

49 3. Each fire protection inspector member, other than a fire protection  
50 inspector member subject to paragraph one or two of this subdivision,  
51 who becomes subject to the provisions of this article on or after the  
52 starting date of the twenty-five year retirement program shall become a  
53 participant in the twenty-five year retirement program on the date they  
54 become such a fire protection inspector member. Provided, however, a  
55 person subject to this paragraph, and who has exceeded age twenty-five  
56 upon employment as a fire protection inspector member, shall be exempt



1 from participation in the improved twenty-five year retirement program  
2 if such person elects not to participate by filing a duly executed form  
3 with the retirement system within one hundred eighty days of becoming a  
4 fire protection inspector member.

5 4. Any election to be a participant in the twenty-five year retirement  
6 program shall be irrevocable.

7 5. Where any participant in the twenty-five year retirement program  
8 shall cease to be employed as a fire protection inspector member, they  
9 shall cease to be such a participant and, during any period in which  
10 such person is not so employed, they shall not be a participant in the  
11 twenty-five year retirement program and shall not be eligible for the  
12 benefits of subdivision c of this section.

13 6. Where any participant in the twenty-five year retirement program  
14 terminates service as a fire protection inspector member and returns to  
15 such service as a fire protection inspector member at a later date, they  
16 shall again become such a participant on that date.

17 7. Notwithstanding any other provision of the law to the contrary, any  
18 person who is eligible to elect to become a participant in the twenty-  
19 five year retirement program pursuant to paragraph one or two of this  
20 subdivision for the full one hundred eighty day period provided for in  
21 such applicable paragraph and who fails to timely file a duly executed  
22 application for such participation with the retirement system, shall not  
23 thereafter be eligible to become a participant in such program.

24 c. Service retirement benefits. 1. A participant in the twenty-five  
25 year retirement program:

26 (i) who has completed twenty-five or more years of allowable service  
27 as a fire protection inspector member; and

28 (ii) who has paid, before the effective date of retirement, all addi-  
29 tional member contributions and interest (if any) required by subdivi-  
30 sion e of this section; and

31 (iii) who files with the retirement system of which they are a member  
32 an application for service retirement setting forth at what time, not  
33 less than thirty days subsequent to the execution and filing thereof,  
34 their desire to be retired; and

35 (iv) who shall be a participant in the twenty-five year retirement  
36 program at the time so specified for their retirement; shall be retired  
37 pursuant to the provisions of this section affording early service  
38 retirement.

39 2. Notwithstanding the provisions of subdivision a-1 of section six  
40 hundred three of this article, or any other provision of law to the  
41 contrary, and subject to the provisions of paragraph six of subdivision  
42 e of this section, the early service retirement benefit for participants  
43 in the twenty-five year retirement program who retire pursuant to para-  
44 graph one of this subdivision shall be a retirement allowance consisting  
45 of:

46 (i) an amount, on account of the required minimum period of service,  
47 equal to fifty percent of their final average salary; plus

48 (ii) an amount on account of allowable service as a fire protection  
49 inspector member, or fraction thereof, beyond such required minimum  
50 period of service equal to two percent of their final salary for such  
51 allowable service as a fire protection inspector member during the peri-  
52 od from completion of twenty-five years of allowable service as a fire  
53 protection inspector member to the date of retirement but not to exceed  
54 more than five years of additional service as a fire protection inspec-  
55 tor member.

1 d. Vesting. 1. A participant in the twenty-five year retirement  
2 program:

3 (i) who discontinues service as such a participant, other than by  
4 death or retirement; and

5 (ii) who prior to such discontinuance, completed five but less than  
6 twenty-five years of allowable service as a fire protection inspector  
7 member; and

8 (iii) who, subject to the provisions of paragraph seven of subdivision  
9 e of this section, has paid, prior to such discontinuance, all addi-  
10 tional member contributions and interest (if any) required by subdivi-  
11 sion e of this section; and

12 (iv) who does not withdraw in whole or in part their accumulated  
13 member contributions pursuant to section six hundred thirteen of this  
14 article unless such participant thereafter returns to public service and  
15 repays the amounts so withdrawn, together with interest, pursuant to  
16 such section six hundred thirteen; shall be entitled to receive a  
17 deferred vested benefit as provided in this subdivision.

18 2. (i) Upon such discontinuance under the conditions and in compliance  
19 with the provisions of paragraph one of this subdivision, such deferred  
20 vested benefit shall vest automatically.

21 (ii) In the case of a participant who is not a New York city revised  
22 plan member, such vested benefit shall become payable on the earliest  
23 date on which such discontinued member could have retired for service if  
24 such discontinuance had not occurred or, in the case of a participant  
25 who is a New York city revised plan member, such vested benefit shall  
26 become payable at age sixty-three. Subject to the provisions of para-  
27 graph seven of subdivision e of this section, such deferred vested bene-  
28 fit shall be a retirement allowance consisting of an amount equal to two  
29 percent of such discontinued member's final average salary, multiplied  
30 by the number of years of credited service.

31 e. Additional member contributions. 1. In addition to the member  
32 contributions required by section six hundred thirteen of this article,  
33 each participant in the twenty-five year retirement program shall  
34 contribute to the retirement system of which they are a member (subject  
35 to the applicable provisions of subdivision d of section six hundred  
36 thirteen of this article and subject to the limitation provided for in  
37 paragraph two of this subdivision) an additional six and twenty-five  
38 one-hundredths percent of their compensation earned from (i) all allow-  
39 able service, as a participant in the twenty-five year retirement  
40 program, rendered on or after the starting date of the twenty-five year  
41 retirement program, and (ii) all allowable service after such person  
42 ceases to be a participant, but before they again become a participant  
43 pursuant to paragraph six of subdivision b of this section. The addi-  
44 tional contributions required by this section shall be in lieu of addi-  
45 tional member contributions required by subdivision d of section six  
46 hundred four-c of this article, as added by chapter ninety-six of the  
47 laws of nineteen hundred ninety-five, and no member making additional  
48 contributions pursuant to this section shall be required to make  
49 contributions pursuant to such subdivision d of section six hundred  
50 four-c of this article. Notwithstanding the foregoing provisions of this  
51 paragraph, the additional member contribution required to be paid by  
52 each participant pursuant to this paragraph shall not exceed the  
53 percentage of their compensation that, when added to the contribution  
54 made pursuant to subdivision d of section six hundred thirteen of this  
55 article, equals nine and twenty-five one-hundredths percent of that  
56 compensation.

1 2. A participant in the twenty-five year retirement program shall  
2 contribute additional member contributions until the later of (i) the  
3 first anniversary of the starting date of the twenty-five year retire-  
4 ment program, or (ii) the date on which they complete thirty years of  
5 allowable service as a fire protection inspector member.

6 3. Commencing with the first full payroll period after each person  
7 becomes a participant in the twenty-five year retirement program, addi-  
8 tional member contributions at the rate specified in paragraph one of  
9 this subdivision shall be deducted (subject to the applicable provisions  
10 of subdivision d of section six hundred thirteen of this article) from  
11 the compensation of such participant on each and every payroll of such  
12 participant for each and every payroll period for which they are such a  
13 participant.

14 4. (i) Each participant in the twenty-five year retirement program  
15 shall be charged with a contribution deficiency consisting of the total  
16 amounts of additional member contributions such person is required to  
17 make pursuant to paragraphs one and two of this subdivision which are  
18 not deducted from their compensation pursuant to paragraph three of this  
19 subdivision, if any, together with interest thereon, compounded annual-  
20 ly, and computed in accordance with the provisions of subparagraphs (ii)  
21 and (iii) of this paragraph.

22 (ii) (A) The interest required to be paid on each such amount speci-  
23 fied in subparagraph (i) of this paragraph shall accrue from the end of  
24 the payroll period for which such amount would have been deducted from  
25 compensation if they had been a participant at the beginning of that  
26 payroll period and such deduction had been required for such payroll  
27 period, until such amount is paid to the retirement system.

28 (B) The rate of interest to be applied to each such amount during the  
29 period for which interest accrues on that amount shall be equal to the  
30 rate or rates of interest required by law to be used during that same  
31 period to credit interest on the accumulated deductions of retirement  
32 system members.

33 (iii) Except as otherwise provided in paragraph five of this subdivi-  
34 sion, no interest shall be due on any unpaid additional member contrib-  
35 utions which are not attributable to a period prior to the first full  
36 payroll period referred to in paragraph three of this subdivision.

37 5. (i) Should any person who, pursuant to subparagraph (ii) of para-  
38 graph ten of this subdivision, has received a refund of their additional  
39 member contribution including any interest paid on such contributions,  
40 again become a participant in the twenty-five year retirement program  
41 pursuant to paragraph six of subdivision b of this section, an appropri-  
42 ate amount shall be included in such participant's contribution defi-  
43 ciency (including interest thereon as calculated pursuant to subpara-  
44 graph (ii) of this paragraph) for any credited service for which such  
45 person received a refund of such additional member contributions  
46 (including any amount of an unpaid loan balance deemed to have been  
47 returned to such person pursuant to paragraph twelve of this subdivi-  
48 sion), as if such additional member contributions never had been paid.

49 (ii)(A) Interest on a participant's additional member contributions  
50 included in such participant's contribution deficiency pursuant to  
51 subparagraph (i) of this paragraph shall be calculated as if such addi-  
52 tional member contributions had never been paid by such participant, and  
53 such interest shall accrue from the end of the payroll period to which  
54 an amount of such additional member contributions is attributable, until  
55 such amount is paid to the retirement system.

1 (B) The rate of interest to be applied to each such amount during the  
2 period for which interest accrues on that amount shall be five percent  
3 per annum, compounded annually.

4 6. Where a participant who is otherwise eligible for service retire-  
5 ment pursuant to subdivision c of this section did not, prior to the  
6 effective date of retirement, pay the entire amount of a contribution  
7 deficiency chargeable to them pursuant to paragraphs four and five of  
8 this subdivision, or repay the entire amount of a loan of their addi-  
9 tional member contributions pursuant to paragraph eleven of this subdivi-  
10 vision (including accrued interest on such loan), that participant,  
11 nevertheless, shall be eligible to retire pursuant to subdivision c of  
12 this section, provided, however, that such participant's service retire-  
13 ment benefit calculated pursuant to paragraph two of such subdivision c  
14 of this section shall be reduced by a life annuity (calculated in  
15 accordance with the method set forth in subdivision i of section six  
16 hundred thirteen-b of this article) which is actuarially equivalent to:

17 (i) the amount of any unpaid contribution deficiency chargeable to  
18 such member pursuant to paragraphs four and five of this subdivision;  
19 plus

20 (ii) the amount of any unpaid balance of a loan of their additional  
21 member contributions pursuant to paragraph eleven of this subdivision  
22 (including accrued interest on such loan).

23 7. Where a participant who is otherwise eligible for a vested right to  
24 a deferred benefit pursuant to subdivision d of this section did not,  
25 prior to the date of discontinuance of service, pay the entire amount of  
26 a contribution deficiency chargeable to them pursuant to paragraphs four  
27 and five of this subdivision, or repay the entire amount of a loan of  
28 their additional member contributions pursuant to paragraph eleven of  
29 this subdivision (including accrued interest on such loan), that partic-  
30 ipant, nevertheless, shall have a vested right to a deferred benefit  
31 pursuant to subdivision d of this section provided, however, that the  
32 deferred vested benefit calculated pursuant to paragraph two of subdivi-  
33 sion d of this section shall be reduced by a life annuity (calculated in  
34 accordance with the method set forth in subdivision i of section six  
35 hundred thirteen-b of this article) which is actuarially equivalent to:

36 (i) the amount of any unpaid contribution chargeable to such member  
37 pursuant to paragraphs four and five of this subdivision; plus

38 (ii) the amount of any unpaid balance of a loan of their additional  
39 member contributions pursuant to paragraph eleven of this subdivision  
40 (including accrued interest on such a loan).

41 8. The head of a retirement system which includes participants in the  
42 twenty-five year retirement program in its membership may, consistent  
43 with the provisions of this subdivision, promulgate regulations for the  
44 payment of such additional member contributions, and any interest there-  
45 on, by such participants (including the deduction of such contributions,  
46 and any interest thereon, from the participant's compensation).

47 9. Subject to the provisions of paragraphs six and seven of this  
48 subdivision, where a participant has not paid in full any contribution  
49 deficiency chargeable to them pursuant to paragraphs four and five of  
50 this subdivision, and a benefit, other than a refund of member contrib-  
51 utions pursuant to section six hundred thirteen of this article or a  
52 refund of additional member contributions pursuant to subparagraph (ii)  
53 of paragraph ten of this subdivision, becomes payable under this article  
54 to the participant or to their designated beneficiary or estate, the  
55 actuarial equivalent of any such unpaid amount shall be deducted from  
56 the benefit otherwise payable.

1 10. (i) Such additional member contributions (and any interest there-  
2 on) shall be paid into the contingent reserve fund of the retirement  
3 system of which the participant is a member and shall not for any  
4 purpose be deemed to be member contributions or accumulated contrib-  
5 utions of a member under section six hundred thirteen of this article or  
6 otherwise while they are a participant in the twenty-five year retire-  
7 ment program or otherwise.

8 (ii) Should a participant in the twenty-five year retirement program  
9 who has rendered less than fifteen years of credited service cease to  
10 hold a position as a fire protection inspector member for any reason  
11 whatsoever, their accumulated additional member contributions made  
12 pursuant to this subdivision (together with any interest thereon paid to  
13 the retirement system) may be withdrawn by them pursuant to procedures  
14 promulgated in regulations of the board of trustees of the retirement  
15 system, together with interest thereon at the rate of five percent per  
16 annum, compounded annually.

17 (iii) Notwithstanding any other provision of law to the contrary, (A)  
18 no person shall be permitted to withdraw from the retirement system any  
19 additional member contributions paid pursuant to this subdivision or any  
20 interest paid thereon, except pursuant to and in accordance with the  
21 preceding subparagraphs of this paragraph; and (B) no person, while they  
22 are a participant in the twenty-five year retirement program, shall be  
23 permitted to withdraw any such additional member contributions or any  
24 interest paid thereon pursuant to any of the preceding subparagraphs of  
25 this paragraph or otherwise.

26 11. A participant in the twenty-five year retirement program shall be  
27 permitted to borrow from their additional member contributions (includ-  
28 ing any interest paid thereon) which are credited to the additional  
29 contributions account established for such participant in the contingent  
30 reserve fund of the retirement system. The borrowing from such addi-  
31 tional member contributions pursuant to this paragraph shall be governed  
32 by the rights, privileges, obligations, and procedures set forth in  
33 section six hundred thirteen-b of this article which govern the borrow-  
34 ing of member contributions made pursuant to section six hundred thir-  
35 teen of this article. The board of trustees of the retirement system  
36 may, consistent with the provisions of this subdivision and the  
37 provisions of section six hundred thirteen-b of this article as made  
38 applicable to this subdivision, promulgate regulations governing the  
39 borrowing of such additional member contributions.

40 12. Whenever a person has an unpaid balance of a loan or their addi-  
41 tional member contributions pursuant to paragraph eleven of this subdivi-  
42 vision at the time they become entitled to a refund of their additional  
43 member contributions pursuant to subparagraph (ii) of paragraph ten of  
44 this subdivision, the amount of such unpaid loan balance (including  
45 accrued interest) shall be deemed to have been returned to such member,  
46 and the refund of such additional contributions shall be the net amount  
47 of such contribution, together with interest thereon in accordance with  
48 the provisions of such subparagraph (ii).

49 § 2. Subdivision d of section 613 of the retirement and social securi-  
50 ty law is amended by adding a new paragraph 12 to read as follows:

51 12. (i) The city of New York shall, in the case of a fire protection  
52 inspector member (as defined in paragraph one of subdivision a of  
53 section six hundred four-j of this article) who is a participant in the  
54 twenty-five year retirement program (as defined in paragraph four of  
55 subdivision a of such section six hundred four-j), pick up and pay to  
56 the retirement system of which such participant is a member all addi-



1 tional member contributions which otherwise would be required to be  
2 deducted from such member's compensation pursuant to paragraphs one and  
3 two of subdivision e of such section six hundred four-j of this article  
4 (not including any additional member contributions due for any period  
5 prior to the first full payroll period referred to in such paragraph  
6 three of such subdivision e), and shall effect such pick up in each and  
7 every payroll of such participant for each and every payroll period with  
8 respect to which such paragraph three would otherwise require such  
9 deductions.

10 (ii) An amount equal to the amount of additional contributions picked  
11 up pursuant to this paragraph shall be deducted by such employer from  
12 the compensation of such member (as such compensation would be in the  
13 absence of a pick up program applicable to them hereunder) and shall not  
14 be paid to such member.

15 (iii) The additional member contributions picked up pursuant to this  
16 paragraph for any such member shall be paid by such employer in lieu of  
17 an equal amount of additional member contributions otherwise required to  
18 be paid by such member under the applicable provisions of subdivision e  
19 of section six hundred four-j of this article, and shall be deemed to be  
20 and treated as employer contributions pursuant to section 414(h) of the  
21 Internal Revenue Code.

22 (iv) For the purpose of determining the retirement system rights,  
23 benefits, and privileges of any member whose additional member contrib-  
24 utions are picked up pursuant to this paragraph, such picked up addi-  
25 tional member contributions shall be deemed to be and treated as part of  
26 such member's additional member contributions under the applicable  
27 provisions of subdivision e of section six hundred four-j of this arti-  
28 cle.

29 (v) With the exception of federal income tax treatment, the additional  
30 member contributions picked up pursuant to subparagraph (i) of this  
31 paragraph shall for all other purposes, including computation of retire-  
32 ment benefits and contributions by employers and employees, be deemed  
33 employee salary. Nothing contained in this subdivision shall be  
34 construed as superseding the provisions of section four hundred thirty-  
35 one of this chapter, or any similar provision of law which limits the  
36 salary base for computing retirement benefits payable by a public  
37 retirement system.

38 § 3. Subdivision a of section 603 of the retirement and social securi-  
39 ty law, as amended by chapter 18 of the laws of 2012, is amended to read  
40 as follows:

41 a. The service retirement benefit specified in section six hundred  
42 four of this article shall be payable to members who have met the mini-  
43 mum service requirements upon retirement and attainment of age sixty-  
44 two, other than members who are eligible for early service retirement  
45 pursuant to subdivision c of section six hundred four-b of this article,  
46 subdivision c of section six hundred four-c of this article, subdivision  
47 d of section six hundred four-d of this article, subdivision c of  
48 section six hundred four-e of this article, subdivision c of section six  
49 hundred four-f of this article, subdivision c of section six hundred  
50 four-g of this article, subdivision c of section six hundred four-h of  
51 this article [~~e~~] subdivision c of section six hundred four-j of this  
52 article, or subdivision c of section six hundred four-j of this article,  
53 provided, however, a member of a teachers' retirement system or the New  
54 York state and local employees' retirement system who first joins such  
55 system before January first, two thousand ten or a member who is a  
56 uniformed court officer or peace officer employed by the unified court



1 system who first becomes a member of the New York state and local  
2 employees' retirement system before April first, two thousand twelve may  
3 retire without reduction of [~~his or her~~] their retirement benefit upon  
4 attainment of at least fifty-five years of age and completion of thirty  
5 or more years of service, provided, however, that a uniformed court  
6 officer or peace officer employed by the unified court system who first  
7 becomes a member of the New York state and local employees' retirement  
8 system on or after January first, two thousand ten and retires without  
9 reduction of [~~his or her~~] their retirement benefit upon attainment of at  
10 least fifty-five years of age and completion of thirty or more years of  
11 service pursuant to this section shall be required to make the member  
12 contributions required by subdivision f of section six hundred thirteen  
13 of this article for all years of credited and creditable service,  
14 provided further that the [~~the~~] preceding provisions of this subdivision  
15 shall not apply to a New York city revised plan member.

16 § 4. Nothing contained in sections two and three of this act shall be  
17 construed to create any contractual right with respect to members to  
18 whom such sections apply. The provisions of such sections are intended  
19 to afford members the advantages of certain benefits contained in the  
20 internal revenue code, and the effectiveness and existence of such  
21 sections and benefits they confer are completely contingent thereon.

22 § 5. This act shall take effect immediately, provided, however that:

23 (a) The provisions of sections two and three of this act shall remain  
24 in full force and effect only so long as, pursuant to federal law,  
25 contributions picked up under such sections are not includable as gross  
26 income of a member for federal income tax purposes until distributed or  
27 made available to the member; provided that the New York city employees'  
28 retirement system shall notify the legislative bill drafting commission  
29 upon the occurrence of such a change in federal law ruling affecting the  
30 provisions of this act in order that the commission may maintain an  
31 accurate and timely effective data base of the official text of the laws  
32 of the state of New York in furtherance of effectuating the provisions  
33 of section 44 of the legislative law and section 70-b of the public  
34 officers law;

35 (b) The amendments to subdivision a of section 603 of the retirement  
36 and social security law made by section three of this act shall not  
37 affect the expiration of such subdivision and shall be deemed to expire  
38 therewith.

39 PART PP

40 Section 1. Section 212 of the retirement and social security law is  
41 amended by adding a new subdivision 2-a to read as follows:

42 2-a. Notwithstanding the provisions of subdivision two of this  
43 section, the earning limitations for retired persons in positions of  
44 public service shall be increased to fifty thousand dollars from the  
45 year two thousand twenty-four and thereafter.

46 § 2. This act shall take effect immediately.

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

This bill would allow a retired person of the New York State and Local Retirement System who returns to public employment with an annual salary of \$50,000 or less to continue to receive their full retirement benefit. Currently, the salary limit is \$35,000.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), if this bill were enacted during the 2024 Legislative Session, the direct cost incurred would be the retiree's

pension benefit paid while post-retirement earnings are between \$35,000 and \$50,000 each calendar year. The pension benefit expected to be paid by the NYSLERS during that 2.5-month period is estimated to be \$9,000 per person.

In addition to the direct cost quoted above, there would be additional costs in the form of lost employer contributions due to non-billable post-retirement earnings, which is estimated to be \$2,250 per person.

In the NYSLERS, pursuant to Section 25 of the Retirement and Social Security Law, the increased costs would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision. For each retiree rehired pursuant to this proposal, an annual cost of \$11,250 is expected.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), if this bill were enacted during the 2024 Legislative Session, the direct cost incurred would be the retiree's pension benefit paid while post-retirement earnings are between \$35,000 and \$50,000 each calendar year. The pension benefit expected to be paid by the NYSLPFRS during that 1-month period is estimated to be \$7,500 per person.

In addition to the direct cost quoted above, there would be additional costs in the form of lost employer contributions due to non-billable post-retirement earnings, which is estimated to be \$4,500 per person.

In the NYSLPFRS, all costs will be shared by the State of New York and all participating employers in the NYSLPFRS and spread over future billing cycles. For each retiree rehired pursuant to this proposal, an annual cost of \$12,000 is expected.

In addition to the direct costs quoted above, insofar as this proposal disrupts the usual pattern and timing of employee turnover (that is, if members retire earlier than assumed and participating employers hire a retiree instead of a new billable member), shifts in member behavior could generate losses that increase the average billing rate in 20-year and 25-year service-based plans from 31.2% to 40.8%. In age-based plans, average billing rates could increase from 15.2% to 18.7%. The actual increase in billing rates will depend upon member and employer utilization, with the rates above representing an upper maximum.

Since this proposal exclusively benefits retirees, the increased costs are primarily attributable to retirees from Tiers 1 -- 3. Approximately half the contributions required to fund this proposal will be collected on salary reported for current members of Tier 6.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated March 7, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-143, prepared by the Actuary for the New York State and Local Retirement System.

1 PART QQ

2 Section 1. Section 3 of part HH of chapter 56 of the laws of 2022  
3 amending the retirement and social security law relating to waiving  
4 approval and income limitations on retirees employed in school districts  
5 and board of cooperative educational services, as amended by section 1  
6 of part V of chapter 55 of the laws of 2023, is amended to read as  
7 follows:

8 § 3. This act shall take effect immediately and shall expire and be  
9 deemed repealed June 30, [~~2024~~] 2025.

10 § 2. This act shall take effect immediately.

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

This bill would allow retirees employed by a New York State school district or by the board of cooperative educational services (BOCES) to collect a salary without suspension or diminution of their pension benefit through June 30, 2025.

Pursuant to Section 25 of the Retirement and Social Security Law, the increased costs would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), if this bill were enacted during the 2024 Legislative Session, the direct cost incurred would be the retiree's pension benefit paid while post-retirement earnings are above \$35,000 each calendar year. The pension benefit expected to be paid by the NYSLERS during that 6-month period is estimated to be \$22,000 per person.

In addition to the direct cost quoted above, there would be additional costs in the form of lost employer contributions due to non-billable post-retirement earnings, which is estimated to be \$5,500 per person.

In the NYSLERS, this benefit improvement will be funded by including a separate itemized charge on the New York State annual invoice, equal to the costs quoted above, plus interest.

The number of members and retirees who could be affected by this legislation cannot be readily determined. For each retiree hired pursuant to this proposal, an annual cost of \$27,500 is expected.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated March 6, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-140, prepared by the Actuary for the New York State and Local Retirement System.

1 PART RR

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

4 ARTICLE 15-D  
5 OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

6 Section 328-e. Definitions.

7 328-f. Office of racial equity and social justice; director,  
8 organization and employees.

9 328-g. Functions, powers and duties of the office.

10 328-h. Reporting.

11 § 328-e. Definitions. As used in this article, the following terms  
12 shall have the following meanings:

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

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

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

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

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

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

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

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

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

40 § 328-f. Office of racial equity and social justice; director, organ-  
41 ization and employees. 1. The office of racial equity and social justice  
42 is hereby created within the executive department to have and exercise  
43 the functions, powers and duties provided by the provisions of this  
44 article and any other provision of law.

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

6 3. The director may, from time to time, create, abolish, transfer and  
7 consolidate bureaus and other units within the office not expressly  
8 established by law as the director may determine necessary for the effi-  
9 cient operation of the office, subject to the approval of the director  
10 of the budget.

11 4. The director may appoint assistants, and other officers and employ-  
12 ees, committees and consultants as the director may deem necessary,  
13 prescribe their powers and duties, fix their compensation within the  
14 amounts appropriated therefor.

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

19 § 328-g. Functions, powers and duties of the office. The office shall  
20 have the following functions, powers and duties:

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

27 2. To establish, oversee, manage, coordinate and facilitate the plan-  
28 ning, design and implementation of the state's racial equity and social  
29 justice action plan, such plan shall incorporate and embed racial equity  
30 and social justice principles and strategies into operations, programs,  
31 service policies and community engagement to eliminate inequity, insti-  
32 tutional racism and individual racism in the state, and shall include  
33 racial equity and social justice training for all state employees.

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

37 4. To perform racial equity and social justice reviews and make recom-  
38 mendations for improving management and program effectiveness pertaining  
39 to racial equity and social justice, including, but not limited to, an  
40 annual racial equity and social justice impact statement which shall  
41 accompany the executive budget.

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

45 § 328-h. Reporting. The office shall submit a report to the governor,  
46 the speaker of the assembly and the temporary president of the senate no  
47 later than one year after the effective date of this article and annual-  
48 ly thereafter. Such report shall contain, at minimum, information  
49 related to policy recommendations of the office and the activities of  
50 the racial equity and social justice advisory committee. Such report  
51 shall also be published on the website of the office of the governor.

52 § 2. This act shall take effect July 1, 2025.



1 Section 1. The second undesignated paragraph of subdivision a of  
2 section 517 of the retirement and social security law, as amended by  
3 section 1 of part SS of chapter 56 of the laws of 2022, is amended to  
4 read as follows:

5 Notwithstanding the foregoing, during each of the first three plan  
6 years (April first to March thirty-first) in which such member has  
7 established membership in the New York state and local employees'  
8 retirement system, such member shall contribute a percentage of annual  
9 wages in accordance with the preceding schedule based upon a projection  
10 of annual wages provided by the employer. Notwithstanding the foregoing,  
11 when determining the rate at which each such member who became a member  
12 of the New York state and local employees' retirement system on or after  
13 April first, two thousand twelve shall contribute for any plan year  
14 (April first to March thirty-first) between April first, two thousand  
15 twenty-two and April first, two thousand [~~twenty-four~~ **twenty-six**, such  
16 rate shall be determined by reference to employees annual base wages of  
17 such member in the second plan year (April first to March thirty-first)  
18 preceding such current plan year. Base wages shall include regular pay,  
19 shift differential pay, location pay, and any increased hiring rate pay,  
20 but shall not include any overtime payments.

21 § 2. The second undesignated paragraph of paragraph 1 and the second  
22 undesignated paragraph of paragraph 2 of subdivision a, the second  
23 undesignated paragraph of subdivision f and the second undesignated  
24 paragraph of subdivision g of section 613 of the retirement and social  
25 security law, as amended by section 2 of part SS of chapter 56 of the  
26 laws of 2022, are amended to read as follows:

27 Notwithstanding the foregoing, during each of the first three plan  
28 years (April first to March thirty-first, except for members of New York  
29 city employees' retirement system, New York city teachers' retirement  
30 system and New York city board of education retirement system, plan year  
31 shall mean January first through December thirty-first commencing with  
32 the January first next succeeding the effective date of chapter five  
33 hundred ten of the laws of two thousand fifteen) in which such member  
34 has established membership in a public retirement system of the state,  
35 such member shall contribute a percentage of annual wages in accordance  
36 with the preceding schedule based upon a projection of annual wages  
37 provided by the employer. Notwithstanding the foregoing, when determin-  
38 ing the rate at which each such member who became a member of the New  
39 York state and local employees' retirement system, New York city employ-  
40 ees' retirement system, New York city teachers' retirement system and  
41 New York city board of education retirement system, on or after April  
42 first, two thousand twelve shall contribute for any plan year (April  
43 first to March thirty-first, except for members of the New York city  
44 employees' retirement system, New York city teachers' retirement system  
45 and New York city board of education retirement system, plan year shall  
46 mean January first through December thirty-first commencing with January  
47 first next succeeding the effective date of chapter five hundred ten of  
48 the laws of two thousand fifteen) between April first, two thousand  
49 twenty-two and April first, two thousand [~~twenty-four~~ **twenty-six**, such  
50 rate shall be determined by reference to employees annual base wages of  
51 such member in the second plan year (April first to March thirty-first)  
52 preceding such current plan year. Base wages shall include regular pay,  
53 shift differential pay, location pay, and any increased hiring rate pay,  
54 but shall not include any overtime payments or compensation earned for  
55 extracurricular programs or any other pensionable earnings paid in addi-  
56 tion to the annual base wages.

1 Notwithstanding the foregoing, during each of the first three plan  
2 years (April first to March thirty-first, provided, however, that plan  
3 year shall mean January first through December thirty-first commencing  
4 with the January first next succeeding the effective date of chapter  
5 five hundred ten of the laws of two thousand fifteen) in which such  
6 member has established membership in the New York city employees'  
7 retirement system, such member shall contribute a percentage of annual  
8 wages in accordance with the preceding schedule based upon a projection  
9 of annual wages provided by the employer. Notwithstanding the foregoing,  
10 when determining the rate at which each such member who became a member  
11 of, New York city employees' retirement system, on or after April first,  
12 two thousand twelve shall contribute for any plan year (April first to  
13 March thirty-first, provided, however, that plan year shall mean January  
14 first through December thirty-first commencing with the January first  
15 next succeeding the effective date of chapter five hundred ten of the  
16 laws of two thousand fifteen) between April first, two thousand twenty-  
17 two and April first, two thousand [~~twenty-four~~] twenty-six, such rate  
18 shall be determined by reference to employees annual base wages of such  
19 member in the second plan year (April first to March thirty-first)  
20 preceding such current plan year. Base wages shall include regular pay,  
21 shift differential pay, location pay, and any increased hiring rate pay,  
22 but shall not include any overtime payments.

23 Notwithstanding the foregoing, during each of the first three plan  
24 years (April first to March thirty-first) in which such member has  
25 established membership in the New York state and local employees'  
26 retirement system, such member shall contribute a percentage of annual  
27 wages in accordance with the preceding schedule based upon a projection  
28 of annual wages provided by the employer. Notwithstanding the foregoing,  
29 when determining the rate at which each such member who became a member  
30 of the New York state and local employees' retirement system on or after  
31 April first, two thousand twelve shall contribute for any plan year  
32 (April first to March thirty-first) between April first, two thousand  
33 twenty-two and April first, two thousand [~~twenty-four~~] twenty-six, such  
34 rate shall be determined by reference to employees annual base wages of  
35 such member in the second plan year (April first to March thirty-first)  
36 preceding such current plan year. Base wages shall include regular pay,  
37 shift differential pay, location pay, and any increased hiring rate pay,  
38 but shall not include any overtime payments.

39 Notwithstanding the foregoing, during each of the first three plan  
40 years (July first to June thirtieth) in which such member has estab-  
41 lished membership in the New York state teachers' retirement system,  
42 such member shall contribute a percentage of annual wages in accordance  
43 with the preceding schedule based upon a projection of annual wages  
44 provided by the employer. Notwithstanding the foregoing, when determin-  
45 ing the contribution rate at which a member of the New York state teach-  
46 ers' retirement system with a date of membership on or after April  
47 first, two thousand twelve shall contribute for plan years (July first  
48 to June thirtieth) between July first, two thousand twenty-two and July  
49 first, two thousand [~~twenty-four~~] twenty-six, such rate shall be deter-  
50 mined by reference to the member's annual base wages in the second plan  
51 year (July first to June thirtieth) preceding such current plan year.  
52 Annual base wages shall not include compensation earned for extracurric-  
53 ular programs or any other pensionable earnings paid in addition to the  
54 annual base wages.

1 § 3. The second undesignated paragraph of section 1204 of the retire-  
2 ment and social security law, as amended by section 3 of part SS of  
3 chapter 56 of the laws of 2022, is amended to read as follows:

4 Notwithstanding the foregoing, during each of the first three plan  
5 years (April first to March thirty-first) in which such member has  
6 established membership in the New York state and local police and fire  
7 retirement system, such member shall contribute a percentage of annual  
8 wages in accordance with the preceding schedule based upon a projection  
9 of annual wages provided by the employer. Notwithstanding the foregoing,  
10 when determining the rate at which each such member who became a member  
11 of the New York state and local police and fire retirement system on or  
12 after April first, two thousand twelve shall contribute for any plan  
13 year (April first to March thirty-first) between April first, two thou-  
14 sand twenty-two and April first, two thousand [~~twenty-four~~] **twenty-six**,  
15 such rate shall be determined by reference to employees annual base  
16 wages of such member in the second plan year (April first to March thir-  
17 ty-first) preceding such current plan year. Base wages shall include  
18 regular pay, shift differential pay, location pay, and any increased  
19 hiring rate pay, but shall not include any overtime payments. Effective  
20 April first, two thousand twelve, all members subject to the provisions  
21 of this article shall not be required to make member contributions on  
22 annual wages excluded from the calculation of final average salary  
23 pursuant to section twelve hundred three of this article. Nothing in  
24 this section, however, shall be construed or deemed to allow members to  
25 receive a refund of any member contributions on such wages paid prior to  
26 April first, two thousand twelve.

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

29 PART TT

30 Section 1. Section 343 of the retirement and social security law is  
31 amended by adding a new subdivision i to read as follows:

32 i. 1. Notwithstanding any other law, rule or regulation to the contra-  
33 ry, for any police officer employed by the division of law enforcement  
34 in the department of environmental protection in the city of New York  
35 transferring from the New York city employees' retirement system to the  
36 New York state and local police and fire retirement system after the  
37 effective date of this subdivision and any police officer formerly  
38 employed by the division of law enforcement in the department of envi-  
39 ronmental protection in the city of New York having made such transfer,  
40 such police officer's division of law enforcement in the department of  
41 environmental protection in the city of New York service credit shall be  
42 deemed creditable service, in such police officer's twenty year or twen-  
43 ty-five year retirement plan, if such police officer has served for at  
44 least two years in such employment and if, within one year of the date  
45 on which such police officer first became a member of the New York state  
46 and local police and fire retirement system or within one year of the  
47 effective date of this subdivision, such member elects to do so.

48 2. The amount of such service credited to the member in the New York  
49 state and local police and fire retirement system plan shall not exceed  
50 the amount of service credited to the member in the New York city  
51 employees' retirement system plan.

52 3. If the member subsequently retires on an age-based retirement plan  
53 in the New York state and local police and fire retirement system  
54 instead of a twenty year or twenty-five year plan, the full amount of

1 service credit earned, as a police officer employed by the division of  
2 law enforcement in the department of environmental protection in the  
3 city of New York shall be granted.

4 4. In no event shall the division of law enforcement in the department  
5 of environmental protection in the city of New York service credited to  
6 a member of the New York state and local police and fire retirement  
7 system pursuant to this subdivision exceed a total of ten years.

8 5. Notwithstanding any other provision of law in this section to the  
9 contrary, the reserve on such member's benefits shall be transferred  
10 from the New York city employees' retirement system to the New York  
11 state and local police and fire retirement system in accordance with  
12 subdivisions c and d of this section.

13 6. No member who receives service credit pursuant to this subdivision  
14 shall be eligible to receive additional service credit pursuant to  
15 subdivision b of section three hundred eighty-four-e of this article if  
16 such member's employer has elected to provide such service credit.

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

19 PART UU

20 Section 1. The retirement and social security law is amended by adding  
21 a new section 383-e to read as follows:

22 § 383-e. Retirement of officers of state law enforcement; twenty year  
23 retirement plan. a. Membership. Every non-seasonally appointed sworn  
24 member or officer of the division of law enforcement in the department  
25 of environmental conservation, a forest ranger in the service of the  
26 department of environmental conservation, which shall mean a person who  
27 serves on a full-time basis in the title of forest ranger I, forest  
28 ranger II, forest ranger III, assistant superintendent of forest fire  
29 control, superintendent of forest fire control or any successor titles  
30 or new titles in the forest ranger title series in the department of  
31 environmental conservation, a police officer in the department of envi-  
32 ronmental conservation, the regional state park police, and university  
33 police officers who enter or re-enter service in any such title shall be  
34 covered by the provisions of this section, and every member described in  
35 this subdivision in such service on or before one year prior to the  
36 effective date of this section may elect to be covered by the provisions  
37 of this section by filing an election therefor with the comptroller. To  
38 be effective, such election must be duly executed and acknowledged on a  
39 form prepared by the comptroller for that purpose.

40 b. Retirement allowance. A member, covered by the provisions of this  
41 section at the time of retirement, shall be entitled to retire upon  
42 completion of twenty years of total creditable service in such titles,  
43 and shall retire upon the attainment of the mandatory retirement age  
44 prescribed by this section, by filing an application therefor in a  
45 manner similar to that provided in section three hundred seventy of this  
46 article.

47 1. Upon completion of twenty years of such service and upon retire-  
48 ment, each such member shall receive a pension which, together with an  
49 annuity for such years of service as provided in paragraph four of this  
50 subdivision, shall be sufficient to provide him or her with a retirement  
51 allowance of one-half of his or her final average salary.

52 2. Upon completion of more than twenty years of such service and upon  
53 retirement, each such member shall receive, for each year of service in  
54 excess of twenty, an additional pension which, together with an annuity

1 for each such year as provided in paragraph four of this subdivision,  
2 shall be equal to one-sixtieth of his or her final average salary,  
3 provided, however, that the pension payable pursuant to this section  
4 shall not exceed three-quarters of final average salary.

5 3. Upon attainment of the mandatory retirement age without completion  
6 of twenty years of such service, each such member shall receive a  
7 pension which, together with an annuity for such years of service as  
8 provided in paragraph four of this subdivision, shall be equal to one-  
9 fortieth of his or her final average salary for each year of creditable  
10 service in such titles. Every such member shall also be entitled to an  
11 additional pension equal to the pension for any creditable service  
12 rendered while not an employee in such titles as provided under para-  
13 graphs three and four of subdivision a of section three hundred seven-  
14 ty-five of this article. This latter pension shall not increase the  
15 total allowance to more than one-half of his or her final average sala-  
16 ry.

17 4. The annuity provided under paragraphs one, two and three of this  
18 subdivision shall be the actuarial equivalent, at the time of retire-  
19 ment, of the member's accumulated contributions based upon the rate of  
20 contribution fixed under section three hundred eighty-three of this  
21 title and upon the salaries earned while in such service. Such annuity  
22 shall be computed as it would be if it were not reduced by the actuarial  
23 equivalent of any outstanding loan nor by reason of the member's  
24 election to decrease his or her contributions toward retirement in order  
25 to apply the resulting amount toward payment of contributions for old  
26 age and survivor's insurance. Any accumulated contributions in excess of  
27 the amount required to provide the annuity computed pursuant to this  
28 paragraph shall be used to increase the member's retirement allowance.

29 c. Credit for previous service. In computing the years of total cred-  
30 itable service for each member described herein, full credit shall be  
31 given and full allowance shall be made for service rendered as a police  
32 officer or state university peace officer or member of a police force or  
33 department of a state park authority or commission or an organized  
34 police force or department of a county, city, town, village, police  
35 district, authority or other participating employer or member of the  
36 capital police force in the office of general services while a member of  
37 the New York state and local police and fire retirement system, of the  
38 New York state and local employees' retirement system or of the New York  
39 city police pension fund and for all service for which full credit has  
40 been given and full allowance made pursuant to the provisions of section  
41 three hundred seventy-five-h of this article provided, however, that  
42 full credit pursuant to the provisions of such section shall mean only  
43 such service as would be creditable service pursuant to the provisions  
44 of section three hundred eighty-three, three hundred eighty-three-a,  
45 three hundred eighty-three-b, as added by chapter six hundred seventy-  
46 four of the laws of nineteen hundred eighty-six, three hundred eighty-  
47 three-b, as added by chapter six hundred seventy-seven of the laws of  
48 nineteen hundred eighty-six, three hundred eighty-three-c or three  
49 hundred eighty-three-d of this title or pursuant to the provisions of  
50 title thirteen of the administrative code of the city of New York for  
51 any member contributing pursuant to this section who transferred to the  
52 jurisdiction of the department of environmental conservation including  
53 but not limited to environmental conservation officers and forest  
54 rangers, regional state park police or state university of New York  
55 peace officers.



1 d. Retirement for cause. Upon receipt of a certificate from the head  
2 of the entity where such member is employed or his or her designee, a  
3 member as described in subdivision a of this section, who has accrued  
4 twenty-five or more years of service credit under this section shall be  
5 retired on the first day of the second month next succeeding the date  
6 such certificate was filed with the comptroller.

7 e. Credit for military service. In computing the years of total cred-  
8 itable service full credit shall be given and full allowance shall be  
9 made for service of such member in war after world war I as defined in  
10 section three hundred two of this article, provided such member at the  
11 time of his or her entrance into the armed forces was in police service  
12 as defined in subdivision eleven of section three hundred two of this  
13 article.

14 f. Transfer of membership to employees' retirement system. Any member  
15 currently enrolled pursuant to this section and who previously trans-  
16 ferred service credit from the New York state and local employees'  
17 retirement system to the New York state and local police and fire  
18 retirement system, may elect to transfer such previously transferred  
19 service credit back to the New York state and local employees' retire-  
20 ment system, and such member shall have the option to retroactively  
21 transfer his or her membership into such employees' retirement system.

22 g. The provisions of this section shall be controlling, notwithstand-  
23 ing any provision of this article to the contrary.

24 § 2. All past service costs associated with implementing the  
25 provisions of this act shall be borne by the state of New York and may  
26 be amortized over a period of ten years.

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

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

This bill would allow any non-seasonally appointed sworn member or officer of the division of law enforcement, police officer, or forest ranger in the department of environmental conservation; any regional state park police officer; or any university police officer to become covered by the provisions of a special 20-year retirement plan, which will provide a benefit of one-half of final average salary upon retirement and an additional benefit of one-sixtieth of final average salary for each year of creditable service in excess of 20 years, not to exceed 12 years.

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase of approximately \$6.6 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2025. In future years this cost will vary but is expected to average 3.9% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$70.3 million which will be borne by the State of New York as a one-time payment. This estimate assumes that payment will be made on March 1, 2025. If the State of New York elects to amortize this cost over a 10-year period, the cost for each year including interest would be \$8.98 million.

These estimated costs are based on 1,228 affected members employed by the State of New York, with annual salary of approximately \$131 million as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the



2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

This estimate, dated January 22, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-90, prepared by the Actuary for the New York State and Local Retirement System.

1 PART VV

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

4 ARTICLE 15-D

5 OFFICE OF NATIVE AMERICAN AFFAIRS

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

7 328-e. General functions, powers and duties.

8 § 328-d. Office of Native American affairs. 1. There is hereby created  
9 in the executive department an office of Native American affairs. The  
10 head of the office shall be the commissioner of Native American affairs  
11 who shall be appointed by the governor and who shall hold office at the  
12 pleasure of the governor.

13 2. The commissioner shall receive an annual salary to be fixed by the  
14 governor within the amount made available therefor by an appropriation  
15 and shall be allowed their actual and necessary expenses in the perform-  
16 ance of their duties.

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

23 § 328-e. General functions, powers and duties. The office of Native  
24 American affairs by and through the commissioner or such commissioner's  
25 duly authorized officers and employees, shall:

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

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

31 3. Establish, manage, coordinate, and facilitate Native American-re-  
32 lated policies, positions, and programs.

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

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

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

## PART WW

3  
4 Section 1. Subdivision 1 of section 155.20 of the penal law is amended  
5 to read as follows:

6 1. Except as otherwise specified in this section, value means the  
7 market value of the property at the time and place of the crime, or if  
8 such cannot be satisfactorily ascertained, the cost of replacement of  
9 the property within a reasonable time after the crime. In the event of  
10 multiple or successive incidents of theft committed by one or more indi-  
11 viduals as part of a continuing course of conduct over a period of time,  
12 the value of the goods taken shall be determined by the aggregate value  
13 of all property stolen during such period of time. For the purposes of  
14 this subdivision, "course of conduct" means a pattern of conduct involv-  
15 ing two or more thefts or larcenous incidents over a period of ninety  
16 days, evidencing a continuity of purpose, plan, or common scheme.

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

## PART XX

22  
23 Section 1. Section 216 of the executive law is amended by adding a new  
24 subdivision 4 to read as follows:

25 4. (a) There shall be within the bureau of criminal investigation an  
26 organized retail crime task force. The superintendent shall assign to it  
27 such personnel as may be required for the purpose of assisting local law  
28 enforcement in preventing, investigating, and detecting retail theft  
29 crimes.

30 (b) The organized retail crime task force shall have the power to:

31 (i) Conduct investigations of organized retail crime activities  
32 carried out between two or more counties or jurisdictions of this state;

33 (ii) Cooperate with and, when necessary, assist local law enforcement  
34 agencies or any district attorney's office requesting assistance in the  
35 investigation or prosecution of organized retail crime or local retail  
36 crime cases;

37 (iii) Provide local law enforcement agencies with logistical support  
38 and other law enforcement resources, including, but not limited to,  
39 intelligence, personnel, technology, and equipment, as determined to be  
40 appropriate by the superintendent;

41 (iv) Establish a centralized information-sharing system for local law  
42 enforcement and district attorney's offices to facilitate the exchange  
43 of real-time data on retail theft incidents, organized retail crime  
44 incidents and trends, or to request assistance and coordinate on retail  
45 crime-related matters; and

46 (v) Foster collaboration between various state agencies, local law  
47 enforcement, district attorneys, and the judicial system to ensure a  
48 coordinated response to retail crime.

49 (c) The organized retail crime task force shall issue an annual report  
50 that includes an analysis of retail crime statistics, including the  
51 number of retail crime incidents where state police provided response  
52 assistance, identification of trends and hotspots, and the most common

1 types of retail crimes throughout the state; the type of state law  
2 enforcement assistance provided to counties or localities, and a list of  
3 the counties or localities where state police resources were requested,  
4 allocated, and utilized. The superintendent shall provide such report to  
5 the governor, the temporary president of the senate and the speaker of  
6 the assembly no later than one year after the effective date of this  
7 subdivision.

8 § 2. This act shall take effect on the one hundred eightieth day after  
9 it shall have become a law. Effective immediately, the addition, amend-  
10 ment and/or repeal of any rule or regulation necessary for the implemen-  
11 tation of this act on its effective date are authorized to be made and  
12 completed on or before such effective date.

13 PART YY

14 Section 1. Subdivision 2 of section 19 of the public officers law, as  
15 amended by chapter 769 of the laws of 1985, is amended to read as  
16 follows:

17 2. (a) Upon compliance by the employee with the provisions of subdivi-  
18 sion three of this section, and subject to the restrictions set forth in  
19 paragraph (b) of this subdivision and the conditions set forth in para-  
20 graph [~~(b)~~] (c) of this subdivision, it shall be the duty of the state  
21 to pay reasonable attorneys' fees and litigation expenses incurred by or  
22 on behalf of an employee in [~~his or her~~] such employee's defense of a  
23 criminal proceeding in a state or federal court arising out of any act  
24 which occurred while such employee was acting within the scope of [~~his~~]  
25 such employee's public employment or duties upon [~~his~~] such employee's  
26 acquittal or upon the dismissal of the criminal charges against [~~him~~]  
27 such employee or reasonable attorneys' fees incurred in connection with  
28 an appearance before a grand jury which returns no true bill against the  
29 employee where such appearance was required as a result of any act which  
30 occurred while such employee was acting within the scope of [~~his~~] such  
31 employee's public employment or duties unless such appearance occurs in  
32 the normal course of the public employment or duties of such employee.

33 (b) No reimbursement shall be paid pursuant to this section to any  
34 campaign or political committee, or legal defense fund which pays all or  
35 any portion of an employee's reasonable attorneys' fees and/or liti-  
36 gation expenses. Furthermore, an employee on whose behalf a legal  
37 defense fund or legal defense funds have been established, shall not be  
38 eligible for reimbursement pursuant to this section until all moneys in  
39 such fund or funds have been expended for the employee's reasonable  
40 attorneys' fees and/or litigation expenses.

41 (c) Upon the application for reimbursement for reasonable attorneys'  
42 fees or litigation expenses or both made by or on behalf of an employee  
43 as provided in subdivision three of this section, the attorney general  
44 shall determine, based upon [~~his~~] the attorney general's investigation  
45 and [~~his~~] the attorney general's review of the facts and circumstances,  
46 whether such reimbursement shall be paid. The attorney general shall  
47 notify the employee in writing of such determination. Upon determining  
48 that such reimbursement should be provided, the attorney general shall  
49 so certify to the comptroller. Upon such certification, reimbursement  
50 shall be made for such fees or expenses or both upon the audit and  
51 warrant of the comptroller. On or before January fifteenth the comp-  
52 troller, in consultation with the department of law and other agencies  
53 as may be appropriate, shall submit to the governor and the legislature  
54 an annual accounting of judgments, settlements, fees, and litigation

1 expenses paid pursuant to this section during the preceding and current  
2 fiscal years. Such accounting shall include, but not be limited to the  
3 number, type and amount of claims so paid, as well as an estimate of  
4 claims to be paid during the remainder of the current fiscal year and  
5 during the following fiscal year. Any dispute with regard to entitlement  
6 to reimbursement or the amount of litigation expenses or the reasonable-  
7 ness of attorneys' fees shall be resolved by a court of competent juris-  
8 diction upon appropriate motion or by way of a special proceeding.

9 § 2. This act shall take effect immediately.

10

## PART ZZ

11 Section 1. Paragraph 4 of subdivision (a) of section 1-e of the legis-  
12 lative law, as amended by chapter 1 of the laws of 2005, is amended to  
13 read as follows:

14 (4) Such biennial filings shall be completed on or before January  
15 first of the first year of a biennial cycle commencing in calendar year  
16 two thousand five and thereafter, by those persons who have been  
17 retained, employed or designated as lobbyist on or before December  
18 fifteenth of the previous calendar year and who reasonably anticipate  
19 that in the coming year they will expend, incur or receive combined  
20 reportable compensation and expenses in an amount in excess of two thou-  
21 sand dollars in years prior to calendar year two thousand six and five  
22 thousand dollars commencing in two thousand six or, where such lobbyist  
23 is qualified as an exempt organization or entity by the United States  
24 department of the treasury under section 501(c)(3) of the internal  
25 revenue code, ten thousand dollars commencing in two thousand twenty-  
26 five; for those lobbyists retained, employed or designated after the  
27 previous December fifteenth, and for those lobbyists who subsequent to  
28 their retainer, employment or designation reasonably anticipate combined  
29 reportable compensation and expenses in excess of such amount, such  
30 filing must be completed within fifteen days thereafter, but in no event  
31 later than ten days after the actual incurring or receiving of such  
32 reportable compensation and expenses.

33 § 2. Paragraphs (iii) and (iv) of subdivision (e) of section 1-e of  
34 the legislative law, as amended by section 1 of part S of chapter 62 of  
35 the laws of 2003, are amended to read as follows:

36 (iii) The first statement of registration filed biennially by each  
37 lobbyist for the first biennial registration requirements for calendar  
38 years between two thousand five and two thousand [~~six and thereafter~~]  
39 twenty-four, shall be accompanied by a registration fee of two hundred  
40 dollars except that no registration fee shall be required from any  
41 lobbyist who in any year does not expend, incur or receive an amount in  
42 excess of five thousand dollars of reportable compensation and expenses,  
43 as provided in paragraph five of subdivision (b) of section one-h of  
44 this article, for the purposes of lobbying or of a public corporation. A  
45 fee of two hundred dollars shall be required for any subsequent state-  
46 ment of registration filed by a lobbyist during the same biennial peri-  
47 od; (iv) The first statement of registration filed biennially by each  
48 lobbyist for the first biennial registration requirements for calendar  
49 year two thousand twenty-five and thereafter, shall be accompanied by a  
50 registration fee of two hundred dollars except that no registration fee  
51 shall be required from any lobbyist who is qualified as an exempt organ-  
52 ization or entity by the United States department of the treasury under  
53 section 501(c)(3) of the internal revenue code and in any year does not  
54 expend, incur or receive an amount in excess of ten thousand dollars of

1 reportable compensation and expenses, as provided in paragraph five of  
 2 subdivision (b) of section one-h of this article, for the purposes of  
 3 lobbying or of a public corporation. A fee of two hundred dollars shall  
 4 be required for any subsequent statement of registration filed by a  
 5 lobbyist during the same biennial period; (v) The statement of registra-  
 6 tion filed after the due date of a biennial registration shall be accom-  
 7 panied by a registration fee that is prorated to one hundred dollars for  
 8 any registration filed after January first of the second calendar year  
 9 covered by the biennial reporting requirement. In addition to the fees  
 10 authorized by this section, the commission may impose a fee for late  
 11 filing of a registration statement required by this section not to  
 12 exceed twenty-five dollars for each day that the statement required to  
 13 be filed is late, except that if the lobbyist making a late filing has  
 14 not previously been required by statute to file such a statement, the  
 15 fee for late filing shall not exceed ten dollars for each day that the  
 16 statement required to be filed is late.

17 § 3. Subdivision (a) of section 1-h of the legislative law, as amended  
 18 by chapter 14 of the laws of 2007, is amended to read as follows:

19 (a) Any lobbyist required to file a statement of registration pursuant  
 20 to section one-e of this article who in any lobbying year reasonably  
 21 anticipates that during the year such lobbyist will expend, incur or  
 22 receive combined reportable compensation and expenses in an amount in  
 23 excess of [~~five~~] ten thousand dollars, or ten thousand dollars where  
 24 such lobbyist is qualified as an exempt organization or entity by the  
 25 United States department of the treasury under section 501(c)(3) of the  
 26 internal revenue code as provided in paragraph five of subdivision (b)  
 27 of this section, for the purpose of lobbying, shall file with the  
 28 commission a bi-monthly written report, on forms supplied by the commis-  
 29 sion, by the fifteenth day next succeeding the end of the reporting  
 30 period in which the lobbyist was first required to file a statement of  
 31 registration. Such reporting periods shall be the period of January  
 32 first to the last day of February, March first to April thirtieth, May  
 33 first to June thirtieth, July first to August thirty-first, September  
 34 first to October thirty-first and November first to December thirty-  
 35 first.

36 § 4. Subdivision (a) of section 1-j of the legislative law, as amended  
 37 by chapter 14 of the laws of 2007, is amended to read as follows:

38 (a) Semi-annual reports shall be filed by any client retaining,  
 39 employing or designating a lobbyist or lobbyists, whether or not any  
 40 such lobbyist was required to file a bi-monthly report, if such client  
 41 reasonably anticipates that during the year such client will expend or  
 42 incur an amount in excess of five thousand dollars, or ten thousand  
 43 dollars where such lobbyist is qualified as an exempt organization or  
 44 entity by the United States department of the treasury under section  
 45 501(c)(3) of the internal revenue code of combined reportable compen-  
 46 sation and expenses, as provided in paragraph five of subdivision [~~(e)~~]  
 47 (b) of this section, for the purposes of lobbying.

48 § 5. This act shall take effect on the sixtieth day after it shall  
 49 have become a law.

50

## PART AAA

51 Section 1. The correction law is amended by adding a new section 138-b  
 52 to read as follows:

53 § 138-b. Visitor transportation. In conjunction with the incarcerated  
 54 individual visiting program, the department shall provide transportation



1 for visitors to correctional facilities on a regular basis, but no less  
2 than bimonthly, at no cost to visitors. Transportation shall be provided  
3 from the city of New York, Rochester, Syracuse, Buffalo and Albany to  
4 correctional facilities, as determined by the commissioner. Information  
5 concerning transportation shall be posted on the department's public  
6 website, and shall be available from the telephone number designated,  
7 pursuant to section one hundred thirty-eight-a of this article. Notice  
8 of available transportation shall be provided to incarcerated individ-  
9 uals upon reception and upon transfer to a new correctional facility.

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

12 PART BBB

13 Section 1. The criminal procedure law is amended by adding two new  
14 sections 440.00 and 440.11 to read as follows:

15 § 440.00 Definition.

16 As used in this article, the term "applicant" means a person previous-  
17 ly convicted of a crime who is applying for relief under this article.

18 § 440.11 Motion to vacate judgment; change in the law.

19 1. At any time after the entry of a judgment obtained at trial or by  
20 plea, the court in which it was entered may, upon motion of the appli-  
21 cant, vacate such conviction upon the ground that the applicant was  
22 convicted of any offense in the state of New York which has been subse-  
23 quently decriminalized and is thus a legal nullity.

24 2. If the court grants a motion under this section, it shall vacate  
25 the conviction on the merits, dismiss the accusatory instrument, seal  
26 the conviction, and may take such additional action as is appropriate in  
27 the circumstances.

28 § 2. Section 440.10 of the criminal procedure law, paragraph (g-1) of  
29 subdivision 1 as added by chapter 19 of the laws of 2012, paragraph (h)  
30 of subdivision 1, paragraph (a) of subdivision 3 and subdivision 4 as  
31 amended and subdivisions 7 and 8 as renumbered by chapter 332 of the  
32 laws of 2010, paragraph (i) of subdivision 1 and subdivision 6 as  
33 amended by chapter 629 of the laws of 2021, paragraph (j) of subdivision  
34 1 as amended by chapter 131 of the laws of 2019, paragraph (k) of subdi-  
35 vision 1 as amended by chapter 92 of the laws of 2021, paragraphs (b)  
36 and (c) of subdivision 2 as amended by chapter 501 of the laws of 2021,  
37 and subdivision 9 as added by section 4 of part 00 of chapter 55 of the  
38 laws of 2019, is amended to read as follows:

39 § 440.10 Motion to vacate judgment.

40 1. At any time after the entry of a judgment obtained at trial or by  
41 plea, the court in which it was entered may, upon motion of the [~~defend-~~  
42 ~~ant~~] applicant, vacate such judgment upon the ground that:

43 (a) The court did not have jurisdiction of the action or of the person  
44 of the [~~defendant~~] applicant; or

45 (b) The judgment was procured by duress, misrepresentation or fraud on  
46 the part of the court or a prosecutor or a person acting for or in  
47 behalf of a court or a prosecutor; or

48 (c) [~~Material evidence adduced at a trial~~] Evidence that was likely  
49 relied upon by a fact finder resulting in the judgment at trial or that  
50 was likely relied upon by any party as a basis for a plea agreement was  
51 false [~~and was, prior to the entry of the judgment, known by the prose-~~  
52 ~~cutor or by the court to be false~~]; or

53 (d) [~~Material evidence adduced by the people at a trial~~] Evidence that  
54 was likely relied upon by a fact finder resulting in the judgment at

1 trial or that was likely relied upon by any party as a basis for a plea  
2 agreement was procured in violation of the [~~defendant's~~] applicant's  
3 rights under the constitution of this state or of the United States; or

4 (e) During the proceedings resulting in the judgment, the [~~defendant~~]  
5 applicant, by reason of mental disease or defect, was incapable of  
6 understanding or participating in such proceedings; or

7 (f) Improper [~~and-prejudicial~~] conduct not appearing in the record  
8 occurred during a trial resulting in the judgment which conduct, if it  
9 had appeared in the record, would have [~~required~~] made possible a  
10 reversal of the judgment upon an appeal therefrom; or

11 (g) New evidence has been discovered [~~since the entry of a judgment~~  
12 ~~based upon a verdict of guilty after trial, which could not have been~~  
13 ~~produced by the defendant at the trial even with due diligence on his~~  
14 ~~part and which~~] or become available that, when viewed alone or with  
15 other evidence, is of such character as to create a reasonable probabil-  
16 ity that had such evidence been received at the trial or discovered  
17 prior to trial or plea agreement that the verdict or plea would have  
18 been more favorable to the [~~defendant, provided that a motion based upon~~  
19 ~~such ground must be made with due diligence after the discovery of such~~  
20 ~~alleged new evidence~~] applicant. Types of new evidence shall include,  
21 but not be limited to newly available forensic evidence or evidence that  
22 has either been repudiated by the expert who originally provided the  
23 opinion at a hearing or trial or that has been undermined by later  
24 scientific research or technological advances; or

25 (g-1) [~~Forensic DNA~~] In cases involving the forensic testing of  
26 evidence performed since the entry of a judgment, [~~(1) in the case of a~~  
27 ~~defendant convicted after a guilty plea, the court has determined that~~  
28 ~~the defendant has demonstrated a substantial probability that the~~  
29 ~~defendant was actually innocent of the offense of which he or she was~~  
30 ~~convicted, or (2) in the case of a defendant convicted after a trial,~~]  
31 the court has determined that there exists a reasonable probability that  
32 the verdict or plea offer would have been more favorable to the [~~defend-~~  
33 ~~ant~~] applicant, or the applicant would have rejected the plea offer.

34 (h) The judgment was obtained in violation of a right of the [~~defend-~~  
35 ~~ant~~] applicant under the constitution of this state or of the United  
36 States, including, but not limited to, a judgment entered, whether upon  
37 trial or guilty plea, against an applicant who is actually innocent. An  
38 applicant is actually innocent where the applicant proves by a prepon-  
39 derance of the evidence that no reasonable jury of the applicant's peers  
40 would have found the applicant guilty beyond a reasonable doubt; or

41 (i) The judgment is a conviction where the [~~defendant's~~] applicant's  
42 participation in the offense was a result of having been a victim of sex  
43 trafficking under section 230.34 of the penal law, sex trafficking of a  
44 child under section 230.34-a of the penal law, labor trafficking under  
45 section 135.35 of the penal law, aggravated labor trafficking under  
46 section 135.37 of the penal law, compelling prostitution under section  
47 230.33 of the penal law, or trafficking in persons under the Trafficking  
48 Victims Protection Act (United States Code, title 22, chapter 78);  
49 provided that

50 (i) official documentation of the [~~defendant's~~] applicant's status as  
51 a victim of sex trafficking, labor trafficking, aggravated labor traf-  
52 ficking, compelling prostitution, or trafficking in persons at the time  
53 of the offense from a federal, state or local government agency shall  
54 create a presumption that the [~~defendant's~~] applicant's participation in  
55 the offense was a result of having been a victim of sex trafficking,  
56 labor trafficking, aggravated labor trafficking, compelling prostitution

1 or trafficking in persons, but shall not be required for granting a  
2 motion under this paragraph;

3 (ii) a motion under this paragraph, and all pertinent papers and docu-  
4 ments, shall be confidential and may not be made available to any person  
5 or public or private [~~entity~~] agency except [~~where~~] when specifically  
6 authorized by the court; and

7 (iii) when a motion is filed under this paragraph, the court may, upon  
8 the consent of the petitioner and all of the involved state [~~and~~] or  
9 local prosecutorial agencies [~~that prosecuted each matter~~], consolidate  
10 into one proceeding a motion to vacate judgments imposed by distinct or  
11 multiple criminal courts; or

12 (j) The judgment is a conviction for [~~a class A or unclassified~~] any  
13 misdemeanor entered prior to the effective date of this paragraph and  
14 satisfies the ground prescribed in paragraph (h) of this subdivision.  
15 There shall be a rebuttable presumption that a conviction by plea to  
16 such an offense was not knowing, voluntary and intelligent, based on  
17 ongoing collateral consequences, including potential or actual immi-  
18 gration consequences, and there shall be a rebuttable presumption that a  
19 conviction by verdict constitutes cruel and unusual punishment under  
20 section five of article one of the state constitution based on such  
21 consequences; or

22 (k) The judgment occurred prior to the effective date of the laws of  
23 two thousand [~~twenty-one~~] twenty-three that amended this paragraph and  
24 is a conviction for an offense as defined in [~~subparagraphs~~] subpara-  
25 graph (i), (ii), (iii) or (iv) of paragraph (k) of subdivision three of  
26 section 160.50 of this part, or a misdemeanor under the former article  
27 two hundred twenty-one of the penal law, in which case the court shall  
28 presume that a conviction by plea for the aforementioned offenses was  
29 not knowing, voluntary and intelligent if it has severe or ongoing  
30 consequences, including but not limited to potential or actual immi-  
31 gration consequences, and shall presume that a conviction by verdict for  
32 the aforementioned offenses constitutes cruel and unusual punishment  
33 under section five of article one of the state constitution, based on  
34 those consequences. The people may rebut these presumptions[~~-~~]; or

35 (l) Any offense in the state of New York that an intermediate appel-  
36 late court, court of appeals, or United States federal court with juris-  
37 isdiction over New York state law issues has deemed in violation of the  
38 constitution of this state or of the United States, or any other right  
39 under state or federal law.

40 2. Notwithstanding the provisions of subdivision one, the court [~~must~~]  
41 may deny a motion to vacate a judgment when:

42 (a) The ground or issue raised upon the motion was previously deter-  
43 mined on the merits upon an appeal from the judgment, unless since the  
44 time of such appellate determination there has been a retroactively  
45 effective change in the law controlling such issue. However, if all of  
46 the evidence currently before the court was not duly considered previ-  
47 ously by the court, the court shall grant the motion or order the hear-  
48 ing; or

49 (b) The judgment is, at the time of the motion, appealable or pending  
50 on appeal, and sufficient facts appear on the record with respect to the  
51 ground or issue raised upon the motion to permit adequate review thereof  
52 upon such an appeal unless the issue raised upon such motion is ineffec-  
53 tive assistance of counsel. This paragraph shall not apply to a motion  
54 under paragraph (i), (j), (k) or (l) of subdivision one of this section;

55 or

1 (c) [~~Although sufficient facts appear on the record of the proceedings~~  
2 ~~underlying the judgment to have permitted, upon appeal from such judg-~~  
3 ~~ment, adequate review of the ground or issue raised upon the motion, no~~  
4 ~~such appellate review or determination occurred owing to the defendant's~~  
5 ~~unjustifiable failure to take or perfect an appeal during the prescribed~~  
6 ~~period or to his or her unjustifiable failure to raise such ground or~~  
7 ~~issue upon an appeal actually perfected by him or her unless the issue~~  
8 ~~raised upon such motion is ineffective assistance of counsel; or~~

9 (d)] The ground or issue raised relates solely to the validity of the  
10 sentence and not to the validity of the conviction. In such case, the  
11 court shall deem the motion to have been made pursuant to section 440.20  
12 of this article.

13 [~~3. Notwithstanding the provisions of subdivision one, the court may~~  
14 ~~deny a motion to vacate a judgment when:~~

15 (a) ~~Although facts in support of the ground or issue raised upon the~~  
16 ~~motion could with due diligence by the defendant have readily been made~~  
17 ~~to appear on the record in a manner providing adequate basis for review~~  
18 ~~of such ground or issue upon an appeal from the judgment, the defendant~~  
19 ~~unjustifiably failed to adduce such matter prior to sentence and the~~  
20 ~~ground or issue in question was not subsequently determined upon appeal.~~  
21 ~~This paragraph does not apply to a motion based upon deprivation of the~~  
22 ~~right to counsel at the trial or upon failure of the trial court to~~  
23 ~~advise the defendant of such right, or to a motion under paragraph (i)~~  
24 ~~of subdivision one of this section; or~~

25 (b) ~~The ground or issue raised upon the motion was previously deter-~~  
26 ~~mined on the merits upon a prior motion or proceeding in a court of this~~  
27 ~~state, other than an appeal from the judgment, or upon a motion or~~  
28 ~~proceeding in a federal court, unless since the time of such determi-~~  
29 ~~nation there has been a retroactively effective change in the law~~  
30 ~~controlling such issue; or~~

31 (c) ~~Upon a previous motion made pursuant to this section, the defend-~~  
32 ~~ant was in a position adequately to raise the ground or issue underlying~~  
33 ~~the present motion but did not do so.]~~

34 (d) Although the court may deny the motion under any of the circum-  
35 stances specified in this subdivision, in the interest of justice and  
36 for good cause shown it may in its discretion grant the motion if it is  
37 otherwise meritorious and vacate the judgment.

38 [4.] 3. If the court grants the motion, it must, except as provided in  
39 subdivision [~~five~~] four or [~~six~~] five of this section, vacate the judg-  
40 ment, and must either:

41 (a) dismiss and seal the accusatory instrument, or

42 (b) order a new trial, or

43 (c) take such other action as is appropriate in the circumstances.

44 [5.] 4. Upon granting the motion upon the ground, as prescribed in  
45 paragraph (g) of subdivision one, that newly discovered evidence creates  
46 a probability that had such evidence been received at the trial the  
47 verdict would have been more favorable to the [~~defendant~~] applicant in  
48 that the conviction would have been for a lesser offense than the one  
49 contained in the verdict, the court may either:

50 (a) Vacate the judgment and order a new trial; or

51 (b) With the consent of the people, modify the judgment by reducing it  
52 to one of conviction for such lesser offense. In such case, the court  
53 must re-sentence the [~~defendant~~] applicant accordingly.

54 [6.] 5. If the court grants a motion under [~~paragraph (i) or~~] para-  
55 graph [~~(k)~~] (h), (i), (j), (k) or (l) of subdivision one of this  
56 section, it must vacate the judgment [~~and~~] on the merits, dismiss the

1 accusatory instrument, seal the judgment, and may take such additional  
2 action as is appropriate in the circumstances. [~~In the case of a motion~~  
3 ~~granted under paragraph (i) of subdivision one of this section, the~~  
4 ~~court must vacate the judgment on the merits because the defendant's~~  
5 ~~participation in the offense was a result of having been a victim of~~  
6 ~~trafficking.~~

7 ~~7.~~ 6. Upon a new trial resulting from an order vacating a judgment  
8 pursuant to this section, the indictment is deemed to contain all the  
9 counts and to charge all the offenses which it contained and charged at  
10 the time the previous trial was commenced, regardless of whether any  
11 count was dismissed by the court in the course of such trial, except (a)  
12 those upon or of which the [~~defendant~~] applicant was acquitted or deemed  
13 to have been acquitted, and (b) those dismissed by the order vacating  
14 the judgment, and (c) those previously dismissed by an appellate court  
15 upon an appeal from the judgment, or by any court upon a previous post-  
16 judgment motion.

17 [~~8.~~] 7. Upon an order which vacates a judgment based upon a plea of  
18 guilty to an accusatory instrument or a part thereof, but which does not  
19 dismiss the entire accusatory instrument, the criminal action is, in the  
20 absence of an express direction to the contrary, restored to its  
21 [~~prepleading~~] pre-pleading status and the accusatory instrument is  
22 deemed to contain all the counts and to charge all the offenses which it  
23 contained and charged at the time of the entry of the plea, except those  
24 subsequently dismissed under circumstances specified in paragraphs (b)  
25 and (c) of subdivision six. Where the plea of guilty was entered and  
26 accepted, pursuant to subdivision three of section 220.30, upon the  
27 condition that it constituted a complete disposition not only of the  
28 accusatory instrument underlying the judgment vacated but also of one or  
29 more other accusatory instruments against the [~~defendant~~] applicant then  
30 pending in the same court, the order of vacation completely restores  
31 such other accusatory instruments; and such is the case even though such  
32 order dismisses the main accusatory instrument underlying the judgment.

33 [~~9.~~] 8. Upon granting of a motion pursuant to paragraph (j) of subdivi-  
34 sion one of this section, the court may either:

35 (a) With the consent of the people, vacate the judgment or modify the  
36 judgment by reducing it to one of conviction for a lesser offense; or

37 (b) Vacate the judgment and order a new trial wherein the [~~defendant~~]  
38 applicant enters a plea to the same offense in order to permit the court  
39 to resentence the [~~defendant~~] applicant in accordance with the amendato-  
40 ry provisions of subdivision one-a of section 70.15 of the penal law.

41 § 3. Section 440.20 of the criminal procedure law, subdivision 1 as  
42 amended by chapter 1 of the laws of 1995, is amended to read as follows:  
43 § 440.20 Motion to set aside sentence; by [~~defendant~~] applicant.

44 1. At any time after the entry of a judgment, the court in which the  
45 judgment was entered may, upon motion of the [~~defendant~~] applicant, set  
46 aside the sentence upon the ground that it was unauthorized, illegally  
47 imposed, exceeded the maximum allowed by law, obtained or imposed in  
48 violation of the defendant's constitutional rights, or was otherwise  
49 invalid as a matter of law. Where the judgment includes a sentence of  
50 death, the court may also set aside the sentence upon any of the grounds  
51 set forth in paragraph (b), (c), (f), (g) or (h) of subdivision one of  
52 section 440.10 as applied to a separate sentencing proceeding under  
53 section 400.27, provided, however, that to the extent the ground or  
54 grounds asserted include one or more of the aforesaid paragraphs of  
55 subdivision one of section 440.10, the court must also apply [~~subdivi-~~  
56 ~~sions~~] subdivision two [~~and three~~] of section 440.10, other than para-



1 graph [~~(d)~~] (c) of [~~subdivision two of~~] such [section] subdivision, in  
 2 determining the motion. In the event the court enters an order granting  
 3 a motion to set aside a sentence of death under this section, the court  
 4 must either direct a new sentencing proceeding in accordance with  
 5 section 400.27 or, to the extent that the defendant cannot be resen-  
 6 tenced to death consistent with the laws of this state or the constitu-  
 7 tion of this state or of the United States, resentence the defendant to  
 8 life imprisonment without parole or to a sentence of imprisonment for  
 9 the class A-I felony of murder in the first degree other than a sentence  
 10 of life imprisonment without parole. Upon granting the motion upon any  
 11 of the grounds set forth in the aforesaid paragraphs of subdivision one  
 12 of section 440.10 and setting aside the sentence, the court must afford  
 13 the people a reasonable period of time, which shall not be less than ten  
 14 days, to determine whether to take an appeal from the order setting  
 15 aside the sentence of death. The taking of an appeal by the people stays  
 16 the effectiveness of that portion of the court's order that directs a  
 17 new sentencing proceeding.

18 2. Notwithstanding the provisions of subdivision one, the court  
 19 [~~must~~] may deny such a motion when the ground or issue raised thereupon  
 20 was previously determined on the merits upon an appeal from the judgment  
 21 or sentence, unless since the time of such appellate determination there  
 22 has been a retroactively effective change in the law controlling such  
 23 issue. However, if all of the evidence currently before the court was  
 24 not duly considered previously by the court, the court shall not deny  
 25 the motion to vacate and instead shall order a hearing or grant the  
 26 motion. Even if the court has already considered all of the evidence  
 27 currently before the court, the court in the interest of justice and for  
 28 good cause shown may grant the motion if it is otherwise meritorious.

29 3. [~~Notwithstanding the provisions of subdivision one, the court may~~  
 30 ~~deny such a motion when the ground or issue raised thereupon was previ-~~  
 31 ~~ously determined on the merits upon a prior motion or proceeding in a~~  
 32 ~~court of this state, other than an appeal from the judgment, or upon a~~  
 33 ~~prior motion or proceeding in a federal court, unless since the time of~~  
 34 ~~such determination there has been a retroactively effective change in~~  
 35 ~~the law controlling such issue. Despite such determination, however,~~  
 36 ~~the court in the interest of justice and for good cause shown, may in~~  
 37 ~~its discretion grant the motion if it is otherwise meritorious.~~

38 4.] An order setting aside a sentence pursuant to this section does  
 39 not affect the validity or status of the underlying conviction, and  
 40 after entering such an order the court must resentence the [~~defendant~~]  
 41 applicant in accordance with the law.

42 § 4. Section 440.30 of the criminal procedure law, subdivisions 1 and  
 43 1-a as amended by chapter 19 of the laws of 2012 and the opening para-  
 44 graph of paragraph (b) of subdivision 1 as amended by section 10 of part  
 45 LLL of chapter 59 of the laws of 2019, is amended to read as follows:

46 § 440.30 Motion to vacate judgment and to set aside sentence; procedure.

47 1. [~~(a)---A~~] An application for assignment of counsel for a motion to  
 48 vacate a judgment pursuant to section 440.10 or 440.11 of this article  
 49 and a motion to set aside a sentence pursuant to section 440.20 of this  
 50 article must be made in writing by a pro se applicant to the judge or  
 51 justice who imposed the original sentence and upon reasonable notice to  
 52 the people. [~~Upon the motion, a defendant~~]

53 (a) The court shall assign defense counsel in cases where there is a  
 54 colorable claim of relief according to this article, in accordance with  
 55 section seven hundred twenty-two of the county law. For the purpose of  
 56 this section, a colorable claim is a claim that, taking the facts

1 alleged in the application as true and viewed in a light most favorable  
2 to the applicant, would entitle the applicant to relief.

3 (b) If the judge decides not to assign counsel, they shall state the  
4 reasons for denying the request for assignment of counsel in writing.

5 (c) If, at the time of such applicant's request for assignment of  
6 counsel, the original sentencing judge or justice no longer works in the  
7 court in which the original sentence was imposed, then the request shall  
8 be randomly assigned to another judge or justice of the court in which  
9 the original sentence was imposed.

10 (d) Applicants already represented by counsel, either appointed pursu-  
11 ant to section seven hundred twenty-two of the county law or otherwise  
12 retained, are not required to file an application for assignment of  
13 counsel.

14 2. Upon the request of the applicant or the applicant's defense coun-  
15 sel, the court shall order:

16 (a) The people to make available a copy of its file of the case,  
17 including any physical evidence in the people's possession and grand  
18 jury minutes;

19 (b) The applicant's prior trial and appellate defense counsel to make  
20 available their complete files relating to the case;

21 (c) Court clerks and probation departments to make available the court  
22 files or probation records relating to the case; and

23 (d) Any law enforcement agency involved with the case to turn over its  
24 files of the case, including police reports, witness statements,  
25 evidence vouchers, or any other relevant records or evidence at its  
26 disposal.

27 (e) The court shall further ensure that any disclosure of evidence or  
28 property ordered pursuant to this subdivision may be subject to a  
29 protective order as defined in section 245.70 of this part, where appro-  
30 priate.

31 (f) Nothing in this section shall preclude the court from conducting  
32 an in camera inspection of evidence and issuing a protective order  
33 pursuant to section 245.70 of this part at the request of the prose-  
34 cution or defense.

35 3. (a) An applicant who is in a position adequately to raise more than  
36 one ground should raise every such ground upon which [~~he or she~~] the  
37 applicant intends to challenge the judgment or sentence. If the motion  
38 is based upon the existence or occurrence of facts, the motion papers  
39 [~~must~~] may contain sworn allegations thereof, whether by the [~~defend-~~  
40 applicant or by another person or persons. Such sworn allegations may be  
41 based upon personal knowledge of the affiant or upon information and  
42 belief, provided that in the latter event the affiant must state the  
43 sources of such information and the grounds of such belief. The [~~defend-~~  
44 ant] applicant may further submit documentary evidence or information  
45 supporting or tending to support the allegations of the moving papers.

46 (b) The people may file with the court, and in such case must serve a  
47 copy thereof upon the [~~defendant~~] applicant or [~~his or her~~] the appli-  
48 cant's counsel, if any, an answer denying or admitting any or all of the  
49 allegations of the motion papers, and may further submit documentary  
50 evidence or information refuting or tending to refute such allegations.

51 (c) After all papers of both parties have been filed, and after all  
52 documentary evidence or information, if any, has been submitted, the  
53 court must consider the same for the purpose of ascertaining whether the  
54 motion is determinable without a hearing to resolve questions of fact.

55 [~~(b) In conjunction with the filing or consideration of a motion to~~  
56 ~~vacate a judgment pursuant to section 440.10 of this article by a~~

~~1 defendant convicted after a trial, in cases where the court has ordered  
2 an evidentiary hearing upon such motion, the court may order that the  
3 people produce or make available for inspection property in its  
4 possession, custody, or control that was secured in connection with the  
5 investigation or prosecution of the defendant upon credible allegations  
6 by the defendant and a finding by the court that such property, if  
7 obtained, would be probative to the determination of defendant's actual  
8 innocence, and that the request is reasonable. The court shall deny or  
9 limit such a request upon a finding that such a request, if granted,  
10 would threaten the integrity or chain of custody of property or the  
11 integrity of the processes or functions of a laboratory conducting DNA  
12 testing, pose a risk of harm, intimidation, embarrassment, reprisal, or  
13 other substantially negative consequences to any person, undermine the  
14 proper functions of law enforcement including the confidentiality of  
15 informants, or on the basis of any other factor identified by the court  
16 in the interests of justice or public safety. The court shall further  
17 ensure that any property produced pursuant to this paragraph is subject  
18 to a protective order, where appropriate. The court shall deny any  
19 request made pursuant to this paragraph where:~~

~~20 (i) (1) the defendant's motion pursuant to section 440.10 of this  
21 article does not seek to demonstrate his or her actual innocence of the  
22 offense or offenses of which he or she was convicted that are the  
23 subject of the motion, or (2) the defendant has not presented credible  
24 allegations and the court has not found that such property, if obtained,  
25 would be probative to the determination of the defendant's actual inno-  
26 cence and that the request is reasonable;~~

~~27 (ii) the defendant has made his or her motion after five years from  
28 the date of the judgment of conviction; provided, however, that this  
29 limitation period shall be tolled for five years if the defendant is in  
30 custody in connection with the conviction that is the subject of his or  
31 her motion, and provided further that, notwithstanding such limitation  
32 periods, the court may consider the motion if the defendant has shown:  
33 (A) that he or she has been pursuing his or her rights diligently and  
34 that some extraordinary circumstance prevented the timely filing of the  
35 motion; (B) that the facts upon which the motion is predicated were  
36 unknown to the defendant or his or her attorney and could not have been  
37 ascertained by the exercise of due diligence prior to the expiration of  
38 the statute of limitations; or (C) considering all circumstances of the  
39 case including but not limited to evidence of the defendant's guilt, the  
40 impact of granting or denying such motion upon public confidence in the  
41 criminal justice system, or upon the safety or welfare of the community,  
42 and the defendant's diligence in seeking to obtain the requested proper-  
43 ty or related relief, the interests of justice would be served by  
44 considering the motion;~~

~~45 (iii) the defendant is challenging a judgment convicting him or her of  
46 an offense that is not a felony defined in section 10.00 of the penal  
47 law; or~~

~~48 (iv) upon a finding by the court that the property requested in this  
49 motion would be available through other means through reasonable efforts  
50 by the defendant to obtain such property.~~

~~51 1-a.] 4. (a) [(1)] Where the [defendant's] applicant's motion requests  
52 the performance of a forensic DNA test on specified evidence, and upon  
53 the court's determination that any evidence containing deoxyribonucleic  
54 acid ("DNA") was secured in connection with the trial or the plea  
55 resulting in the judgment, the court shall grant the application for  
56 forensic DNA testing of such evidence upon its determination that [if a]~~

1 had the DNA test [~~had~~] results been [~~conducted on such evidence, and if~~  
2 ~~the results had been admitted in the trial resulting in the judgment,~~  
3 available at the time of trial or plea, there [~~exists~~] is a reasonable  
4 probability that the verdict would have been more favorable to the  
5 [~~defendant~~] applicant.

6 [~~(2) Where the defendant's motion for forensic DNA testing of speci-~~  
7 ~~fied evidence is made following a plea of guilty and entry of judgment~~  
8 ~~thereon convicting him or her of: (A) a homicide offense defined in~~  
9 ~~article one hundred twenty-five of the penal law, any felony sex offense~~  
10 ~~defined in article one hundred thirty of the penal law, a violent felony~~  
11 ~~offense as defined in paragraph (a) of subdivision one of section 70.02~~  
12 ~~of the penal law, or (B) any other felony offense to which he or she~~  
13 ~~pled guilty after being charged in an indictment or information in supe-~~  
14 ~~rior court with one or more of the offenses listed in clause (A) of this~~  
15 ~~subparagraph, then the court shall grant such a motion upon its determi-~~  
16 ~~nation that evidence containing DNA was secured in connection with the~~  
17 ~~investigation or prosecution of the defendant, and if a DNA test had~~  
18 ~~been conducted on such evidence and the results had been known to the~~  
19 ~~parties prior to the entry of the defendant's plea and judgment thereon,~~  
20 ~~there exists a substantial probability that the evidence would have~~  
21 ~~established the defendant's actual innocence of the offense or offenses~~  
22 ~~that are the subject of the defendant's motion; provided, however, that:~~

23 (i) ~~the court shall consider whether the defendant had the opportunity~~  
24 ~~to request such testing prior to entering a guilty plea, and, where it~~  
25 ~~finds that the defendant had such opportunity and unjustifiably failed~~  
26 ~~to do so, the court may deny such motion; and~~

27 (ii) ~~a court shall deny the defendant's motion for forensic DNA test-~~  
28 ~~ing where the defendant has made his or her motion more than five years~~  
29 ~~after entry of the judgment of conviction; except that the limitation~~  
30 ~~period may be tolled if the defendant has shown: (A) that he or she has~~  
31 ~~been pursuing his or her rights diligently and that some extraordinary~~  
32 ~~circumstance prevented the timely filing of the motion for forensic DNA~~  
33 ~~testing; (B) that the facts upon which the motion is predicated were~~  
34 ~~unknown to the defendant or his or her attorney and could not have been~~  
35 ~~ascertained by the exercise of due diligence prior to the expiration of~~  
36 ~~this statute of limitations; or (C) considering all circumstances of the~~  
37 ~~case including but not limited to evidence of the defendant's guilt, the~~  
38 ~~impact of granting or denying such motion upon public confidence in the~~  
39 ~~criminal justice system, or upon the safety or welfare of the community,~~  
40 ~~and the defendant's diligence in seeking to obtain the requested proper-~~  
41 ~~ty or related relief, the interests of justice would be served by toll-~~  
42 ~~ing such limitation period.]~~

43 (b) Where the applicant's motion for relief requests the performance  
44 of any other testing of forensic evidence or any physical evidence  
45 secured in the case, the court shall grant the application for testing  
46 of such evidence, upon its determination that had the results of testing  
47 of forensic or other physical evidence been available at the time of  
48 trial or plea, there is a reasonable probability that the verdict would  
49 have been more favorable to the applicant.

50 (c) (i) In conjunction with the filing of a motion under this subdivi-  
51 sion, the court may direct the people to provide the [~~defendant~~] appli-  
52 cant and the applicant's counsel with information in the possession of  
53 the people concerning the current physical location of the specified  
54 evidence and if the specified evidence no longer exists or the physical  
55 location of the specified evidence is unknown, a representation to that  
56 effect and information and documentary evidence in the possession of the

1 people concerning the last known physical location of such specified  
2 evidence.

3 (ii) If there is a finding by the court that the specified evidence no  
4 longer exists or the physical location of such specified evidence is  
5 unknown, [~~such information in and of itself shall not be a factor from~~  
6 ~~which any inference unfavorable to the people may be drawn by the court~~  
7 ~~in deciding a motion under this section]~~ the court may grant the appli-  
8 cant's motion and vacate the judgment upon a finding by the court that  
9 such evidence is unavailable due to malfeasance or neglect.

10 (iii) The court, on motion of the [~~defendant~~] applicant, may also  
11 issue a subpoena duces tecum directing a public or private hospital,  
12 laboratory or other entity to produce such specified evidence in its  
13 possession and/or information and documentary evidence in its possession  
14 concerning the location and status of such specified evidence.

15 [~~(c)~~] (d) In response to a motion under this paragraph, upon notice to  
16 the parties and to the entity required to perform the search the court  
17 may order an entity that has access to the combined DNA index system  
18 ("CODIS") or its successor system to compare a DNA profile obtained from  
19 probative biological material gathered in connection with the investi-  
20 gation or prosecution of the [~~defendant~~] applicant against DNA databanks  
21 by keyboard searches, or a similar method that does not involve upload-  
22 ing, upon a court's determination that (1) such profile complies with  
23 federal bureau of investigation or state requirements, whichever are  
24 applicable and as such requirements are applied to law enforcement agen-  
25 cies seeking such a comparison, and that the data meet state DNA index  
26 system and/or national DNA index system criteria as such criteria are  
27 applied to law enforcement agencies seeking such a comparison and (2) if  
28 such comparison had been conducted, [~~and if the results had been admit-~~  
29 ~~ted in the trial resulting in the judgment,~~] a reasonable probability  
30 exists that the verdict would have been more favorable to the [~~defend-~~  
31 ~~ant, or in a case involving a plea of guilty, if the results had been~~  
32 ~~available to the defendant prior to the plea, a reasonable probability~~  
33 ~~exists that the conviction would not have resulted]~~ applicant. For  
34 purposes of this subdivision, a "keyboard search" shall mean a search of  
35 a DNA profile against the databank in which the profile that is searched  
36 is not uploaded to or maintained in the databank.

37 [~~2. If it appears by conceded or uncontradicted allegations of the~~  
38 ~~moving papers or of the answer, or by unquestionable documentary proof,~~  
39 ~~that there are circumstances which require denial thereof pursuant to~~  
40 ~~subdivision two of section 440.10 or subdivision two of section 440.20,~~  
41 ~~the court must summarily deny the motion. If it appears that there are~~  
42 ~~circumstances authorizing, though not requiring, denial thereof pursuant~~  
43 ~~to subdivision three of section 440.10 or subdivision three of section~~  
44 ~~440.20, the court may in its discretion either (a) summarily deny the~~  
45 ~~motion, or (b) proceed to consider the merits thereof.]~~

46 [~~3.~~] 5. Upon considering the merits of the motion, the court must  
47 grant it without conducting a hearing and vacate the judgment or set  
48 aside the sentence, as the case may be, if:

49 (a) The moving papers allege a ground constituting legal basis for the  
50 motion; and

51 (b) Such ground, if based upon the existence or occurrence of facts,  
52 is supported by sworn allegations thereof; and

53 (c) The sworn allegations of fact essential to support the motion are  
54 either conceded by the people to be true or are conclusively substanti-  
55 ated by unquestionable documentary proof.



1 [4.] 6. Upon considering the merits of the motion, the court may deny  
2 it without conducting a hearing if:

3 (a) The moving papers do not allege any ground constituting legal  
4 basis for the motion; or

5 (b) [~~The motion is based upon the existence or occurrence of facts and  
6 the moving papers do not contain sworn allegations substantiating or  
7 tending to substantiate all the essential facts, as required by subdivi-  
8 sion one, or~~

9 ~~(c)]~~ An allegation of fact essential to support the motion is conclu-  
10 sively refuted by unquestionable documentary proof; or

11 [~~(d)]~~ (c) An allegation of fact essential to support the motion (i) is  
12 contradicted by a court record or other official document [~~, or is made  
13 solely by the defendant and is unsupported by any other affidavit or  
14 evidence,~~] and (ii) under these and all the other circumstances attend-  
15 ing the case, there is no reasonable possibility that such allegation is  
16 true.

17 [5.] 7. If the court does not determine the motion pursuant to [~~subdi-  
18 visions two, three or four~~] subdivision five or six, it must conduct a  
19 hearing and make findings of fact essential to the determination there-  
20 of. The [~~defendant~~] applicant has a right to be present at such hearing  
21 but may waive such right in writing. If [~~he~~] the applicant does not so  
22 waive it and if [~~he~~] the applicant is confined in a prison or other  
23 institution of this state, the court must cause [~~him~~] the applicant to  
24 be produced at such hearing.

25 [6.] 8. At such a hearing, the [~~defendant~~] applicant has the burden of  
26 proving by a preponderance of the evidence every fact essential to  
27 support the motion. At the hearing, either party shall receive a daily  
28 copy of the hearing minutes, upon request.

29 [7.] 9. Notwithstanding any other provision of this section, when the  
30 applicant raises a colorable claim of relief pursuant to this article,  
31 the court shall not summarily deny the motion on the ground that the  
32 applicant previously moved for relief under this article.

33 10. Regardless of whether a hearing was conducted, the court, upon  
34 determining the motion, must set forth on the record its findings of  
35 fact, its conclusions of law and the reasons for its determination.

36 § 5. Subdivision 4 of section 450.10 of the criminal procedure law, as  
37 amended by chapter 671 of the laws of 1971 and as renumbered by chapter  
38 516 of the laws of 1986, is amended to read as follows:

39 4. An order, entered pursuant to [~~section 440.40, setting aside a  
40 sentence other than one of death, upon motion of the People~~] article  
41 four hundred forty of this title, shall be authorized to an intermediate  
42 appellate court as a matter of right.

43 § 6. Subdivision 5 of section 450.10 of the criminal procedure law is  
44 REPEALED.

45 § 7. Section 216 of the judiciary law is amended by adding a new  
46 subdivision 7 to read as follows:

47 7. The chief administrator of the courts shall collect data and report  
48 every year in relation to applications and motions filed pursuant to  
49 article four hundred forty of the criminal procedure law, broken down by  
50 each section of such article to include motions filed pursuant to  
51 sections 440.10, 440.20, 440.40, 440.46, 440.46-a, and 440.47 of the  
52 criminal procedure law. Information to be collected and disclosed shall  
53 include the raw number of both applications and/or motions filed in each  
54 county and on appeal in each judicial department. Information shall  
55 include the top conviction charge for each application or motion; when  
56 pro se applicants request assignment of counsel pursuant to subdivision

1 two of section 440.30 of the criminal procedure law, whether or not  
2 counsel was assigned; the outcome of each motion filed, whether denied  
3 without hearing, denied with hearing, vacatur granted, or other; and the  
4 average length of time motion under article four hundred forty of the  
5 criminal procedure law remains pending for each county. Such report  
6 shall aggregate the data collected by county and judicial department.  
7 The data shall be aggregated in order to protect the identity of indi-  
8 vidual applicants. The report shall be released publicly and published  
9 on the websites of the office of court administration and the division  
10 of criminal justice services. The first report shall be published twelve  
11 months after this subdivision shall have become a law, and shall include  
12 data from the first six months following the effective date of this  
13 subdivision. Reports for subsequent periods shall be published annually  
14 thereafter.

15 § 8. Severability. If any provision of this act, or any application of  
16 any provision of this act, is held to be invalid, that shall not affect  
17 the validity or effectiveness of any other provision of this act, or of  
18 any other application of any provision of this act, which can be given  
19 effect without that provision or application; and to that end, the  
20 provisions and applications of this act are severable.

21 § 9. This act shall take effect on the sixtieth day after it shall  
22 have become a law.

23 PART CCC

24 Section 1. Section 218 of the judiciary law is REPEALED and a new  
25 section 218 is added to read as follows:

26 § 218. Audio-visual coverage of judicial proceedings. 1. Authori-  
27 zation. Subject to the authority of the judge or justice presiding over  
28 the proceeding to exercise sound discretion to prohibit filming or  
29 photographing of particular participants in judicial proceedings to  
30 ensure safety and the fair administration of justice, audio-visual and  
31 still photography coverage of public judicial proceedings in the appel-  
32 late and trial courts of this state shall be allowed in accordance with  
33 this section.

34 2. Equipment and personnel. The following shall be permitted in any  
35 trial or appellate court proceeding:

36 (a) At least two compact video cameras, each operated by no more than  
37 one camera person.

38 (b) At least one still photographer, each using not more than two  
39 still cameras.

40 (c) At least one audio system for radio broadcast purposes. Audio  
41 pickup for all media purposes shall be provided by existing audio  
42 systems present in the courtroom. If no technically suitable audio  
43 system exists in the courtroom, microphones and related wiring essential  
44 for media purposes shall be permissible provided they are unobtrusive  
45 and shall be located in places designated in advance of any proceeding  
46 by the judge or justice presiding over the proceeding.

47 (d) Additional permitted equipment or personnel shall be within the  
48 sole discretion and authority of the judge or justice presiding over the  
49 proceeding.

50 (e) Any pooling arrangements among members of the media concerning  
51 equipment and personnel shall be the sole responsibility of such members  
52 without calling upon the judge or justice presiding over the proceeding  
53 to mediate any dispute as to the appropriate media representative or  
54 equipment authorized to cover a particular proceeding. In the absence of

1 advance media agreement concerning disputed equipment or personnel  
2 issues, the judge or justice presiding over the proceeding may exclude  
3 all contesting media personnel from a proceeding.

4 3. Sound and light criteria. Video and audio equipment, including  
5 still camera equipment, whether film or digital, shall not be permitted  
6 if it produces disorienting sound or light. No artificial lighting  
7 device of any kind shall be used in connection with the video equipment  
8 or still camera.

9 4. Location of equipment personnel. Video camera equipment and still  
10 camera photographers shall be positioned in such location or locations  
11 in the courtroom as shall be designated by the chief administrative  
12 judge of the court or the chief administrative judge's designee. The  
13 area designated shall provide reasonable access to coverage of the  
14 proceedings. Still camera photographers shall assume a fixed position  
15 within the designated area and shall not be permitted to move about to  
16 obtain photographs of court proceedings. Media representatives shall not  
17 move about the court facility while proceedings are in session.

18 5. Equipment movement during proceedings. News media photographic or  
19 audio equipment shall not be placed in, removed from, or moved about the  
20 court facility except before commencement or after adjournment of  
21 proceedings each day, or during a recess. Neither video cassettes or  
22 film magazines nor still camera film, digital media cards, or lenses  
23 shall be changed within a courtroom except during a recess in the  
24 proceeding.

25 6. Courtroom light sources. With the concurrence of the chief adminis-  
26 trative judge of the court, modifications and additions may be made in  
27 light sources existing in the courtroom, provided such modifications or  
28 additions are installed and maintained without public expense.

29 7. Conferences of counsel. To protect the attorney-client privilege  
30 and the effective right to counsel, there shall be no audio pickup or  
31 broadcast of conferences that occur in a courtroom between attorneys and  
32 their clients, between co-counsel of a client, or between counsel and  
33 the presiding judge held at the bench.

34 8. Impermissible use of media material. Film, digital files, vide-  
35 otape, still photographs, or audio reproductions captured or recorded  
36 during or by virtue of coverage of a judicial proceeding shall not be  
37 admissible as evidence in the proceeding out of which it arose, in any  
38 proceeding subsequent or collateral thereto, or upon retrial or appeal  
39 of such proceedings.

40 9. Written order. (a) An order restricting audio-visual coverage with  
41 respect to a particular participant shall be in writing and be included  
42 in the record of such proceeding. The order must state good cause why  
43 such coverage will have a substantial effect upon the individual which  
44 would be qualitatively different from the effect on members of the  
45 public in general and that such effect will be qualitatively different  
46 from coverage by other types of media. Before prohibiting audio-visual  
47 coverage, the presiding judge must first consider the imposition of  
48 special limitations, such as a delayed or modified still or audio-visual  
49 coverage of the proceedings.

50 (b) A presumption of good cause shall exist with respect to testimony  
51 of minors.

52 10. Closing the courtroom. No audio-visual coverage will be permitted  
53 during any period in which the courtroom is lawfully closed to the  
54 general public in accordance with the United States and New York Consti-  
55 tutions, New York law, and court rules.

1 11. Appellate review. Interlocutory review of an order restricting  
2 audio-visual coverage shall be expedited in accordance with the rules of  
3 the applicable appellate court.

4 12. Regulations. The provisions of this act shall supersede any  
5 provision to the contrary in Part 131 of the Rules of the Chief Adminis-  
6 trative Judge, 22 NYCRR Part 131, Part 29 of the Rules of the Chief  
7 Judge, 22 NYCRR Part 29, and any other court rule regarding audio-visual  
8 coverage of judicial proceedings.

9 § 2. Section 52 of the civil rights law is REPEALED.

10 § 3. Subdivision 5 of section 751 of the judiciary law, as added by  
11 chapter 187 of the laws of 1992, is amended to read as follows:

12 5. Where any member of the [~~news~~] media as [~~defined in subdivision two~~  
13 ~~of~~] referenced in section two hundred eighteen of this chapter, willful-  
14 ly disobeys a lawful mandate of a court issued pursuant to such section,  
15 the punishment for each day that such contempt persists may be by a fine  
16 fixed in the discretion of the court, but not to exceed five thousand  
17 dollars per day or imprisonment, not exceeding thirty days, in the jail  
18 of the county where the court is sitting or both, in the discretion of  
19 the court. In fixing the amount of the fine, the court shall consider  
20 all the facts and circumstances directly related to the contempt,  
21 including, but not limited to: (i) the extent of the willful defiance of  
22 or resistance to the court's mandate, (ii) the amount of gain obtained  
23 by the willful disobedience of the mandate, and (iii) the effect upon  
24 the public and the parties to the proceeding of the willful disobedi-  
25 ence.

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

28 PART DDD

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

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

- 39 ~~(A) schizophrenia (all sub-types),~~
- 40 ~~(B) delusional disorder,~~
- 41 ~~(C) schizophreniform disorder,~~
- 42 ~~(D) schizoaffective disorder,~~
- 43 ~~(E) brief psychotic disorder,~~
- 44 ~~(F) substance induced psychotic disorder (excluding intoxication and~~  
45 ~~withdrawal),~~
- 46 ~~(G) psychotic disorder not otherwise specified,~~
- 47 ~~(H) major depressive disorders, or~~
- 48 ~~(I) bipolar disorder I and II]~~ is a person with a serious mental

49 illness, as defined in subdivision fifty-two of section 1.03 of the  
50 mental hygiene law;

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

53 PART EEE

1 Section 1. Section 722-b of the county law, as amended by section 1 of  
2 part GG of chapter 56 of the laws of 2023, is amended to read as  
3 follows:

4 § 722-b. Compensation and reimbursement for representation. 1. All  
5 counsel assigned in accordance with a plan of a bar association conform-  
6 ing to the requirements of section seven hundred twenty-two of this  
7 article whereby the services of private counsel are rotated and coordi-  
8 nated by an administrator shall at the conclusion of the representation  
9 receive:

10 (a) for representation of a person entitled to representation by law  
11 who is initially charged with a misdemeanor or lesser offense and no  
12 felony, compensation for such misdemeanor or lesser offense represen-  
13 tation at a rate of one hundred fifty-eight dollars per hour for time  
14 expended in court or before a magistrate, judge or justice, and one  
15 hundred fifty-eight dollars per hour for time reasonably expended out of  
16 court, and shall receive reimbursement for expenses reasonably incurred;  
17 and

18 (b) for representation of a person in all other cases governed by this  
19 article, including all representation in an appellate court, compen-  
20 sation at a rate of one hundred [~~fifty-eight~~] sixty-four dollars per  
21 hour for time expended in court before a magistrate, judge or justice  
22 and one hundred [~~fifty-eight~~] sixty-four dollars per hour for time  
23 reasonably expended out of court, and shall receive reimbursement for  
24 expenses reasonably incurred.

25 1-a. (a) The hourly rates set by paragraphs (a) and (b) of subdivision  
26 one of this section shall be adjusted annually, effective April first of  
27 each year, beginning in the year two thousand twenty-six.

28 (b) The hourly rate for representation established under paragraph (a)  
29 of subdivision one of this section shall be adjusted to equal no less  
30 than eighty percent of the hourly rate calculated under paragraph (c) of  
31 this subdivision, rounded to the nearest dollar.

32 (c) The hourly rate for representation under paragraph (b) of subdivi-  
33 sion one of this section shall be adjusted annually to equal no less  
34 than the hourly rate paid to assigned counsel in non-capital cases in  
35 federal district court pursuant to 18 U.S.C. § 3006A and related laws  
36 and regulations for the calendar year two years prior.

37 2. (a) Except as provided in subdivision three of this section,  
38 compensation for time expended in providing representation pursuant to  
39 subdivision one of this section shall not exceed ten thousand dollars,  
40 provided that such figure shall be adjusted annually, effective April  
41 first of each year, beginning in the year two thousand twenty-six.

42 (b) For representation under paragraph (a) of subdivision one of this  
43 section, the case compensation maximum shall be adjusted annually to  
44 equal no less than eighty percent of the case compensation maximum  
45 calculated under paragraph (c) of this subdivision, rounded to the near-  
46 est dollar.

47 (c) For representation under paragraph (b) of subdivision one of this  
48 section, the case compensation maximum shall be adjusted annually to  
49 equal no less than the case compensation maximum for assigned counsel in  
50 non-capital cases in federal district court pursuant to 18 U.S.C. §  
51 3006A and related laws and regulations for the calendar year two years  
52 prior.

53 3. For representation on an appeal, compensation and reimbursement  
54 shall be fixed by the appellate court. For all other representation,  
55 compensation and reimbursement shall be fixed by the trial court judge.  
56 In extraordinary circumstances a trial or appellate court may provide



1 for compensation in excess of the foregoing limits and for payment of  
2 compensation and reimbursement for expenses before the completion of the  
3 representation.

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

11 § 2. Subdivision 3 of section 35 of the judiciary law, as amended by  
12 section 3 of part GG of chapter 56 of the laws of 2023, is amended to  
13 read as follows:

14 3. a. No counsel assigned pursuant to this section shall seek or  
15 accept any fee for representing the person for whom [~~he or she~~] such  
16 counsel is assigned without approval of the court as herein provided.  
17 Whenever it appears that such person is financially able to obtain coun-  
18 sel or make partial payment for the representation, counsel may report  
19 this fact to the court and the court may terminate the assignment or  
20 authorize payment, as the interests of justice may dictate, to such  
21 counsel. Counsel assigned hereunder shall at the conclusion of the  
22 representation receive compensation at a rate of one hundred fifty-eight  
23 dollars per hour for time expended in court, and one hundred fifty-eight  
24 dollars per hour for time reasonably expended out of court, and shall  
25 receive reimbursement for expenses reasonably incurred, provided that  
26 such figure shall be adjusted annually, effective April first of each  
27 year, to equal no less than the hourly rate calculated under paragraph  
28 (b) of subdivision one-a of section seven hundred twenty-two-b of the  
29 county law.

30 b. For representation upon a hearing, compensation and reimbursement  
31 shall be fixed by the court wherein the hearing was held and such  
32 compensation shall not exceed ten thousand dollars. For representation  
33 in an appellate court, compensation and reimbursement shall be fixed by  
34 such court and such compensation shall not exceed ten thousand dollars,  
35 provided that such figure shall be adjusted annually, effective April  
36 first of each year, to equal no less than the case compensation maximum  
37 calculated under paragraph (c) of subdivision two of section seven  
38 hundred twenty-two-b of the county law. In extraordinary circumstances  
39 the court may provide for compensation in excess of the foregoing  
40 limits.

41 § 3. This act shall take effect April 1, 2025.

42 PART FFF

43 Section 1. Paragraph 1 of section 5-4.1 of the estates, powers and  
44 trusts law, as amended by chapter 114 of the laws of 2003, is amended to  
45 read as follows:

46 1. The personal representative, duly appointed in this state or any  
47 other jurisdiction, of a decedent [~~who is survived by distributees~~] may  
48 maintain an action to recover damages for a wrongful act, neglect or  
49 default which caused the decedent's death against a person who would  
50 have been liable to the decedent by reason of such wrongful conduct if  
51 death had not ensued. Such an action must be commenced within [~~two~~]  
52 three years after the decedent's death[~~, provided, however, that an~~  
53 ~~action on behalf of a decedent whose death was caused by the terrorist~~  
54 ~~attacks on September eleventh, two thousand one, other than a decedent~~

1 ~~identified by the attorney general of the United States as a participant~~  
2 ~~or conspirator in such attacks, must be commenced within two years and~~  
3 ~~six months after the decedent's death].~~ When the [~~distributees~~] persons  
4 for whose benefit an action pursuant to this part may be brought do not  
5 participate in the administration of the decedent's estate under a will  
6 appointing an executor who refuses to bring such action, the [~~distribu-~~  
7 ~~tees~~] persons for whose benefit an action pursuant to this part may be  
8 brought are entitled to have an administrator appointed to prosecute the  
9 action for their benefit.

10 § 2. Paragraph (a) of section 5-4.3 of the estates, powers and trusts  
11 law, as amended by chapter 100 of the laws of 1982, is amended to read  
12 as follows:

13 (a) The damages awarded to the plaintiff may be such sum as the jury  
14 or, where issues of fact are tried without a jury, the court or referee  
15 deems to be fair and just compensation for the [~~pecuniary~~] injuries  
16 resulting from the decedent's death to the persons for whose benefit the  
17 action is brought. In every such action, in addition to any other lawful  
18 element of recoverable damages, [~~the reasonable expenses of medical aid,~~  
19 ~~nursing and attention incident to the injury causing death and the~~  
20 ~~reasonable funeral expenses of the decedent paid by the distributees, or~~  
21 ~~for the payment of which any distributee is responsible, shall also be~~  
22 ~~proper elements of damage~~] compensation for the following damages may  
23 be recovered: (i) reasonable funeral expenses of the decedent paid by  
24 the persons for whose benefit the action is brought, or for the payment  
25 of which any persons for whose benefit the action is brought is respon-  
26 sible; (ii) reasonable expenses for medical care incident to the injury  
27 causing death, including but not limited to doctors, nursing, attendant  
28 care, treatment, hospitalization of the decedent, and medicines; (iii)  
29 grief or anguish caused by the decedent's death; (iv) loss of love,  
30 society, protection, comfort, companionship, and consortium resulting  
31 from the decedent's death; (v) pecuniary injuries, including loss of  
32 services, support, assistance, and loss or diminishment of inheritance,  
33 resulting from the decedent's death; and (vi) loss of nurture, guidance,  
34 counsel, advice, training, and education resulting from the decedent's  
35 death. Interest upon the principal sum recovered by the plaintiff from  
36 the date of the decedent's death shall be added to and be a part of the  
37 total sum awarded.

38 § 3. Section 5-4.4 of the estates, powers and trusts law, paragraph  
39 (a) as amended by chapter 357 of the laws of 1975, and the opening para-  
40 graph of paragraph (a) as amended by chapter 595 of the laws of 1992, is  
41 amended to read as follows:

42 § 5-4.4 Distribution of damages recovered

43 (a) The damages, as prescribed by 5-4.3, whether recovered in an  
44 action or by settlement without an action, are exclusively for the bene-  
45 fit of the decedent's [~~distributees and, when collected, shall be~~  
46 ~~distributed to the persons entitled thereto under 4-1.1 and 5-4.5,~~  
47 ~~except that where the decedent is survived by a parent or parents and a~~  
48 ~~spouse and no issue, the parent or parents will be deemed to be distri-~~  
49 ~~butees for purposes of this section]~~ surviving close family members,  
50 which shall be limited to decedent's spouse or domestic partner, issue,  
51 foster-children, step-children, and step-grandchildren, parents, grand-  
52 parents, step-parents, step-grandparents, siblings or any person stand-  
53 ing in loco parentis to the decedent. The finder of fact shall determine  
54 which persons are entitled to damages as close family members of the  
55 decedent under this section based upon the specific circumstances relat-

1 ing to the person's relationship with the decedent. The damages shall  
2 be distributed subject to the following:

3 (1) Such damages shall be distributed by the personal representative  
4 to the persons entitled thereto in proportion to the [~~pecuniary~~] inju-  
5 ries suffered by them, such proportions to be determined after a hear-  
6 ing, on application of the personal representative or any [~~distributee~~]  
7 persons for whose benefit the action is brought, at such time and on  
8 notice to all interested persons in such manner as the court may direct.  
9 If no action is brought, such determination shall be made by the surro-  
10 gate of the county in which letters were issued to the plaintiff; if an  
11 action is brought, by the court having jurisdiction of the action or by  
12 the surrogate of the county in which letters were issued.

13 (2) The court which determines the proportions of the [~~pecuniary~~]  
14 injuries suffered by the [~~distributees~~] persons for whose benefit the  
15 action is brought, as provided in subparagraph (1) of this paragraph,  
16 shall also decide any question concerning the disqualification of a  
17 parent, under 4-1.4 of this chapter, or a surviving spouse, under 5-1.2  
18 of this article, to share in the damages recovered.

19 (b) The reasonable expenses of the action or settlement and, if  
20 included in the damages recovered, the reasonable expenses of medical  
21 aid, nursing and attention incident to the injury causing death and the  
22 reasonable funeral expenses of the decedent may be fixed by the court  
23 which determines the proportions of the [~~pecuniary~~] injuries suffered by  
24 the [~~distributees~~] persons for whose benefit the action is brought, as  
25 provided in subparagraph (1) of this paragraph, upon notice given in  
26 such manner and to such persons as the court may direct, and such  
27 expenses may be deducted from the damages recovered. The commissions of  
28 the personal representative upon the residue may be fixed by the surro-  
29 gate, upon notice given in such manner and to such persons as the surro-  
30 gate may direct or upon the judicial settlement of the account of the  
31 personal representative, and such commissions may be deducted from the  
32 damages recovered.

33 (c) In the event that an action is brought, as authorized in this  
34 part, and there is no recovery or settlement, the reasonable expenses of  
35 such unsuccessful action, excluding counsel fees, shall be payable out  
36 of the assets of the decedent's estate.

37 (d) For the purposes of this section, the term "domestic partner"  
38 shall have the same meaning as defined pursuant to section two thousand  
39 nine hundred sixty-one of the public health law.

40 § 4. Paragraphs (a) and (b) of section 5-4.6 of the estates, powers  
41 and trusts law, paragraph (a) as amended and paragraph (b) as added by  
42 chapter 719 of the laws of 2005, are amended to read as follows:

43 (a) Within sixty days of the application of an administrator appointed  
44 under section 5-4.1 of this part or a personal representative to the  
45 court in which an action for wrongful act, neglect or default causing  
46 the death of a decedent is pending, the court shall, after inquiry into  
47 the merits of the action and the amount of damages proposed as a compro-  
48 mise either disapprove the application or approve in writing a compro-  
49 mise for such amount as it shall determine to be adequate including  
50 approval of attorneys fees and other payable expenses as set forth  
51 below, and shall order the defendant to pay all sums payable under the  
52 order of compromise, within the time frames set forth in section five  
53 thousand three-a of the civil practice law and rules, to the attorney  
54 for the administrator or personal representative for placement in an  
55 interest bearing escrow account for the benefit of the [~~distributees~~]

1 persons for whose benefit the action is brought. The order shall also  
2 provide for the following:

3 (1) Upon collection of the settlement funds and creation of an inter-  
4 est bearing escrow account, the attorney for the administrator or  
5 personal representative shall pay from the account all due and payable  
6 expenses, excluding attorneys fees, approved by the court, such as  
7 medical bills, funeral costs and other liens on the estate.

8 (2) All attorneys fees approved by the court for the prosecution of  
9 the action for wrongful act, neglect or default, inclusive of all  
10 disbursements, shall be immediately payable from the escrow account upon  
11 submission to the trial court proof of filing of a petition for allo-  
12 cation and distribution in the surrogate's court on behalf of the  
13 decedent's estate.

14 (3) The attorney for the administrator or personal representative in  
15 the action for wrongful act, neglect or default who receives payment  
16 under this section shall continue to serve as attorney for the estate  
17 until the entry of a final decree in the surrogate's court.

18 (b) If any of the [~~distributees~~] persons for whose benefit the action  
19 is brought is an infant, incompetent, person who is incarcerated or  
20 person under disability, the court shall determine whether a guardian ad  
21 litem is required before any payments are made, in which case the court  
22 will seek an immediate appointment of a guardian ad litem by the surro-  
23 gate's court or, if the surrogate's court defers, the court shall make  
24 such appointment. Any guardian appointed for this purpose shall continue  
25 to serve as the guardian ad litem for the person requiring same for all  
26 other purposes.

27 § 5. This act shall take effect immediately and shall apply to all  
28 causes of action that accrue on or after July 1, 2018, regardless of  
29 when filed.

30 PART GGG

31 Section 1. (a) The department of environmental conservation shall  
32 conduct a beneficial use study to determine ecological restoration needs  
33 in Jamaica Bay. Such study shall include, but not be limited to:

34 (i) a description of the bathymetry of target areas of Jamaica Bay and  
35 a map of the borrow pits;

36 (ii) the ecological service quality of the borrow pits over multiple  
37 weather seasons at multiple depths, including in-depth analysis of the  
38 populations of fin fish species that utilize such areas during different  
39 seasons;

40 (iii) the geotechnical conditions of all pit bottoms;

41 (iv) the significance of the borrow pits regarding the absorption of  
42 heat during summer months when adjacent shallow areas experience ulva  
43 sulfide conditions; and

44 (v) any other policy recommendations regarding the ecological restora-  
45 tion of Jamaica Bay.

46 (b) The department of environmental conservation shall:

47 (i) issue a report on the findings of such study to the governor, the  
48 temporary president of the senate and the speaker of the assembly no  
49 later than March 30, 2029; and

50 (ii) publish such report on the department of environmental conserva-  
51 tion's website.

52 (c) There shall be a moratorium of any placement of any type of sedi-  
53 ment or fill into the borrow pits in Jamaica Bay for a period of five

1 years commencing on the effective date of this act, or until the study  
2 is completed and published, whichever is later.

3 § 2. This act shall take effect immediately.

4 PART HHH

5 Section 1. Section 60.35 of the penal law, as amended by section 1 of  
6 part E of chapter 56 of the laws of 2004, subparagraphs (i), (ii) and  
7 (iii) of paragraph (a) of subdivision 1 as amended by section 1 of part  
8 DD of chapter 56 of the laws of 2008, paragraph (b) of subdivision 1 as  
9 amended by chapter 320 of the laws of 2006, subdivision 4 as amended by  
10 chapter 525 of the laws of 2013, subdivision 5 as amended by chapter 322  
11 of the laws of 2021, and subdivision 8 as amended by section 121 of  
12 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
13 read as follows:

14 § 60.35 Mandatory felony surcharge, sex offender registration fee, DNA  
15 databank fee, supplemental sex offender victim fee and crime  
16 victim assistance fee required in certain cases.

17 1. (a) Except as provided in section eighteen hundred nine of the  
18 vehicle and traffic law and section 27.12 of the parks, recreation and  
19 historic preservation law, whenever proceedings in an administrative  
20 tribunal or a court of this state result in a conviction for a felony, a  
21 misdemeanor, or a violation, as these terms are defined in section 10.00  
22 of this chapter, there shall be levied at sentencing a [~~mandatory~~  
23 ~~surcharge,~~] sex offender registration fee, DNA databank fee [~~and,~~ a  
24 crime victim assistance fee, and a mandatory surcharge in addition to  
25 any sentence required or permitted by law, provided that there shall be  
26 no mandatory surcharge levied in a conviction for a misdemeanor or  
27 violation. Mandatory surcharges shall be levied in accordance with the  
28 following schedule:

29 (i) a person convicted of a felony shall pay a mandatory surcharge of  
30 three hundred dollars and a crime victim assistance fee of twenty-five  
31 dollars;

32 (ii) a person convicted of a misdemeanor shall pay [~~a mandatory~~  
33 ~~surcharge of one hundred seventy-five dollars and~~] a crime victim  
34 assistance fee of twenty-five dollars;

35 (iii) a person convicted of a violation shall pay [~~a mandatory~~  
36 ~~surcharge of ninety-five dollars and~~] a crime victim assistance fee of  
37 twenty-five dollars;

38 (iv) a person convicted of a sex offense as defined by subdivision two  
39 of section one hundred sixty-eight-a of the correction law or a sexually  
40 violent offense as defined by subdivision three of section one hundred  
41 sixty-eight-a of the correction law shall, in addition to a mandatory  
42 felony surcharge and a crime victim assistance fee, pay a sex offender  
43 registration fee of fifty dollars[~~-~~]; and

44 (v) a person convicted of a designated offense as defined by subdivi-  
45 sion seven of section nine hundred ninety-five of the executive law  
46 shall, in addition to a mandatory felony surcharge and a crime victim  
47 assistance fee, pay a DNA databank fee of fifty dollars.

48 (b) When the felony or misdemeanor conviction in subparagraphs (i),  
49 (ii) or (iv) of paragraph (a) of this subdivision results from an  
50 offense contained in article one hundred thirty of this chapter, incest  
51 in the third, second or first degree as defined in sections 255.25,  
52 255.26 and 255.27 of this chapter or an offense contained in article two  
53 hundred sixty-three of this chapter, the person convicted shall pay a



1 supplemental sex offender victim fee of one thousand dollars in addition  
2 to the mandatory **felony** surcharge and any other fee.

3 2. Where a person is convicted of two or more crimes or violations  
4 committed through a single act or omission, or through an act or omis-  
5 sion which in itself constituted one of the crimes or violations and  
6 also was a material element of the other, the court shall impose a  
7 mandatory **felony** surcharge and a crime victim assistance fee, and where  
8 appropriate a supplemental sex offender victim fee, in accordance with  
9 the provisions of this section for the crime or violation which carries  
10 the highest classification, and no other sentence to pay a mandatory  
11 **felony** surcharge, crime victim assistance fee or supplemental sex offen-  
12 der victim fee required by this section shall be imposed. Where a person  
13 is convicted of two or more sex offenses or sexually violent offenses,  
14 as defined by subdivisions two and three of section one hundred sixty-  
15 eight-a of the correction law, committed through a single act or omis-  
16 sion, or through an act or omission which in itself constituted one of  
17 the offenses and also was a material element of the other, the court  
18 shall impose only one sex offender registration fee. Where a person is  
19 convicted of two or more designated offenses, as defined by subdivision  
20 seven of section nine hundred ninety-five of the executive law, commit-  
21 ted through a single act or omission, or through an act or omission  
22 which in itself constituted one of the offenses and also was a material  
23 element of the other, the court shall impose only one DNA databank fee.

24 3. The mandatory **felony** surcharge, sex offender registration fee, DNA  
25 databank fee, crime victim assistance fee, and supplemental sex offender  
26 victim fee provided for in subdivision one of this section shall be paid  
27 to the clerk of the court or administrative tribunal that rendered the  
28 conviction. Within the first ten days of the month following collection  
29 of the mandatory surcharge, crime victim assistance fee, and supple-  
30 mental sex offender victim fee, the collecting authority shall determine  
31 the amount of mandatory surcharge, crime victim assistance fee, and  
32 supplemental sex offender victim fee collected and, if it is an adminis-  
33 trative tribunal, or a town or village justice court, it shall then pay  
34 such money to the state comptroller who shall deposit such money in the  
35 state treasury pursuant to section one hundred twenty-one of the state  
36 finance law to the credit of the criminal justice improvement account  
37 established by section ninety-seven-bb of the state finance law. Within  
38 the first ten days of the month following collection of the sex offender  
39 registration fee and DNA databank fee, the collecting authority shall  
40 determine the amount of the sex offender registration fee and DNA data-  
41 bank fee collected and, if it is an administrative tribunal, or a town  
42 or village justice court, it shall then pay such money to the state  
43 comptroller who shall deposit such money in the state treasury pursuant  
44 to section one hundred twenty-one of the state finance law to the credit  
45 of the general fund. If such collecting authority is any other court of  
46 the unified court system, it shall, within such period, pay such money  
47 attributable to the mandatory surcharge or crime victim assistance fee  
48 to the state commissioner of taxation and finance to the credit of the  
49 criminal justice improvement account established by section ninety-sev-  
50 en-bb of the state finance law. If such collecting authority is any  
51 other court of the unified court system, it shall, within such period,  
52 pay such money attributable to the sex offender registration fee and the  
53 DNA databank fee to the state commissioner of taxation and finance to  
54 the credit of the general fund.

55 4. Any person who has paid a mandatory surcharge, sex offender regis-  
56 tration fee, DNA databank fee, a crime victim assistance fee or a

1 supplemental sex offender victim fee under the authority of this section  
2 based upon a conviction that is subsequently reversed or who paid a  
3 mandatory surcharge, sex offender registration fee, DNA databank fee, a  
4 crime victim assistance fee or supplemental sex offender victim fee  
5 under the authority of this section which is ultimately determined not  
6 to be required by this section shall be entitled to a refund of such  
7 mandatory surcharge, sex offender registration fee, DNA databank fee,  
8 crime victim assistance fee or supplemental sex offender victim fee upon  
9 application, in the case of a town or village court, to the state comp-  
10 troller. The state comptroller shall require such proof as is necessary  
11 in order to determine whether a refund is required by law. In all other  
12 cases, such application shall be made to the department, agency or court  
13 that collected such surcharge or fee. Such department, agency or court  
14 shall initiate the refund process and the state comptroller shall pay  
15 the refund pursuant to subdivision fifteen of section eight of the state  
16 finance law.

17 5. When a person who is convicted of a crime or violation and  
18 sentenced to a term of imprisonment has failed to pay the mandatory  
19 felony surcharge, sex offender registration fee, DNA databank fee, crime  
20 victim assistance fee or supplemental sex offender victim fee required  
21 by this section, the clerk of the court that rendered the conviction  
22 shall notify the superintendent or the municipal official of the facili-  
23 ty where the person is confined. The superintendent or the municipal  
24 official shall cause any amount owing to be collected from such person  
25 during his or her term of imprisonment from moneys to the credit of an  
26 incarcerated individuals' fund or such moneys as may be earned by a  
27 person in a work release program pursuant to section eight hundred sixty  
28 of the correction law. Such moneys attributable to the mandatory felony  
29 surcharge or crime victim assistance fee shall be paid over to the state  
30 comptroller to the credit of the criminal justice improvement account  
31 established by section ninety-seven-bb of the state finance law and such  
32 moneys attributable to the sex offender registration fee or DNA databank  
33 fee shall be paid over to the state comptroller to the credit of the  
34 general fund, except that any such moneys collected which are  
35 surcharges, sex offender registration fees, DNA databank fees, crime  
36 victim assistance fees or supplemental sex offender victim fees levied  
37 in relation to convictions obtained in a town or village justice court  
38 shall be paid within thirty days after the receipt thereof by the super-  
39 intendent or municipal official of the facility to the justice of the  
40 court in which the conviction was obtained. For the purposes of collect-  
41 ing such mandatory felony surcharge, sex offender registration fee, DNA  
42 databank fee, crime victim assistance fee and supplemental sex offender  
43 victim fee, the state shall be legally entitled to the money to the  
44 credit of an incarcerated individuals' fund or money which is earned by  
45 an incarcerated individual in a work release program. For purposes of  
46 this subdivision, the term "incarcerated individuals' fund" shall mean  
47 moneys in the possession of an incarcerated individual at the time of  
48 his or her admission into such facility, funds earned by him or her as  
49 provided for in section one hundred eighty-seven of the correction law  
50 and any other funds received by him or her or on his or her behalf and  
51 deposited with such superintendent or municipal official.

52 6. Notwithstanding any other provision of this section, where a person  
53 has made restitution or reparation pursuant to section 60.27 of this  
54 article, such person shall not be required to pay a mandatory felony  
55 surcharge or a crime victim assistance fee.

1 7. Notwithstanding the provisions of subdivision one of section 60.00  
2 of this article, the provisions of subdivision one of this section shall  
3 not apply to a violation under any law other than this chapter.

4 8. Subdivision one of section 130.10 of the criminal procedure law  
5 notwithstanding, at the time that [~~the~~] a mandatory **felony** surcharge,  
6 sex offender registration fee or DNA databank fee, crime victim assist-  
7 ance fee or supplemental sex offender victim fee is imposed a town or  
8 village court may, and all other courts shall, issue and cause to be  
9 served upon the person required to pay [~~the~~] a mandatory **felony**  
10 surcharge, sex offender registration fee or DNA databank fee, crime  
11 victim assistance fee or supplemental sex offender victim fee, a summons  
12 directing that such person appear before the court regarding the payment  
13 of [~~the~~] a mandatory **felony** surcharge, sex offender registration fee or  
14 DNA databank fee, crime victim assistance fee or supplemental sex offen-  
15 der victim fee, if after sixty days from the date it was imposed it  
16 remains unpaid. The designated date of appearance on the summons shall  
17 be set for the first day court is in session falling after the sixtieth  
18 day from the imposition of [~~the~~] a mandatory **felony** surcharge, sex  
19 offender registration fee or DNA databank fee, crime victim assistance  
20 fee or supplemental sex offender victim fee. The summons shall contain  
21 the information required by subdivision two of section 130.10 of the  
22 criminal procedure law except that in substitution for the requirement  
23 of paragraph (c) of such subdivision the summons shall state that the  
24 person served must appear at a date, time and specific location speci-  
25 fied in the summons if after sixty days from the date of issuance [~~the~~]  
26 a mandatory **felony** surcharge, sex offender registration fee or DNA data-  
27 bank fee, crime victim assistance fee or supplemental sex offender  
28 victim fee remains unpaid. The court shall not issue a summons under  
29 this subdivision to a person who is being sentenced to a term of  
30 confinement in excess of sixty days in jail or in the department of  
31 corrections and community supervision. [~~The mandatory~~] **Mandatory**  
32 surcharges, sex offender registration [~~fee~~] **fees** and DNA databank fees,  
33 crime victim assistance fees and supplemental sex offender victim fees  
34 for those persons shall be governed by the provisions of section 60.30  
35 of this article.

36 9. Notwithstanding the provisions of subdivision one of this section,  
37 in the event a proceeding is in a town or village court, such court  
38 shall add an additional five dollars to the surcharges imposed by such  
39 subdivision one.

40 10. Notwithstanding any other provision of law to the contrary, the  
41 court in its discretion, may reduce or waive any fine or fee imposed  
42 upon an indigent person, pursuant to such person's conviction, if (i)  
43 such person, being financially unable to obtain or afford counsel, is  
44 entitled to representation pursuant to section seven hundred twenty-two  
45 of the county law or (ii) the court determines such fine or fee should  
46 otherwise be waived in the interest of justice.

47 In determining whether to reduce or waive any fine or fee imposed on  
48 an indigent defendant, the court may consider the totality of the  
49 defendant's circumstances including:

50 (a) the defendant's income and financial resources;

51 (b) the defendant's debt and financial obligations;

52 (c) whether the imposition of such fine or fee would cause an unrea-  
53 sonable hardship on the defendant, such defendant's immediate family, or  
54 any other person who is dependent on such defendant for financial  
55 support; and

(d) any additional information related to the defendant's circumstances that the court may deem relevant or necessary in coming to a determination to reduce or waive such fine or fee.

§ 2. Paragraphs (a) and (b) of subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 2 of part DD of chapter 56 of the laws of 2008, are amended to read as follows:

(a) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a traffic infraction pursuant to article nine of this chapter, there shall be levied a crime victim assistance fee in the amount of five dollars [~~and a mandatory surcharge,~~] in addition to any sentence required or permitted by law [~~in the amount of twenty-five dollars~~].

(b) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a misdemeanor or felony pursuant to section eleven hundred ninety-two of this chapter, there shall be levied, in addition to any sentence required or permitted by law, a crime victim assistance fee in the amount of twenty-five dollars and [~~a mandatory surcharge in accordance with the following schedule:~~

~~(i)] a person convicted of a felony shall pay a mandatory surcharge of three hundred dollars[+~~

~~(ii) a person convicted of a misdemeanor shall pay a mandatory surcharge of one hundred seventy-five dollars].~~

§ 2-a. Paragraphs (a) and (b) of subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8-b of chapter 421, section 8-b of chapter 460, and section 8-b of chapter 773 of the laws of 2021, are amended to read as follows:

(a) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a traffic infraction pursuant to article nine of this chapter, there shall be levied a crime victim assistance fee in the amount of five dollars [~~and a mandatory surcharge,~~] in addition to any sentence required or permitted by law [~~in the amount of twenty-five dollars~~].

(b) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a misdemeanor or felony pursuant to section eleven hundred ninety-two of this chapter, there shall be levied, in addition to any sentence required or permitted by law, a crime victim assistance fee in the amount of twenty-five dollars and [~~a mandatory surcharge in accordance with the following schedule:~~

~~(i)] a person convicted of a felony shall pay a mandatory surcharge of three hundred dollars[+~~

~~(ii) a person convicted of a misdemeanor shall pay a mandatory surcharge of one hundred seventy-five dollars].~~

§ 3. Subdivision 2 of section 1809 of the vehicle and traffic law, as amended by section 6 of part C of chapter 55 of the laws of 2013, is amended to read as follows:

2. Where a person is convicted of two or more such crimes or traffic infractions committed through a single act or omission, or through an act or omission which in itself constituted one of the crimes or traffic infractions and also was a material element of the other, the court or administrative tribunal shall impose a crime victim assistance fee and a mandatory surcharge mandated by subdivision one of this section for each such conviction; provided however, that [~~in~~] there shall be no mandatory surcharge levied for a traffic infraction under this chapter, a traffic infraction pursuant to article nine of this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, or a traffic infraction involving standing, stopping, or parking or

1 violations by pedestrians or bicyclists and except as otherwise provided  
2 by subdivision one-a of this section. In no event shall the total amount  
3 of such crime victim assistance fees and mandatory surcharges imposed  
4 pursuant to paragraph (a) or (c) of subdivision one of this section  
5 exceed one hundred ninety-six dollars.

6 § 3-a. Subdivision 2 of section 1809 of the vehicle and traffic law,  
7 as amended by chapter 945 of the laws of 1983, is amended to read as  
8 follows:

9 2. Where a person is convicted of two or more such crimes or traffic  
10 infractions committed through a single act or omission, or through an  
11 act or omission which in itself constituted one of the crimes or traffic  
12 infractions and also was a material element of the other, the court or  
13 administrative tribunal shall impose [~~only one~~] a crime victim assist-  
14 ance fee and a mandatory surcharge mandated by subdivision one of this  
15 section for each such conviction; provided, however, that there shall be  
16 no mandatory surcharge levied for a traffic infraction under this chap-  
17 ter, a traffic infraction pursuant to article nine of this chapter, or a  
18 local law, ordinance, rule or regulation adopted pursuant to this chap-  
19 ter, or a traffic infraction involving standing, stopping, or parking or  
20 violations by pedestrians or bicyclists and except as otherwise provided  
21 by subdivision one-a of this section. In no event shall the total amount  
22 of such crime victim assistance fees and mandatory surcharges imposed  
23 pursuant to paragraph (a) or (c) of subdivision one of this section  
24 exceed one hundred ninety-six dollars.

25 § 4. Subdivisions 3, 5-a, and 10 of section 1809 of the vehicle and  
26 traffic law, subdivision 3 as amended by chapter 536 of the laws of  
27 2021, subdivision 5-a as amended by chapter 55 of the laws of 1992, and  
28 subdivision 10 as added by section 3 of part F of chapter 56 of the laws  
29 of 2004, are amended and a new subdivision 11 is added to read as  
30 follows:

31 3. The mandatory felony surcharge provided for in subdivision one of  
32 this section shall be paid to the clerk of the court or administrative  
33 tribunal that rendered the conviction. Within the first ten days of the  
34 month following collection of the mandatory felony surcharge the  
35 collecting authority shall determine the amount of mandatory surcharge  
36 collected and, if it is an administrative tribunal or a town or village  
37 justice court, it shall pay such money to the state comptroller who  
38 shall deposit such money in the state treasury pursuant to section one  
39 hundred twenty-one of the state finance law to the credit of the general  
40 fund[, ~~provided, however, that the comptroller shall deposit such money~~  
41 ~~collected for violations of section eleven hundred seventy four of this~~  
42 ~~chapter to the credit of the school bus motorist education fund estab-~~  
43 ~~lished pursuant to section eighty nine j of the state finance law. If~~  
44 ~~such collecting authority is any other court of the unified court~~  
45 ~~system, it shall, within such period, pay such money to the state~~  
46 ~~commissioner of taxation and finance to the credit of the criminal~~  
47 ~~justice improvement account established by section ninety seven bb of~~  
48 ~~the state finance law, provided, however, that the state commissioner of~~  
49 ~~taxation and finance shall deposit such money collected for violations~~  
50 ~~of section eleven hundred seventy four of this chapter to the credit of~~  
51 ~~the school bus motorist education fund established pursuant to section~~  
52 ~~eighty nine j of the state finance law]. The crime victim assistance fee  
53 provided for in subdivision one of this section shall be paid to the  
54 clerk of the court or administrative tribunal that rendered the  
55 conviction. Within the first ten days of the month following collection  
56 of the crime victim assistance fee, the collecting authority shall~~



1 determine the amount of crime victim assistance fee collected and, if it  
2 is an administrative tribunal or a town or village justice court, it  
3 shall pay such money to the state comptroller who shall deposit such  
4 money in the state treasury pursuant to section one hundred twenty-one  
5 of the state finance law to the credit of the criminal justice improve-  
6 ment account established by section ninety-seven-bb of the state finance  
7 law.

8 5-a. The provisions of subdivision four-a of section five hundred ten,  
9 subdivision three of section five hundred fourteen and subdivision three  
10 of section two hundred twenty-seven of this chapter governing actions  
11 which may be taken for failure to pay a fine or penalty shall be appli-  
12 cable to a mandatory felony surcharge or crime victim assistance fee  
13 imposed pursuant to this section.

14 10. For the purposes of this section, the term conviction means and  
15 includes the conviction of a felony or a misdemeanor for which a youth-  
16 ful offender finding was substituted and upon such a finding there shall  
17 be levied: (a) a mandatory surcharge, except that there shall be no  
18 mandatory surcharge levied in a conviction for a misdemeanor; and (b) a  
19 crime victim assistance fee. Such surcharge and fee shall be levied  
20 to the same extent and in the same manner and amount provided by this  
21 section for conviction of the felony or misdemeanor, as the case may be,  
22 for which such youthful offender finding was substituted.

23 11. Notwithstanding any other provision or law to the contrary, the  
24 court in its discretion, may reduce or waive any fine or fee imposed  
25 upon an indigent person, pursuant to such person's conviction, if (i)  
26 such person, being financially unable to obtain or afford counsel, is  
27 entitled to representation pursuant to section seven hundred twenty-two  
28 of the county law or (ii) the court determines such fine or fee should  
29 otherwise be waived in the interest of justice.

30 In determining whether to reduce or waive any fine or fee imposed on  
31 an indigent defendant, the court may consider the totality of the  
32 defendant's circumstances including:

33 (a) the defendant's income and financial resources;

34 (b) the defendant's debt and financial obligations;

35 (c) whether the imposition of such fine or fee would cause an unrea-  
36 sonable hardship on the defendant, such defendant's immediate family, or  
37 any other person who is dependent on such defendant for financial  
38 support; and

39 (d) any additional information related to the defendant's circum-  
40 stances that the court may deem relevant or necessary in coming to a  
41 determination to reduce or waive such fine or fee.

42 § 5. Paragraph (a) of subdivision 2 of section 259-i of the executive  
43 law, as amended by chapter 322 of the laws of 2021, subparagraph (i) as  
44 amended by chapter 486 of the laws of 2022, is amended to read as  
45 follows:

46 (a) (i) Except as provided in subparagraph (ii) of this paragraph, at  
47 least one month prior to the date on which an incarcerated individual  
48 may be paroled pursuant to subdivision one of section 70.40 of the penal  
49 law, a member or members as determined by the rules of the board shall  
50 personally interview such incarcerated individual and determine whether  
51 he or she should be paroled in accordance with the guidelines adopted  
52 pursuant to subdivision four of section two hundred fifty-nine-c of this  
53 article. If parole is not granted upon such review, the incarcerated  
54 individual shall be informed in writing within two weeks of such appear-  
55 ance of the factors and reasons for such denial of parole. Such reasons  
56 shall be given in detail and not in conclusory terms. The board shall

1 specify a date not more than twenty-four months from such determination  
2 for reconsideration, and the procedures to be followed upon reconsider-  
3 ation shall be the same. If the incarcerated individual is released, he  
4 or she shall be given a copy of the conditions of parole. Such condi-  
5 tions shall where appropriate, include a requirement that the parolee  
6 comply with any restitution order, mandatory **felony** surcharge, sex  
7 offender registration fee and DNA databank fee previously imposed by a  
8 court of competent jurisdiction that applies to the parolee. The condi-  
9 tions shall indicate which restitution collection agency established  
10 under subdivision eight of section 420.10 of the criminal procedure law,  
11 shall be responsible for collection of restitution, mandatory **felony**  
12 surcharge, sex offender registration fees and DNA databank fees as  
13 provided for in section 60.35 of the penal law and section eighteen  
14 hundred nine of the vehicle and traffic law. If the incarcerated indi-  
15 vidual is released, he or she shall also be notified in writing that his  
16 or her voting rights will be restored upon release.

17 (ii) Any incarcerated individual who is scheduled for presumptive  
18 release pursuant to section eight hundred six of the correction law  
19 shall not appear before the board as provided in subparagraph (i) of  
20 this paragraph unless such incarcerated individual's scheduled presump-  
21 tive release is forfeited, canceled, or rescinded subsequently as  
22 provided in such law. In such event, the incarcerated individual shall  
23 appear before the board for release consideration as provided in subpar-  
24 agraph (i) of this paragraph as soon thereafter as is practicable.

25 § 5-a. Paragraph (a) of subdivision 2 of section 259-i of the execu-  
26 tive law, as amended by chapter 486 of the laws of 2022, is amended to  
27 read as follows:

28 (a) At least one month prior to the expiration of the minimum period  
29 or periods of imprisonment fixed by the court or board, a member or  
30 members as determined by the rules of the board shall personally inter-  
31 view an incarcerated individual serving an indeterminate sentence and  
32 determine whether he or she should be paroled at the expiration of the  
33 minimum period or periods in accordance with the procedures adopted  
34 pursuant to subdivision four of section two hundred fifty-nine-c of this  
35 article. If parole is not granted upon such review, the incarcerated  
36 individual shall be informed in writing within two weeks of such appear-  
37 ance of the factors and reasons for such denial of parole. Such reasons  
38 shall be given in detail and not in conclusory terms. The board shall  
39 specify a date not more than twenty-four months from such determination  
40 for reconsideration, and the procedures to be followed upon reconsider-  
41 ation shall be the same. If the incarcerated individual is released, he  
42 or she shall be given a copy of the conditions of parole. Such condi-  
43 tions shall where appropriate, include a requirement that the parolee  
44 comply with any restitution order and mandatory **felony** surcharge previ-  
45 ously imposed by a court of competent jurisdiction that applies to the  
46 parolee. The conditions shall indicate which restitution collection  
47 agency established under subdivision eight of section 420.10 of the  
48 criminal procedure law, shall be responsible for collection of restitu-  
49 tion and mandatory **felony** surcharge as provided for in section 60.35 of  
50 the penal law and section eighteen hundred nine of the vehicle and traf-  
51 fic law. If the incarcerated individual is released, he or she shall  
52 also be notified in writing that his or her voting rights will be  
53 restored upon release.

54 § 6. Paragraph (a) of subdivision 2 of section 205 of the correction  
55 law, as amended by chapter 491 of the laws of 2021, is amended to read  
56 as follows:

1 (a) A merit termination granted by the department under this section  
2 shall constitute a termination of the sentence with respect to which it  
3 was granted. No such merit termination shall be granted unless the  
4 department is satisfied that termination of sentence from presumptive  
5 release, parole, conditional release or post-release supervision is in  
6 the best interest of society, and that the parolee or releasee, other-  
7 wise financially able to comply with an order of restitution and the  
8 payment of any mandatory **felony** surcharge previously imposed by a court  
9 of competent jurisdiction, has made a good faith effort to comply there-  
10 with.

11 § 7. Subdivisions 1 and 3 of section 259-j of the executive law, as  
12 amended by section 38-g of subpart A of part C of chapter 62 of the laws  
13 of 2011, are amended to read as follows:

14 1. Except where a determinate sentence was imposed for a felony other  
15 than a felony defined in article two hundred twenty [~~or article two~~  
16 ~~hundred twenty one~~] of the penal law, if the board of parole is satis-  
17 fied that an absolute discharge from presumptive release, parole, condi-  
18 tional release or release to a period of post-release supervision is in  
19 the best interests of society, the board may grant such a discharge  
20 prior to the expiration of the full term or maximum term to any person  
21 who has been on unrevoked community supervision for at least three  
22 consecutive years. A discharge granted under this section shall consti-  
23 tute a termination of the sentence with respect to which it was granted.  
24 No such discharge shall be granted unless the board is satisfied that  
25 the parolee or releasee, otherwise financially able to comply with an  
26 order of restitution and the payment of any mandatory **felony** surcharge,  
27 sex offender registration fee or DNA databank fee previously imposed by  
28 a court of competent jurisdiction, has made a good faith effort to  
29 comply therewith.

30 3. Notwithstanding any other provision of this section to the contra-  
31 ry, where a term of post-release supervision in excess of five years has  
32 been imposed on a person convicted of a crime defined in article one  
33 hundred thirty of the penal law, including a sexually motivated felony,  
34 the board of parole may grant a discharge from post-release supervision  
35 prior to the expiration of the maximum term of post-release supervision.  
36 Such a discharge may be granted only after the person has served at  
37 least five years of post-release supervision, and only to a person who  
38 has been on unrevoked post-release supervision for at least three  
39 consecutive years. No such discharge shall be granted unless the board  
40 of parole or the department acting pursuant to its responsibility under  
41 subdivision one of section two hundred one of the correction law  
42 consults with any licensed psychologist, qualified psychiatrist, or  
43 other mental health professional who is providing care or treatment to  
44 the supervisee; and the board: (a) determines that a discharge from  
45 post-release supervision is in the best interests of society; and (b) is  
46 satisfied that the supervisee, otherwise financially able to comply with  
47 an order of restitution and the payment of any mandatory **felony**  
48 surcharge, sex offender registration fee, or DNA data bank fee previous-  
49 ly imposed by a court of competent jurisdiction, has made a good faith  
50 effort to comply therewith. Before making a determination to discharge a  
51 person from a period of post-release supervision, the board of parole  
52 may request that the commissioner of the office of mental health arrange  
53 a psychiatric evaluation of the supervisee. A discharge granted under  
54 this section shall constitute a termination of the sentence with respect  
55 to which it was granted.

1 § 8. Subparagraph (i) of paragraph (j-1) of subdivision 2 of section  
2 503 of the vehicle and traffic law, as amended by section 3 of part PP  
3 of chapter 59 of the laws of 2009, is amended to read as follows:

4 (i) When a license issued pursuant to this article, or a privilege of  
5 operating a motor vehicle or of obtaining such a license, has been  
6 suspended based upon a failure to answer an appearance ticket or a  
7 summons or failure to pay a fine, penalty or mandatory **felony** surcharge,  
8 pursuant to subdivision three of section two hundred twenty-six, subdivi-  
9 sion four of section two hundred twenty-seven, subdivision four-a of  
10 section five hundred ten or subdivision five-a of section eighteen  
11 hundred nine of this chapter, such suspension shall remain in effect  
12 until a termination of a suspension fee of seventy dollars is paid to  
13 the court or tribunal that initiated the suspension of such license or  
14 privilege. In no event may the aggregate of the fees imposed by an indi-  
15 vidual court pursuant to this paragraph for the termination of all  
16 suspensions that may be terminated as a result of a person's answers,  
17 appearances or payments made in such cases pending before such individ-  
18 ual court exceed four hundred dollars. For the purposes of this para-  
19 graph, the various locations of the administrative tribunal established  
20 under article two-A of this chapter shall be considered an individual  
21 court.

22 § 9. Section 4-411 of the village law, as amended by section 12 of  
23 part F of chapter 62 of the laws of 2003, is amended to read as follows:

24 § 4-411 Disposition of fines and penalties. Except as otherwise  
25 provided by law, all fines and penalties imposed for the violation of a  
26 village local law, ordinance or regulation shall be the property of the  
27 village, whether or not the village has established the office of  
28 village justice. Nothing in this section shall be deemed to affect the  
29 disposition of mandatory **felony** surcharges, sex offender registration  
30 fees, DNA databank fees or crime victim assistance fees as provided by  
31 section 60.35 of the penal law, or of mandatory surcharges as provided  
32 by section eighteen hundred nine of the vehicle and traffic law, or of  
33 fines, penalties and forfeitures as provided by section eighteen hundred  
34 three of the vehicle and traffic law relating to traffic offenses.

35 § 10. Subdivision 2 of section 837-i of the executive law, as added by  
36 chapter 166 of the laws of 1991, is amended to read as follows:

37 2. The commissioner in consultation with the chief executive officers  
38 of cities with a population in excess of one hundred thousand persons  
39 according to the nineteen hundred eighty United States census shall  
40 establish a system to record and monitor the issuance and disposition of  
41 parking tickets[~~7, to monitor the collection of the mandatory surcharge  
42 required by section eighteen hundred nine-a of the vehicle and traffic  
43 law~~] and to receive information from cities for this purpose. Each such  
44 city shall report on such parking violations on a monthly basis in the  
45 form and manner prescribed by the commissioner including, but not limit-  
46 ed to, the parking tickets issued, the dispositions of such tickets and  
47 the amount of fines, penalties and mandatory **felony** surcharges  
48 collected. The commissioner shall collect, process and analyze such  
49 information and present periodic reports on the parking violations  
50 enforcement and disposition program.

51 § 11. Clause (E) of subparagraph 2 of paragraph a of subdivision 2 of  
52 section 235 of the vehicle and traffic law, as separately added by chap-  
53 ters 421, 460 and 773 of the laws of 2021, is amended to read as  
54 follows:

55 (E) that submission of a plea of guilty to the parking violation makes  
56 the owner liable for payment of the stated fine and additional penalties

1 imposed pursuant to paragraph b of this subdivision [~~and the mandatory~~  
2 ~~surcharge of fifteen dollars imposed upon parking violations pursuant to~~  
3 ~~section eighteen hundred nine a of this chapter~~].

4 § 12. Subdivision 4 of section 1203-g of the vehicle and traffic law,  
5 as added by chapter 497 of the laws of 1999, is amended to read as  
6 follows:

7 4. Every county and the city of New York that establishes a hand-  
8 icapped parking education program shall establish a separate handicapped  
9 parking education fund in the custody of the chief fiscal officer of  
10 each such county or city, by April first, two thousand[, ~~which shall~~  
11 ~~consist of moneys granted to such county or city pursuant to section~~  
12 ~~eighteen hundred nine b of this chapter~~]. No provision of law shall be  
13 deemed to preclude a county or the city of New York from receiving funds  
14 from other sources to be deposited in the handicapped parking education  
15 fund, provided such funds are used in a manner and for purposes consist-  
16 ent with this section. The moneys of such fund shall be disbursed to  
17 provide education, advocacy and increased awareness of handicapped park-  
18 ing laws and may be used to execute contracts with private organizations  
19 for such purposes. Such contracts shall be awarded upon competitive bids  
20 after the issuance of requests for proposal.

21 § 13. Subdivision 2 of section 99-n of the state finance law, as added  
22 by chapter 223 of the laws of 2005, is amended to read as follows:

23 2. The fund shall consist of all monies appropriated for its purpose  
24 and, all monies required by this section or any other provision of law  
25 to be paid into or credited to such fund[, ~~collected by the mandatory~~  
26 ~~surcharges imposed pursuant to subdivision one of section eighteen~~  
27 ~~hundred nine d of the vehicle and traffic law~~]. Nothing contained in  
28 this section shall prevent the department of motor vehicles from receiv-  
29 ing grants or other appropriations for the purposes of the fund as  
30 defined in this section and depositing them into the fund according to  
31 law.

32 § 14. Subdivision 20-a of section 385 of the vehicle and traffic law,  
33 as amended by chapter 696 of the laws of 1990, is amended to read as  
34 follows:

35 20-a. If a vehicle or combination of vehicles is operated in violation  
36 of this section, an appearance ticket or summons may be issued to the  
37 registrant of the vehicle, or if a combination of vehicles, to the  
38 registrant of the hauling vehicle rather than the operator. In the event  
39 the vehicle is operated by a person other than the registrant, any  
40 appearance ticket or summons issued to the registrant shall be served  
41 upon the operator, who shall be deemed the agent of the registrant for  
42 the purpose of receiving such appearance ticket or summons. Such opera-  
43 tor-agent shall transmit such ticket or summons to the registrant of the  
44 vehicle or the hauling vehicle. If the registrant does not appear on the  
45 return date, a notice establishing a new return date and either contain-  
46 ing all pertinent information relating to the charge which is contained  
47 on the summons or appearance ticket or accompanied by a copy of the  
48 information or complaint shall also be mailed by certified or registered  
49 mail by or on behalf of the court or administrative tribunal before whom  
50 the appearance ticket or summons is returnable to the registrant at the  
51 address given on the registration certificate for the vehicle, or if no  
52 registration certificate is produced at the time the appearance ticket  
53 or summons is issued, to the address of the registrant on file with the  
54 department or given to the person issuing the appearance ticket or  
55 summons. [~~Whenever proceedings in a court or administrative tribunal of~~  
56 ~~this state result in a conviction for a violation of this section, and~~



~~1 the court or administrative tribunal has made the mailing specified~~  
~~2 herein, the court or administrative tribunal shall levy a mandatory~~  
~~3 surcharge, in addition to any sentence or other surcharge required or~~  
~~4 permitted by law, in the amount of thirty dollars. This mandatory~~  
~~5 surcharge shall be paid to the clerk of the court or administrative~~  
~~6 tribunal that rendered the conviction. Within the first ten days of the~~  
~~7 month following collection of the mandatory surcharge by a town or~~  
~~8 village court, the court shall pay such money to the state comptroller~~  
~~9 who shall, pursuant to subdivision two of section ninety-nine-a of the~~  
~~10 state finance law, credit such money to the account of the town or~~  
~~11 village which sent the mandatory surcharge. If such collecting authority~~  
~~12 is any other court of the unified system or administrative tribunal it~~  
~~13 shall, within such period, pay such money to the state comptroller who~~  
~~14 shall deposit such money into the state treasury.]~~ The provisions of  
15 this subdivision shall not apply to owner-operators of any motor vehicle  
16 or to any motor vehicle or trailer which is registered in the name of a  
17 person whose principal business is the lease or rental of motor vehicles  
18 or trailers unless the motor vehicle or trailer is being operated by an  
19 employee of the registrant or for a community of interest other than the  
20 lease or rental agreement between the parties to the lease or rental  
21 agreement.

22 § 15. Subdivision 19-a of section 401 of the vehicle and traffic law,  
23 as amended by chapter 696 of the laws of 1990, is amended to read as  
24 follows:

25 19-a. If a vehicle or combination of vehicles is operated in violation  
26 of this section, an appearance ticket or summons may be issued to the  
27 registrant of the vehicle, or if a combination of vehicles, to the  
28 registrant of the hauling vehicle rather than the operator. In the event  
29 the vehicle is operated by a person other than the registrant, any  
30 appearance ticket or summons issued to the registrant shall be served  
31 upon the operator, who shall be deemed the agent of the registrant for  
32 the purpose of receiving such appearance ticket or summons. Such opera-  
33 tor-agent shall transmit such ticket or summons to the registrant of the  
34 vehicle or the hauling vehicle. If the registrant does not appear on the  
35 return date, a notice establishing a new return date and either contain-  
36 ing all pertinent information relating to the charge which is contained  
37 on the summons or appearance ticket or accompanied by a copy of the  
38 information or complaint shall also be mailed by certified or registered  
39 mail by or on behalf of the court or administrative tribunal before whom  
40 the appearance ticket or summons is returnable to the registrant at the  
41 address given on the registration certificate for the vehicle, or if no  
42 registration certificate is produced at the time the appearance ticket  
43 or summons is issued, to the address of the registrant on file with the  
44 department or given to the person issuing the appearance ticket or  
45 summons. [~~Whenever proceedings in a court or administrative tribunal of~~  
~~46 this state result in a conviction for a violation of this section, and~~  
~~47 the court or administrative tribunal has made the mailing specified~~  
~~48 herein, the court or administrative tribunal shall levy a mandatory~~  
~~49 surcharge, in addition to any sentence or other surcharge required or~~  
~~50 permitted by law, in the amount of thirty dollars. This mandatory~~  
~~51 surcharge shall be paid to the clerk of the court or administrative~~  
~~52 tribunal that rendered the conviction. Within the first ten days of the~~  
~~53 month following collection of the mandatory surcharge by a town or~~  
~~54 village court, the court shall pay such money to the state comptroller~~  
~~55 who shall, pursuant to subdivision two of section ninety-nine-a of the~~  
~~56 state finance law, credit such money to the account of the town or~~

~~village which sent the mandatory surcharge. If such collecting authority is any other court of the unified system or administrative tribunal it shall, within such period, pay such money to the state comptroller who shall deposit such money into the state treasury.]~~ The provisions of this subdivision shall not apply to owner-operators of any motor vehicle or to any motor vehicle or trailer which is registered in the name of a person whose principal business is the lease or rental of motor vehicles or trailers unless the motor vehicle or trailer is being operated by an employee of the registrant or for a community of interest other than the lease or rental agreement between the parties to the lease or rental agreement.

§ 16. Section 80.05 of the penal law is amended by adding a new subdivision 7 to read as follows:

7. Notwithstanding any other provision of law to the contrary, the court in its discretion, may reduce or waive any fine or fee imposed upon an indigent person, pursuant to such person's conviction, if (i) such person, being financially unable to obtain or afford counsel, is entitled to representation pursuant to section seven hundred twenty-two of the county law or (ii) the court determines such fine or fee should otherwise be waived in the interest of justice.

In determining whether to reduce or waive any fine or fee imposed on an indigent defendant, the court may consider the totality of the defendant's circumstances including:

- (a) the defendant's income and financial resources;
- (b) the defendant's debt and financial obligations;
- (c) whether the imposition of such fine or fee would cause an unreasonable hardship on the defendant, his or her immediate family, or any other person who is dependent on such defendant for financial support; and
- (d) any additional information related to the defendant's circumstances that the court may deem relevant or necessary in coming to a determination to reduce or waive such fine or fee.

§ 17. The vehicle and traffic law is amended by adding a new section 1811 to read as follows:

§ 1811. Discretionary reduction or waiver of fines and fees. 1. Notwithstanding any other provision or law to the contrary, the court in its discretion, may reduce or waive any fine or fee imposed upon an indigent person, pursuant to such person's conviction, if (i) such person, being financially unable to obtain or afford counsel, is entitled to representation pursuant to section seven hundred twenty-two of the county law or (ii) the court determines such fine or fee should otherwise be waived in the interest of justice.

In determining whether to reduce or waive any fine or fee imposed on an indigent defendant, the court may consider the totality of the defendant's circumstances including:

- (a) the defendant's income and financial resources;
- (b) the defendant's debt and financial obligations;
- (c) whether the imposition of such fine or fee would cause an unreasonable hardship on the defendant, his or her immediate family, or any other person who is dependent on such defendant for financial support; and
- (d) any additional information related to the defendant's circumstances that the court may deem relevant or necessary in coming to a determination to reduce or waive such fine or fee.

2. Collection and reporting on data relating to fines. (a) It shall be the duty of a court of record or administrative tribunal to report data

1 to the division of criminal justice services on the disposition and  
2 collection of all fines imposed pursuant to the penal law and vehicle  
3 and traffic law. Such data shall include, at minimum, information on the  
4 number of fines imposed; the provision of law pursuant to which each  
5 fine was imposed; the amount of the fine; the court that issued the  
6 fine; the outcome of any individualized assessment conducted pursuant to  
7 section 80.05 of the penal law or section eighteen hundred eleven of the  
8 vehicle and traffic law; the amount of the fine that has been paid, if  
9 any; and the race, ethnicity, age, and sex of the person for whom the  
10 fine was imposed.

11 (b) All data collected pursuant to this section shall be a public  
12 record. The department shall be charged with compiling such data in an  
13 annual report to be made available on the department's website.

14 § 18. Subdivisions 1, 2 and 3 of section 420.35 of the criminal proce-  
15 dure law, subdivisions 1 and 3 as amended by section 7 of part F of  
16 chapter 62 of the laws of 2003 and subdivision 2 as amended by chapter  
17 23 of the laws of 2021, are amended to read as follows:

18 1. The provisions of section 420.10 of this article governing the  
19 collection of fines and the provisions of section 420.40 of this article  
20 governing deferral of mandatory **felony** surcharges, sex offender regis-  
21 tration fees, DNA databank fees and financial hardship hearings and the  
22 provisions of section 430.20 of this chapter governing the commitment of  
23 a defendant for failure to pay a fine shall be applicable to a mandatory  
24 **felony** surcharge, sex offender registration fee, DNA databank fee and a  
25 crime victim assistance fee imposed pursuant to subdivision one of  
26 section 60.35 of the penal law, subdivision twenty-a of section three  
27 hundred eighty-five of the vehicle and traffic law, subdivision nine-  
28 teen-a of section four hundred one of the vehicle and traffic law, or a  
29 mandatory **felony** surcharge imposed pursuant to section eighteen hundred  
30 nine of the vehicle and traffic law or section 27.12 of the parks,  
31 recreation and historic preservation law. When the court directs that  
32 the defendant be imprisoned until the mandatory **felony** surcharge, sex  
33 offender registration fee or DNA databank fee is satisfied, it must  
34 specify a maximum period of imprisonment not to exceed fifteen days;  
35 provided, however, a court may not direct that a defendant be imprisoned  
36 until the mandatory **felony** surcharge, sex offender registration fee, or  
37 DNA databank fee is satisfied or otherwise for failure to pay the manda-  
38 tory **felony** surcharge, sex offender registration fee or DNA databank fee  
39 unless the court makes a contemporaneous finding on the record, after  
40 according defendant notice and an opportunity to be heard, that the  
41 payment of the mandatory **felony** surcharge, sex offender registration fee  
42 or DNA databank fee upon defendant will not work an unreasonable hard-  
43 ship upon him or her or his or her immediate family.

44 2. Except as provided in this subdivision or subdivision two-a of this  
45 section, under no circumstances shall the mandatory **felony** surcharge,  
46 sex offender registration fee, DNA databank fee or the crime victim  
47 assistance fee be waived. A court shall waive any mandatory **felony**  
48 surcharge, DNA databank fee and crime victim assistance fee when: (i)  
49 the defendant is convicted of prostitution under section 230.00 of the  
50 penal law; (ii) the defendant is convicted of a violation in the event  
51 such conviction is in lieu of a plea to or conviction for prostitution  
52 under section 230.00 of the penal law; (iii) the court finds that a  
53 defendant is a victim of sex trafficking under section 230.34 of the  
54 penal law or a victim of trafficking in persons under the trafficking  
55 victims protection act (United States Code, Title 22, Chapter 78); or

1 (iv) the court finds that the defendant is a victim of sex trafficking  
2 of a child under section 230.34-a of the penal law.

3 3. It shall be the duty of a court of record or administrative tribu-  
4 nal to report to the division of criminal justice services on the dispo-  
5 sition and collection of mandatory **felony** surcharges, sex offender  
6 registration fees or DNA databank fees and crime victim assistance fees.  
7 Such report shall include, for all cases, whether the **mandatory felony**  
8 surcharge, sex offender registration fee, DNA databank fee or crime  
9 victim assistance fee levied pursuant to subdivision one of section  
10 60.35 of the penal law or section eighteen hundred nine of the vehicle  
11 and traffic law has been imposed pursuant to law, collected, or is to be  
12 collected by probation or corrections or other officials. The form,  
13 manner and frequency of such reports shall be determined by the commis-  
14 sioner of the division of criminal justice services after consultation  
15 with the chief administrator of the courts and the commissioner of the  
16 department of motor vehicles.

17 § 19. Subdivisions 1, 2, 4 and 5 of section 420.40 of the criminal  
18 procedure law, as amended by section 8 of part F of chapter 62 of the  
19 laws of 2003, are amended to read as follows:

20 1. Applicability. The procedure specified in this section governs the  
21 deferral of the obligation to pay all or part of a mandatory **felony**  
22 surcharge, sex offender registration fee or DNA databank fee imposed  
23 pursuant to subdivision one of section 60.35 of the penal law and finan-  
24 cial hardship hearings relating to mandatory **felony** surcharges.

25 2. On an appearance date set forth in a summons issued pursuant to  
26 subdivision three of section 60.35 of the penal law, section eighteen  
27 hundred nine of the vehicle and traffic law or section 27.12 of the  
28 parks, recreation and historic preservation law, a person upon whom a  
29 mandatory **felony** surcharge, sex offender registration fee or DNA data-  
30 bank fee was levied shall have an opportunity to present on the record  
31 credible and verifiable information establishing that the mandatory  
32 **felony** surcharge, sex offender registration fee or DNA databank fee  
33 should be deferred, in whole or in part, because, due to the indigence  
34 of such person the payment of said surcharge, sex offender registration  
35 fee or DNA databank fee would work an unreasonable hardship on the  
36 person or his or her immediate family.

37 4. Where a court determines that it will defer part or all of a manda-  
38 tory **felony** surcharge, sex offender registration fee or DNA databank fee  
39 imposed pursuant to subdivision one of section 60.35 of the penal law, a  
40 statement of such finding and of the facts upon which it is based shall  
41 be made part of the record.

42 5. A court which defers a person's obligation to pay a mandatory **felo-**  
43 **ny** surcharge, sex offender registration fee or DNA databank fee imposed  
44 pursuant to subdivision one of section 60.35 of the penal law shall do  
45 so in a written order. Such order shall not excuse the person from the  
46 obligation to pay the surcharge, sex offender registration fee or DNA  
47 databank fee. Rather, the court's order shall direct the filing of a  
48 certified copy of the order with the county clerk of the county in which  
49 the court is situate except where the court which issues such order is  
50 the supreme court in which case the order itself shall be filed by the  
51 clerk of the court acting in his or her capacity as the county clerk of  
52 the county in which the court is situate. Such order shall be entered by  
53 the county clerk in the same manner as a judgment in a civil action in  
54 accordance with subdivision (a) of rule five thousand sixteen of the  
55 civil practice law and rules. The order shall direct that any unpaid  
56 balance of the mandatory **felony** surcharge, sex offender registration fee

1 or DNA databank fee may be collected in the same manner as a civil judg-  
2 ment. The entered order shall be deemed to constitute a judgment-roll  
3 as defined in [~~section~~ rule five thousand seventeen of the civil prac-  
4 tice law and rules and immediately after entry of the order, the county  
5 clerk shall docket the entered order as a money judgment pursuant to  
6 section five thousand eighteen of such law and rules.

7 § 20. Section 26 of the correction law, as amended by chapter 322 of  
8 the laws of 2021, is amended to read as follows:

9 § 26. Establishment of commissaries or canteens in correctional insti-  
10 tutions. 1. The commissioner may authorize the head of any institution  
11 in the department to establish a commissary or a canteen in such insti-  
12 tution for the use and benefit of incarcerated individuals. The moneys  
13 received by the head of the institution as profits from the sales of the  
14 commissary or canteen shall be deposited in a special fund to be known  
15 as the commissary or canteen fund and such funds shall be used for the  
16 general purposes of the institution subject to the provisions of section  
17 fifty-three of the state finance law.

18 2. The commissioner shall not impose or collect any fees related to  
19 commissary transactions from incarcerated individuals including, trans-  
20 action fees for purchases made at the commissary by or on behalf of an  
21 incarcerated individual, and any service charges or handling fees for  
22 the delivery of goods from the commissary.

23 § 21. The correction law is amended by adding a new section 500-q to  
24 read as follows:

25 § 500-q. Commissary fee elimination. The sheriff shall not impose or  
26 collect any fees related to commissary transactions from incarcerated  
27 individuals including, transaction fees for purchases made at the  
28 commissary by or on behalf of an incarcerated individual, and any  
29 service charges or handling fees for the delivery of goods from the  
30 commissary.

31 § 22. Paragraph (a) of subdivision 1 of section 1197 of the vehicle  
32 and traffic law, as amended by chapter 532 of the laws of 2023, is  
33 amended to read as follows:

34 (a) Where a county establishes a special traffic options program for  
35 driving while intoxicated, pursuant to this section, it shall receive  
36 fines and forfeitures collected by any court, judge, magistrate or other  
37 officer within that county, including, where appropriate, a hearing  
38 officer acting on behalf of the commissioner: (1) imposed for violations  
39 of subparagraphs (ii) and (iii) of paragraph (a) of subdivision two or  
40 subparagraph (i) of paragraph (a) of subdivision three of section five  
41 hundred eleven of this chapter; (2) imposed in accordance with the  
42 provisions of section eleven hundred ninety-three and civil penalties  
43 imposed pursuant to subdivision two of section eleven hundred ninety-  
44 four-a of this article, including, where appropriate, a hearing officer  
45 acting on behalf of the commissioner, from violations of sections eleven  
46 hundred ninety-two, eleven hundred ninety-two-a and findings made under  
47 section eleven hundred ninety-four-a of this article; and (3) imposed  
48 upon a conviction for: aggravated vehicular assault, pursuant to  
49 section 120.04-a of the penal law; vehicular assault in the first  
50 degree, pursuant to section 120.04 of the penal law; vehicular assault  
51 in the second degree, pursuant to section 120.03 of the penal law;  
52 aggravated vehicular homicide, pursuant to section 125.14 of the penal  
53 law; vehicular manslaughter in the first degree, pursuant to section  
54 125.13 of the penal law; and vehicular manslaughter in the second  
55 degree, pursuant to section 125.12 of the penal law, as provided in  
56 section eighteen hundred three of this chapter. [~~In addition, any~~



~~1 surcharges imposed pursuant to section eighteen hundred nine e and para-~~  
~~2 graph b of subdivision one of section eighteen hundred nine e of this~~  
~~3 chapter shall be paid to such county in such manner and for such~~  
~~4 purposes as provided for in this section.]~~ Upon receipt of these moneys,  
5 the county shall deposit them in a separate account entitled "special  
6 traffic options program for driving while intoxicated" and they shall be  
7 under the exclusive care, custody and control of the chief fiscal offi-  
8 cer of each county participating in the program.

9 § 23. Paragraph a of subdivision 9 of section 1803 of the vehicle and  
10 traffic law, as amended by chapter 532 of the laws of 2023, is amended  
11 to read as follows:

12 a. Where a county establishes a special traffic options program for  
13 driving while intoxicated, approved by the commissioner, pursuant to  
14 section eleven hundred ninety-seven of this chapter, all fines, penal-  
15 ties and forfeitures: (1) imposed and collected for violations of  
16 subparagraphs (ii) and (iii) of paragraph (a) of subdivision two or  
17 subparagraph (i) of paragraph (a) of subdivision three of section five  
18 hundred eleven of this chapter; (2) imposed and collected in accordance  
19 with section eleven hundred ninety-three of this chapter for violations  
20 of section eleven hundred ninety-two of this chapter; (3) collected by  
21 any court, judge, magistrate or other officer imposed upon a conviction  
22 for: aggravated vehicular assault, pursuant to section 120.04-a of the  
23 penal law; vehicular assault in the first degree, pursuant to section  
24 120.04 of the penal law; vehicular assault in the second degree, pursu-  
25 ant to section 120.03 of the penal law; aggravated vehicular homicide,  
26 pursuant to section 125.14 of the penal law; vehicular manslaughter in  
27 the first degree, pursuant to section 125.13 of the penal law; and  
28 vehicular manslaughter in the second degree, pursuant to section 125.12  
29 of the penal law; and (4) civil penalties imposed pursuant to subdivi-  
30 sion two of section eleven hundred ninety-four-a of this chapter, shall  
31 be paid to such county. [~~In addition, any surcharges imposed pursuant to~~  
~~32 section eighteen hundred nine e and paragraph b of subdivision one of~~  
~~33 section eighteen hundred nine e of this chapter shall be paid to such~~  
~~34 county in such manner and for such purposes as provided for in section~~  
~~35 eleven hundred ninety-seven of this chapter.]~~

36 § 24. Section 837-j of the executive law, as added by chapter 166 of  
37 the laws of 1991, is amended to read as follows:

38 § 837-j. Parking violations enforcement and disposition program. 1.  
39 [~~The commissioner and the commissioner of the department of motor vehi-~~  
40 ~~cles may enter into an agreement to effect the enhanced collection of~~  
41 ~~the mandatory surcharges imposed pursuant to section eighteen hundred~~  
42 ~~nine a of the vehicle and traffic law. The terms of such agreement shall~~  
43 ~~authorize the exchange between the division and the department of motor~~  
44 ~~vehicles of information concerning outstanding fines, penalties and~~  
45 ~~unpaid mandatory surcharges and identification information concerning~~  
46 ~~persons with adjudicated parking violations subject to the imposition of~~  
47 ~~such fines, penalties and mandatory surcharges.~~

48 ~~2. The commissioner and the commissioner of the department of motor~~  
49 ~~vehicles shall enter into any necessary joint enforcement agreements,~~  
50 ~~which agreements shall be consistent with any agreement authorized by~~  
51 ~~subdivision one of this section.~~

52 ~~3.]~~ The commissioner of the department of motor vehicles shall be  
53 authorized to cooperate with traffic and law enforcement agencies of  
54 other states and of the United States, to obtain and furnish any assist-  
55 ance or information necessary for the enforcement and collection of

1 fines<sup>[7]</sup> and penalties [~~and mandatory surcharges~~] for parking  
2 violations.

3 ~~[4+]~~ 2. The commissioner, in consultation with the commissioner of the  
4 department of motor vehicles shall promulgate such rules and regulations  
5 as may be necessary to effect the purposes of this section.

6 § 25. Section 1809-a of the vehicle and traffic law is REPEALED.

7 § 26. Section 1809-aa of the vehicle and traffic law is REPEALED.

8 § 27. Section 1809-b of the vehicle and traffic law is REPEALED.

9 § 28. Section 1809-c of the vehicle and traffic law is REPEALED.

10 § 29. Section 1809-d of the vehicle and traffic law is REPEALED.

11 § 30. Section 1809-e of the vehicle and traffic law is REPEALED.

12 § 31. This act shall take effect one year after it shall have become a  
13 law; provided, however, that:

14 (a) the amendments to paragraphs (a) and (b) of subdivision 1 of  
15 section 1809 of the vehicle and traffic law made by section two of this  
16 act shall only take effect if such paragraphs as amended by section 2 of  
17 part DD of chapter 56 of the laws of 2008 are in effect on the effec-  
18 tive date of this act and such amendments shall be subject to the expi-  
19 ration and reversion of such paragraphs pursuant to subdivision (p) of  
20 section 406 of chapter 166 of the laws of 1991, as amended, when upon  
21 such date the provisions of section two-a of this act shall take effect;

22 (b) the amendments made to paragraphs (a) and (b) of subdivision 1 of  
23 section 1809 of the vehicle and traffic law made by section two-a of  
24 this act shall not affect the expiration of such paragraphs and shall be  
25 deemed expired therewith;

26 (c) the amendments to subdivision 2 of section 1809 of the vehicle and  
27 traffic law made by section three of this act shall be subject to the  
28 expiration and reversion of such subdivision pursuant to subdivision (p)  
29 of section 406 of chapter 166 of the laws of 1991, as amended, when upon  
30 such date the provisions of section three-a of this act shall take  
31 effect;

32 (d) the amendments to paragraph (a) of subdivision 2 of section 259-i  
33 of the executive law made by section five of this act shall be subject  
34 to the expiration and reversion of such subdivision when upon such date  
35 the provisions of section five-a of this act shall take effect;

36 (e) if chapter 532 of the laws of 2023 shall not have taken effect on  
37 or before such date, then sections twenty-two and twenty-three of this  
38 act shall take effect on the same date and in the same manner as such  
39 chapter of the laws of 2023 takes effect; and

40 (f) the amendments to section 837-j of the executive law made by  
41 section twenty-four of this act shall not affect the repeal of such  
42 section and shall be deemed repealed therewith.

43 PART III

44 Section 1. Paragraph (b) of subdivision 3 of section 10 of the work-  
45 ers' compensation law, as added by section 1 of subpart I of part NNN of  
46 chapter 59 of the laws of 2017, is amended to read as follows:

47 (b) Where a [~~police officer or firefighter subject to section thirty~~  
48 ~~of this article, or emergency medical technician, paramedic, or other~~  
49 ~~person certified to provide medical care in emergencies, or emergency~~  
50 ~~dispatcher~~] worker files a claim for mental injury premised upon  
51 extraordinary work-related stress incurred [~~in a work-related emergency~~]  
52 at work, the board may not disallow the claim<sup>[7]</sup> upon a factual finding  
53 that the stress was not greater than that which usually occurs in the  
54 normal work environment.

1 § 2. This act shall take effect on the first of January next succeed-  
2 ing the date on which it shall have become a law.

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

12 § 3. This act shall take effect immediately provided, however, that  
13 the applicable effective date of Parts A through III of this act shall  
14 be as specifically set forth in the last section of such Parts.