

STATE OF NEW YORK

S. 8305--C

A. 8805--C

SENATE - ASSEMBLY

January 17, 2024

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

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

AN ACT to amend the penal law, in relation to assault on a retail worker (Part A); to amend the penal law, in relation to establishing the crime of fostering the sale of stolen goods (Part B); to amend the penal law and the judiciary law, in relation to specified offenses that constitute a hate crime (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); to amend the judiciary law, the penal law and the election law, in relation to increasing the safety and security of judges and their immediate families (Part F); to amend the cannabis law, the administrative code of the city of New York, the county law, the penal law, and the real property actions and proceedings law, in relation to providing additional enforcement powers to localities and the office of cannabis management (Part G); to amend the alcoholic beverage control law, in relation to notifying municipalities of the filing of certain applications, and providing for certain temporary permits; and to repeal certain provisions of such law related thereto (Part H); to amend the alcoholic beverage control law, in relation to

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

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establishing a temporary wholesale permit (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); intentionally omitted (Part L); to amend the labor law, in relation to providing paid prenatal personal leave (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (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; to amend the executive law, in relation to the administration of certain monies; and to amend the village law, in relation to unexpended fund balances incurred for the incorporation if a village is not incorporated (Part U); intentionally omitted (Part V); to amend the state finance law, in relation to reforming the local government efficiency grant program (Part W); intentionally omitted (Part X); to amend part P of chapter 55 of the laws of 2022, amending the alcoholic beverage control law relating to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption, in relation to the effectiveness thereof (Part Y); to amend the penal law, in relation to harassing certain employees of a transit agency or authority (Part Z); to amend the criminal procedure law, in relation to maintaining actions against certain adolescent offenders for certain sexual offenses in criminal court (Part AA); to amend the real property tax law, in relation to requiring excess proceeds from a tax foreclosure sale to be returned to the former owner, delinquent tax interest rates and establishing a homeowner bill of rights; to amend the tax law, in relation to disclosure of STAR credit disclosures; and to amend chapter 602 of the laws of 1993 amending the real property tax law relating to the enforcement of the collection of delinquent real property taxes and to the collection of taxes by banks, in relation to the effectiveness thereof (Part BB); to amend the alcoholic beverage control law, in relation to alcohol in certain motion picture theatres, and providing for the repeal of such provisions upon the expiration thereof (Part CC); in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police shooting range and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart A); in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police shooting range and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart B); in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police training facility and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart C); and in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police training facility, including planning and design work, related site improvements, and furnishings

and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart D)(Part DD); 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 EE); to amend the penal law, in relation to determining the value of goods or merchandise stolen pursuant to a common scheme for the purpose of grand larceny offenses; and in relation to exempting grand larceny offenses from the definition of persistent felony offender (Part FF); 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 GG); 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 HH); to amend the administrative code of the city of New York, in relation to the pensionable earnings of first grade police officers (Part II); 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 JJ); and to amend the retirement and social security law, in relation to extending provisions setting certain member contribution rates (Part KK)

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 KK. 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 Section 1. The penal law is amended by adding a new section 120.19 to
14 read as follows:

15 § 120.19 Assault on a retail worker.

16 1. A person is guilty of assault on a retail worker when, with the
17 intent to prevent a retail worker from performing an act within the
18 scope of such worker's employment, such person causes physical injury to
19 such retail worker and the person knew or reasonably should have known
20 that such individual was a retail worker.

21 2. For the purposes of this section:

1 a. "Retail worker" shall mean any person whose usual place of work is
2 a retail establishment. This shall include, but is not limited to, an
3 employee of the retail establishment, an owner of the retail establish-
4 ment, or a person who works in the retail establishment under arrange-
5 ments made between the person and the establishment.

6 b. "Retail establishment" shall mean any physical business or commer-
7 cial entity engaged in the sale of goods, merchandise, or services
8 directly to consumers.

9 Assault on a retail worker is a class E felony.

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

12 PART B

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

15 § 165.66 Fostering the sale of stolen goods.

16 A person is guilty of fostering the sale of stolen goods when such
17 person, for the purposes of financial gain, acting alone or in concert
18 with another person or persons:

19 1. Uses any internet website, application, online marketplace, digital
20 service, or any other platform or venue, including any physical build-
21 ing, public or private space, or location to offer for sale retail goods
22 or merchandise which are stolen or unlawfully obtained; and

23 2. Knew or should have known that such retail goods or merchandise
24 were stolen or unlawfully 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 Section 1. Subdivision 3 of section 485.05 of the penal law, as
30 amended by section 3 of part R of chapter 55 of the laws of 2020, is
31 amended to read as follows:

32 3. A "specified offense" is an offense defined by any of the following
33 provisions of this chapter: section 120.00 (assault in the third
34 degree); section 120.05 (assault in the second degree); section 120.06
35 (gang assault in the second degree); section 120.07 (gang assault in the
36 first degree); section 120.10 (assault in the first degree); section
37 120.12 (aggravated assault upon a person less than eleven years old);
38 section 120.13 (menacing in the first degree); section 120.14 (menacing
39 in the second degree); section 120.15 (menacing in the third degree);
40 section 120.20 (reckless endangerment in the second degree); section
41 120.25 (reckless endangerment in the first degree); section 121.11
42 (criminal obstruction of breathing or blood circulation); section 121.12
43 (strangulation in the second degree); section 121.13 (strangulation in
44 the first degree); subdivision one of section 125.15 (manslaughter in
45 the second degree); subdivision one, two or four of section 125.20
46 (manslaughter in the first degree); section 125.25 (murder in the second
47 degree); section 125.26 (aggravated murder); section 125.27 (murder in
48 the first degree); section 120.45 (stalking in the fourth degree);
49 section 120.50 (stalking in the third degree); section 120.55 (stalking
50 in the second degree); section 120.60 (stalking in the first degree);
51 ~~[subdivision one of]~~ section 130.20 (sexual misconduct); section 130.25
52 (rape in the third degree); section 130.30 (rape in the second degree);

1 section 130.35 (rape in the first degree); ~~[subdivision one of]~~ section
2 130.40 (criminal sexual act in the third degree); section 130.45 (crimi-
3 nal sexual act in the second degree); section 130.50 (criminal sexual
4 act in the first degree); ~~[subdivision one of]~~ section 130.52 (forcible
5 touching); section 130.53 (persistent sexual abuse); section 130.55
6 (sexual abuse in the third degree); section 130.60 (sexual abuse in the
7 second degree); section 130.65 (sexual abuse in the first degree);
8 ~~[paragraph (a) of subdivision one of]~~ section 130.65-a (aggravated sexu-
9 al abuse in the fourth degree); section 130.66 (aggravated sexual abuse
10 in the third degree); section 130.67 (aggravated sexual abuse in the
11 second degree); ~~[paragraph (a) of subdivision one of]~~ section 130.70
12 (aggravated sexual abuse in the first degree); section 135.05 (unlawful
13 imprisonment in the second degree); section 135.10 (unlawful imprison-
14 ment in the first degree); section 135.20 (kidnapping in the second
15 degree); section 135.25 (kidnapping in the first degree); section 135.60
16 (coercion in the third degree); section 135.61 (coercion in the second
17 degree); section 135.65 (coercion in the first degree); section 140.10
18 (criminal trespass in the third degree); section 140.15 (criminal tres-
19 pass in the second degree); section 140.17 (criminal trespass in the
20 first degree); section 140.20 (burglary in the third degree); section
21 140.25 (burglary in the second degree); section 140.30 (burglary in the
22 first degree); section 145.00 (criminal mischief in the fourth degree);
23 section 145.05 (criminal mischief in the third degree); section 145.10
24 (criminal mischief in the second degree); section 145.12 (criminal
25 mischief in the first degree); section 150.05 (arson in the fourth
26 degree); section 150.10 (arson in the third degree); section 150.15
27 (arson in the second degree); section 150.20 (arson in the first
28 degree); section 155.25 (petit larceny); section 155.30 (grand larceny
29 in the fourth degree); section 155.35 (grand larceny in the third
30 degree); section 155.40 (grand larceny in the second degree); section
31 155.42 (grand larceny in the first degree); section 160.05 (robbery in
32 the third degree); section 160.10 (robbery in the second degree);
33 section 160.15 (robbery in the first degree); section 230.34 (sex traf-
34 ficking); section 230.34-a (sex trafficking of a child); section 240.25
35 (harassment in the first degree); subdivision one, two or four of
36 section 240.30 (aggravated harassment in the second degree); section
37 240.50 (falsely reporting an incident in the third degree); section
38 240.55 (falsely reporting an incident in the second degree); section
39 240.60 (falsely reporting an incident in the first degree); subdivision
40 one of section 265.03 (criminal possession of a weapon in the second
41 degree); subdivision one of section 265.04 (criminal possession of a
42 weapon in the first degree); section 490.10 (soliciting or providing
43 support for an act of terrorism in the second degree); section 490.15
44 (soliciting or providing support for an act of terrorism in the first
45 degree); section 490.20 (making a terroristic threat); section 490.25
46 (crime of terrorism); section 490.30 (hindering prosecution of terrorism
47 in the second degree); section 490.35 (hindering prosecution of terror-
48 ism in the first degree); section 490.37 (criminal possession of a chem-
49 ical weapon or biological weapon in the third degree); section 490.40
50 (criminal possession of a chemical weapon or biological weapon in the
51 second degree); section 490.45 (criminal possession of a chemical weapon
52 or biological weapon in the first degree); section 490.47 (criminal use
53 of a chemical weapon or biological weapon in the third degree); section
54 490.50 (criminal use of a chemical weapon or biological weapon in the
55 second degree); section 490.55 (criminal use of a chemical weapon or

1 biological weapon in the first degree); or any attempt or conspiracy to
2 commit any of the foregoing offenses.

3 § 2. Subdivision 3 of section 485.05 of the penal law, as amended by
4 chapter 23 of the laws of 2024, is amended to read as follows:

5 3. A "specified offense" is an offense defined by any of the following
6 provisions of this chapter: section 120.00 (assault in the third
7 degree); section 120.05 (assault in the second degree); section 120.06
8 (gang assault in the second degree); section 120.07 (gang assault in the
9 first degree); section 120.10 (assault in the first degree); section
10 120.12 (aggravated assault upon a person less than eleven years old);
11 section 120.13 (menacing in the first degree); section 120.14 (menacing
12 in the second degree); section 120.15 (menacing in the third degree);
13 section 120.20 (reckless endangerment in the second degree); section
14 120.25 (reckless endangerment in the first degree); section 121.11
15 (criminal obstruction of breathing or blood circulation); section 121.12
16 (strangulation in the second degree); section 121.13 (strangulation in
17 the first degree); subdivision one of section 125.15 (manslaughter in
18 the second degree); subdivision one, two or four of section 125.20
19 (manslaughter in the first degree); section 125.25 (murder in the second
20 degree); section 125.26 (aggravated murder); section 125.27 (murder in
21 the first degree); section 120.45 (stalking in the fourth degree);
22 section 120.50 (stalking in the third degree); section 120.55 (stalking
23 in the second degree); section 120.60 (stalking in the first degree);
24 ~~[paragraph (a) of subdivision one, paragraph (a) of subdivision two and~~
25 ~~paragraph (a) of subdivision three of]~~ section 130.20 (sexual miscon-
26 duct); section 130.25 (rape in the third degree); section 130.30 (rape
27 in the second degree); section 130.35 (rape in the first degree);
28 ~~[former subdivision one of section 130.35 (rape in the first degree),~~
29 ~~subdivision one of]~~ former section 130.40; former section 130.45; former
30 section 130.50; ~~[subdivision one of]~~ section 130.52 (forcible touching);
31 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse
32 in the third degree); section 130.60 (sexual abuse in the second
33 degree); section 130.65 (sexual abuse in the first degree); ~~[paragraph~~
34 ~~(a) of subdivision one of]~~ section 130.65-a (aggravated sexual abuse in
35 the fourth degree); section 130.66 (aggravated sexual abuse in the third
36 degree); section 130.67 (aggravated sexual abuse in the second degree);
37 ~~[paragraph (a) of subdivision one of]~~ section 130.70 (aggravated sexual
38 abuse in the first degree); section 135.05 (unlawful imprisonment in the
39 second degree); section 135.10 (unlawful imprisonment in the first
40 degree); section 135.20 (kidnapping in the second degree); section
41 135.25 (kidnapping in the first degree); section 135.60 (coercion in the
42 third degree); section 135.61 (coercion in the second degree); section
43 135.65 (coercion in the first degree); section 140.10 (criminal trespass
44 in the third degree); section 140.15 (criminal trespass in the second
45 degree); section 140.17 (criminal trespass in the first degree); section
46 140.20 (burglary in the third degree); section 140.25 (burglary in the
47 second degree); section 140.30 (burglary in the first degree); section
48 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-
49 nal mischief in the third degree); section 145.10 (criminal mischief in
50 the second degree); section 145.12 (criminal mischief in the first
51 degree); section 150.05 (arson in the fourth degree); section 150.10
52 (arson in the third degree); section 150.15 (arson in the second
53 degree); section 150.20 (arson in the first degree); section 155.25
54 (petit larceny); section 155.30 (grand larceny in the fourth degree);
55 section 155.35 (grand larceny in the third degree); section 155.40
56 (grand larceny in the second degree); section 155.42 (grand larceny in

1 the first degree); section 160.05 (robbery in the third degree); section
2 160.10 (robbery in the second degree); section 160.15 (robbery in the
3 first degree); section 230.34 (sex trafficking); section 230.34-a (sex
4 trafficking of a child); section 240.25 (harassment in the first
5 degree); subdivision one, two or four of section 240.30 (aggravated
6 harassment in the second degree); section 240.50 (falsely reporting an
7 incident in the third degree); section 240.55 (falsely reporting an
8 incident in the second degree); section 240.60 (falsely reporting an
9 incident in the first degree); subdivision one of section 265.03 (crimi-
10 nal possession of a weapon in the second degree); subdivision one of
11 section 265.04 (criminal possession of a weapon in the first degree);
12 section 490.10 (soliciting or providing support for an act of terrorism
13 in the second degree); section 490.15 (soliciting or providing support
14 for an act of terrorism in the first degree); section 490.20 (making a
15 terroristic threat); section 490.25 (crime of terrorism); section 490.30
16 (hindering prosecution of terrorism in the second degree); section
17 490.35 (hindering prosecution of terrorism in the first degree); section
18 490.37 (criminal possession of a chemical weapon or biological weapon in
19 the third degree); section 490.40 (criminal possession of a chemical
20 weapon or biological weapon in the second degree); section 490.45 (crim-
21 inal possession of a chemical weapon or biological weapon in the first
22 degree); section 490.47 (criminal use of a chemical weapon or biological
23 weapon in the third degree); section 490.50 (criminal use of a chemical
24 weapon or biological weapon in the second degree); section 490.55 (crim-
25 inal use of a chemical weapon or biological weapon in the first degree);
26 or any attempt or conspiracy to commit any of the foregoing offenses.

27 § 3. Subdivision 5 of section 216 of the judiciary law, as amended by
28 section 1 of subpart C of part VV of chapter 56 of the laws of 2023, is
29 amended to read as follows:

30 5. The chief administrator of the courts, in conjunction with the
31 division of criminal justice services, shall collect data and report
32 every six months regarding pretrial release and detention. Such data and
33 report shall contain information categorized by age, gender, racial and
34 ethnic background; regarding the nature of the criminal offenses,
35 including the top charge of each case; the number and type of charges in
36 each defendant's criminal record; whether a hate crime was charged;
37 whether the prosecutor requested that the court fix bail, the amounts
38 and forms of bail requested by the prosecutor, and the amounts and forms
39 of bail set by the court; the number of individuals released on recogni-
40 zance; the number of individuals released on non-monetary conditions,
41 including the conditions imposed; the number of individuals committed to
42 the custody of a sheriff prior to trial; the rates of failure to appear
43 and rearrest; the outcome of such cases or dispositions; the length of
44 the pretrial detention stay and any other such information as the chief
45 administrator and the division of criminal justice services may find
46 necessary and appropriate. Further, the chief administrator of the
47 courts shall collect data and report every month regarding pretrial
48 commitments to local correctional facilities. Such data shall include
49 but not be limited to age, gender, racial and ethnic background of the
50 principal; both beginning and end dates of pretrial commitment to the
51 custody of the sheriff; total days of pretrial commitment to the custody
52 of the sheriff; the type of commitment ordered by the court; the top
53 charge at arrest and arraignment; and whether the principal had been
54 previously released from custody in the case. Such report shall aggre-
55 gate the data collected by county; court, including city, town and
56 village courts; and judge. The data shall be aggregated in order to

1 protect the identity of individual defendants. The report shall be
2 released publicly and published on the websites of the office of court
3 administration and the division of criminal justice services. The first
4 report shall be published twelve months after this subdivision shall
5 have become a law, and shall include data from the first six months
6 following the enactment of this section. Reports for subsequent periods
7 shall be published every six months thereafter; provided, however, that
8 the pretrial detention admissions and discharges report will be
9 published every month.

10 § 4. This act shall take effect on the sixtieth day after it shall
11 have become a law; provided, however, that the provisions of section two
12 of this act shall take effect on the same date and in the same manner as
13 chapter 23 of the laws of 2024, takes effect; provided further, however,
14 that the provisions of section three of this act shall take effect on
15 the one hundred eightieth day after it shall have become a law.

16 PART D

17 Section 1. Notwithstanding the provisions of sections 79-a and 79-b of
18 the correction law, the governor is authorized to close up to five
19 correctional facilities of the department of corrections and community
20 supervision, in the state fiscal year 2024-2025, as the governor deter-
21 mines to be necessary for the cost-effective and efficient operation of
22 the correctional system, provided that the governor provides at least 90
23 days notice prior to any such closures to the temporary president of the
24 senate and the speaker of the assembly. Such notice shall include the
25 list of facilities the governor plans to close, the number of incarcer-
26 ated individuals in said facilities, and the number of staff working in
27 said facilities. The commissioner of corrections and community super-
28 vision shall also report in detail to the temporary president of the
29 senate and the speaker of the assembly on the results of staff relo-
30 cation efforts within 60 days after such closure.

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

34 PART E

35 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
36 law, as amended by section 1 of part G of chapter 55 of the laws of
37 2022, is amended to read as follows:

38 (b) The sum of one million five hundred thousand dollars must be
39 deposited into the New York state emergency services revolving loan fund
40 annually; provided, however, that such sums shall not be deposited for
41 state fiscal years two thousand eleven--two thousand twelve, two thou-
42 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
43 fifteen, two thousand fifteen--two thousand sixteen, two thousand
44 sixteen--two thousand seventeen, two thousand seventeen--two thousand
45 eighteen, two thousand eighteen--two thousand nineteen, two thousand
46 nineteen--two thousand twenty, two thousand twenty--two thousand twen-
47 ty-one, two thousand twenty-one--two thousand twenty-two, two thousand
48 twenty-two--two thousand twenty-three, ~~and~~ two thousand twenty-three-
49 -two thousand twenty-four, two thousand twenty-four--two thousand twen-
50 ty-five, and two thousand twenty-five--two thousand twenty-six;

51 § 2. This act shall take effect April 1, 2024; provided, however, if
52 this act shall become a law after such date it shall take effect imme-

diately and shall be deemed to have been in full force and effect on and after April 1, 2024.

PART F

Section 1. Legislative purpose. The objective of this act, which shall be referred to as the "New York State Judicial Security Act", is to improve the safety and security of judges of the courts of the unified court system and of the federal courts sitting in New York state and of their immediate families. Greater confidence in their personal safety and security, and in that of their family members, will enable the judiciary to perform its duties fairly without fear of personal reprisal by litigants and others affected by the decisions of judges.

This objective will be accomplished by providing a means by which (i) private information concerning active and former judges and their immediate families can be kept from public display; and (ii) persons, businesses, associations, and public and private agencies having such information can be forbidden from posting it, or sharing or trading it with others.

This act shall be broadly construed to favor protections of the private information of those persons designated hereunder as "eligible individuals".

§ 2. The judiciary law is amended by adding a new article 22-C to read as follows:

ARTICLE 22-C

NEW YORK STATE JUDICIAL SECURITY ACT

Section 859. New York state judicial security act.

§ 859. New York state judicial security act. 1. Definitions. As used in this article:

(a) "Eligible individual" shall mean an actively employed or former:

(i) judge or justice of the unified court system or judge of the housing part of the civil court of the city of New York; or

(ii) a federal judge, which shall include a federal judge or a senior, recalled, or retired federal judge sitting or maintaining chambers in New York, where such federal judge means:

(A) a justice of the United States or a judge of the United States, as those terms are defined in section 451 of title 28, United States Code;

(B) a bankruptcy judge appointed under section 152 of title 28, United States Code;

(C) a United States magistrate judge appointed under section 631 of title 28, United States Code;

(D) a judge confirmed by the United States Senate and empowered by statute in any commonwealth, territory, or possession to perform the duties of a federal judge;

(E) a judge of the United States Court of Federal Claims appointed under section 171 of title 28, United States Code;

(F) a judge of the United States Court of Appeals for Veterans Claims appointed under section 7253 of title 38, United States Code;

(G) a judge of the United States Court of Appeals for the Armed Forces appointed under section 942 of title 10, United States Code;

(H) a judge of the United States Tax Court appointed under section 7443 of the Internal Revenue Code of 1986; or

(I) a special trial judge of the United States Tax Court appointed under section 7443A of the Internal Revenue Code of 1986.

(b) "Immediate family" shall mean, for each eligible individual, the spouse, former spouse, parent, child, and sibling.

1 (c) "Personal information" shall include the following for an eligible
2 individual and, if such individual so indicates as provided in subpara-
3 graph (ii) of paragraph (a) of subdivision two of this section, for the
4 members of their immediate family: (i) home address, including primary
5 residence and secondary residences; (ii) unlisted telephone number;
6 (iii) personal cell phone number; (iv) personal email address; (v)
7 social security number; (vi) driver's license number; (vii) license
8 plate number; (viii) marital status and identity of any present and
9 former spouse; (ix) identity of children under the age of eighteen; (x)
10 name and address of a school or day care facility attended by an immedi-
11 ate family member; (xi) bank account number; (xii) credit or debit card
12 number; and (xiii) personal identification number (PIN).

13 (d) "Cease making public the personal information" of an identified
14 person shall mean deleting, redacting or otherwise removing any existing
15 posting on the internet and any display or publication in any medium
16 accessible to the public containing such personal information and ceas-
17 ing the sharing, trading, or transferring of such personal information
18 with others, as is specified in the written request of the eligible
19 individual on whose behalf the notification is made.

20 (e) "Excluded entity" means a commercial entity engaged in the follow-
21 ing activity:

22 (i) reporting, news-gathering, speaking, or other activity intended to
23 inform the public on matters of public interest or public concern;

24 (ii) using personal information internally, providing access to busi-
25 nesses under common ownership or affiliated by corporate control, or
26 selling or providing data for transaction or service requested by or
27 concerning the individual whose personal information is being trans-
28 ferred;

29 (iii) providing publicly available information via real-time or near
30 real-time alert services for health or safety purposes;

31 (iv) any activity where the commercial entity is a consumer reporting
32 agency subject to the Fair Credit Reporting Act (15 U.S.C. 1681, et
33 seq.);

34 (v) any activity where the commercial entity is a financial institu-
35 tion subject to the Gramm-Leach-Bliley Act (Public Law 106-102) and
36 regulations implementing that Act;

37 (vi) providing 411 directory assistance or directory information
38 services, including name, address, and telephone number, on behalf of or
39 as a function of a telecommunications carrier;

40 (vii) any activity where the commercial entity is subject to the
41 privacy regulations promulgated under section 264(c) of the Health
42 Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320-d
43 note); and

44 (viii) the collection and sale or licensing of personal information
45 incidental to conducting the activities described in this paragraph.

46 (f) "Public agency" shall mean an agency of the state of New York and
47 any of its political subdivisions.

48 2. Written request. (a) An eligible individual or their represen-
49 tative may submit a written request to their employer or former employ-
50 er. To be enforceable, a written request shall be signed by an eligible
51 individual, or their representative, and specify:

52 (i) those items of personal information that the eligible individual
53 wishes to be kept from being made public;

54 (ii) the identity of members of the eligible individual's immediate
55 family and whether, for purposes of the written request, their personal

1 information should be deemed to include that of such immediate family
2 members; and

3 (iii) each person, business, association, and public or private agency
4 that the eligible individual wishes to bar from making public the
5 personal information of such eligible individual.

6 (b) The employer may develop procedures to review and process written
7 requests.

8 (c) (i) If a written request has been properly submitted and is
9 complete, the employer for an active or former judge or justice of the
10 unified court system or active or former judge of the housing part of
11 the civil court of the city of New York, as appropriate, shall, within
12 five business days of receipt of such written request from an eligible
13 individual, notify each person, business, association, and public or
14 private agency identified in the written request that (A) within seven-
15 ty-two hours of receipt of such notification, that such person, busi-
16 ness, association, and public or private agency must cease making public
17 the personal information of the eligible individual identified in such
18 request, and (B) they must make reasonable efforts to ensure that the
19 personal information of the eligible individual is not made available
20 on any website or subsidiary website controlled by that person, busi-
21 ness, or association. For purposes of this subparagraph, notification
22 shall be by certified mail, return receipt requested, either at the
23 recipient's last known residence (if recipient is a person) or at the
24 recipient's principal office (which shall be the location at which the
25 office of the chief executive officer of the recipient is generally
26 located).

27 (ii) If a written request has been properly submitted and is complete,
28 the employer of an active or former federal judge of a federal court
29 established in New York may notify each person, business, association,
30 and public or private agency identified in the written request that (A)
31 within seventy-two hours of receipt of such notification, they must
32 cease making public the personal information of the eligible individual
33 identified in such request, and (B) they must make reasonable efforts to
34 ensure that the personal information of the eligible individual is not
35 made available on any website or subsidiary website controlled by that
36 person, business, or association. For purposes of this subparagraph,
37 notification may be by certified mail, return receipt requested, either
38 at the recipient's last known residence (if the recipient is a person)
39 or at the recipient's principal office (which shall be the location at
40 which the office of the chief executive officer of the recipient is
41 generally located).

42 (iii) Notwithstanding any provision of this paragraph to the contrary,
43 subparagraphs (i) and (ii) of this paragraph shall not apply to:

44 (A) display of the personal information of an eligible individual if
45 such information is relevant to and displayed as part of a news story,
46 commentary, editorial, or other speech on a matter of public concern;

47 (B) personal information that the eligible individual voluntarily
48 publishes after the effective date of this section;

49 (C) personal information received from a public agency or from an
50 agency of the federal government; and

51 (D) permissible uses of personal information pursuant to the Driver's
52 Privacy Protection Act (18 U.S.C. § 2721 et seq.), except that no eligi-
53 ble individual making a written request under this article shall be
54 deemed to have given express consent to share personal information for
55 the purposes of 18 U.S.C. § 2721(b), unless the written request contains
56 an express declaration to the contrary.

3. Recipient of notification not to make an eligible individual's personal information public. After a person, business, association, or public or private agency has received a notification pursuant to paragraph (c) of subdivision two of this section, they shall have seventy-two hours to cease making public the personal information of the eligible individual identified in such notification.

4. (a) An eligible individual may seek an injunction or declaratory relief in a court of competent jurisdiction against a person, business, association, or public or private agency that, after receiving a notification pursuant to paragraph (c) of subdivision two of this section, fails to timely comply with the requirements of such notification. If the court grants such injunctive or declaratory relief, the affected person, business, association, or agency shall be required to pay the eligible individual's costs and reasonable attorney's fees.

(b) Upon a violation of any order granting injunctive or declarative relief obtained pursuant to this subdivision, the court issuing such order may: (i) where the violator is a public agency, impose a fine not exceeding one thousand dollars and require the payment of court costs and reasonable attorney's fees; or (ii) where the violator is a person, business, association, or private agency, award damages to the affected eligible individual in an amount up to a maximum of three times the actual damages, but not less than four thousand dollars, and require the payment of court costs and reasonable attorney's fees.

5. Notwithstanding any other provision of law, where the department of motor vehicles receives a notification pursuant to paragraph (c) of subdivision two of this section, such department shall comply therewith except that, where the notification requires the department to cease making a person's address public, the department may make their business address public.

§ 3. Section 120.09 of the penal law, as added by chapter 148 of the laws of 2011, is amended to read as follows:
§ 120.09 Assault on a judge.

A person is guilty of assault on a judge when, with intent to ~~cause serious physical injury and~~ prevent a judge from performing official judicial duties, ~~he or she~~ such person causes serious physical injury to such judge. For the purposes of this section, the term judge shall mean a judge of a court of record or a justice court.

Assault on a judge is a class C felony.

§ 4. The penal law is amended by adding a new section 120.09-a to read as follows:

§ 120.09-a Aggravated assault on a judge.

A person is guilty of aggravated assault on a judge when, with intent to cause serious physical injury and prevent a judge from performing official judicial duties, such person causes serious physical injury to such judge. For the purposes of this section, the term judge shall mean a judge of a court of record or a justice court.

Aggravated assault on a judge is a class B felony.

§ 5. The penal law is amended by adding a new section 240.33 to read as follows:

§ 240.33 Aggravated harassment of a judge.

A person is guilty of aggravated harassment of a judge when:

1. With intent to harass another person, the actor either:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or

1 reasonably should know is a judge, or a member of such judge's immediate
2 family, and the actor knows or reasonably should know that such communi-
3 cation will cause such judge to reasonably fear harm to such judge's
4 physical safety or property, or to the physical safety or property of a
5 member of such judge's immediate family; or

6 (b) causes a communication to be initiated anonymously or otherwise,
7 by telephone, by computer or any other electronic means, or by mail, or
8 by transmitting or delivering any other form of communication, a threat
9 to cause physical harm to, or unlawful harm to the property of, a person
10 the actor knows or reasonably should know is a judge, or a member of
11 such judge's immediate family, and the actor knows or reasonably should
12 know that such communication will cause such judge to reasonably fear
13 harm to such person's physical safety or property, or to the physical
14 safety or property of a member of such judge's immediate family; or

15 2. With intent to harass or threaten a person the actor knows or
16 reasonably should know is a judge or a member of such judge's immediate
17 family, the actor makes a telephone call, whether or not a conversation
18 ensues, with no purpose of legitimate communication; or

19 3. With the intent to harass, annoy, threaten or alarm a person the
20 actor knows or reasonably should know is a judge or a member of such
21 judge's immediate family, the actor strikes, shoves, kicks, or otherwise
22 subjects another person to physical contact, or attempts or threatens to
23 do the same because of a belief or perception regarding such person's
24 race, color, national origin, ancestry, gender, gender identity or
25 expression, religion, religious practice, age, disability or sexual
26 orientation, regardless of whether the belief or perception is correct;
27 or

28 4. With the intent to harass, annoy, threaten or alarm a person the
29 actor knows or reasonably should know is a judge or a member of such
30 judge's immediate family, the actor strikes, shoves, kicks or otherwise
31 subjects another person to physical contact thereby causing physical
32 injury to such person or to an immediate family member of such person;
33 or

34 5. The actor commits the crime of harassment in the first degree
35 against a person the actor knows or reasonably should know is a judge or
36 a member of such judge's immediate family and has previously been
37 convicted of the crime of harassment in the first degree as defined by
38 section 240.25 of this article within the preceding ten years.

39 For purposes of this section: "judge" shall mean a judge of a court of
40 record or a justice court; and "immediate family" shall have the same
41 meaning as defined in section 120.40 of this chapter.

42 Aggravated harassment of a judge is a class E felony.

43 § 6. Section 3-220 of the election law is amended by adding a new
44 subdivision 8 to read as follows:

45 8. Where a board of elections receives a notification pursuant to
46 paragraph (c) of subdivision two of section eight hundred fifty-nine of
47 the judiciary law, such board of elections shall comply with such
48 notification, except that where the notification requires the board of
49 elections to cease making a person's address public, such board shall
50 not comply therewith from the date of filing of any ballot access or
51 related document containing such address until thirty days after the
52 last day to commence a special proceeding or action with respect to such
53 filing.

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

1

PART G

2 Section 1. Section 8 of the cannabis law is amended to read as
3 follows:

4 § 8. Establishment of an office of cannabis management. There is here-
5 by established, within the division of alcoholic beverage control, an
6 independent office of cannabis management, which shall have exclusive
7 jurisdiction to exercise the powers and duties provided by this chapter,
8 except as expressly authorized in sections sixteen-a of this article and
9 one hundred thirty-one of this chapter. The office shall exercise its
10 authority by and through an executive director.

11 § 2. Subdivision 8 of section 10 of the cannabis law, as amended by
12 section 9 of part UU of chapter 56 of the laws of 2023, is amended to
13 read as follows:

14 8. To conduct regulatory inspections [~~during normal business hours~~] of
15 any place of business, including a vehicle used for such business, where
16 medical cannabis, adult-use cannabis, cannabis, cannabis product, canna-
17 binoid hemp, hemp extract products, or any products marketed or labeled
18 as such, are cultivated, processed, stored, distributed or sold by any
19 person holding a registration, license, or permit under this chapter, or
20 by any person who is engaging in activity for which a license would be
21 required under this chapter. For the purposes of this subdivision,
22 "place of business" shall not include a residence or other real property
23 not otherwise held out as open to the public or otherwise being utilized
24 in a business or commercial manner or any private vehicle on or about
25 the same such property, unless probable cause exists to believe that
26 such residence, real property, or vehicle are being used in such busi-
27 ness or commercial manner for the activity described herein.

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

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

44 5. To conduct regulatory inspections [~~during normal business hours~~] of
45 any registered, licensed or permitted place of business, including a
46 vehicle used for such business, where medical cannabis, adult-use canna-
47 bis, cannabinoid hemp, hemp extract products, or any products marketed
48 or labeled as such, are cultivated, processed, stored, distributed or
49 sold. For the purposes of this subdivision, "place of business" shall
50 not include a residence or other real property not otherwise held out as
51 open to the public or otherwise being utilized in a business or commer-
52 cial manner or any private vehicle on or about the same such property,
53 unless probable cause exists to believe that such residence, real prop-
54 erty, or vehicle are being used in such business or commercial manner
55 for the activity described herein.

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

7. Any request for a temporary closing order or a temporary restraining order to be issued without notice in connection with an action or proceeding brought pursuant to this section or section sixteen-a of this article or section one hundred thirty-eight-a of this chapter may be filed under temporary seal pending order of the court granting or refusing a preliminary injunction and until further order of the court, and the clerk shall provide a sealed index number upon request of the office or the attorney general. If temporary sealing cannot be implemented via the court's electronic filing system, such action or proceeding shall be permitted by the court to be filed through hard copy.

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

§ 16-a. Emergency relief. Following service of [~~a notice of violation and~~] an order issued by the office of cannabis management requiring immediate cessation of unlicensed activity under this chapter, by a local government pursuant to a local law authorized by section one hundred thirty-one of this chapter or pursuant to an order issued under section 7-552 of the administrative code of the city of New York, the office of cannabis management, or the attorney general, at the request of and on behalf of the office, or any county attorney, corporation counsel, or local government authorized pursuant to subdivision eight of this section to bring and maintain a civil proceeding in accordance with the procedures set forth in this section, may bring and maintain a civil proceeding in the supreme court of the county in which the building or premises is located to permanently enjoin such unlicensed activity when conducted, maintained, or permitted in such building or premises, occupied as a place of business as described in subdivision eight of section ten of this chapter, in violation of subdivision one or one-a of section one hundred twenty-five of this chapter or subdivision eight of section one hundred thirty-two of this chapter, which shall constitute an unlicensed activity that presents a danger to the public health, safety, and welfare, and shall also enjoin the person or persons conducting or maintaining such unlicensed activity, in accordance with the following procedures:

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

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

(c) In rem jurisdiction shall be complete over the building or premises wherein the unlicensed activity is being conducted, maintained, or permitted by affixing the notice of petition or order to show cause to the door of the building or premises and by mailing the notice of petition or order to show cause by certified or registered mail, return receipt requested, to one of the owners of some part of or interest in the property. Proof of service shall be filed within two days thereafter with the clerk of the court designated in the notice of petition or as

1 set by the court in the order to show cause. In any county where e-fil-
2 ing is unavailable, proof of service may be mailed to the clerk. Service
3 shall be complete upon such filing or mailing.

4 (d) Defendants, other than the building or premises wherein the unli-
5 censed activity is being conducted, maintained, or permitted, shall be
6 served with the notice of petition or order to show cause as provided in
7 the civil practice law and rules or pursuant to court order. No more
8 than thirty days prior to such service, the office shall mail a copy, by
9 certified mail, of any [~~prior notice of violation or letter or~~] order to
10 cease and desist relating to the unlicensed activity at the building or
11 premises to the person in whose name the real estate affected by the
12 proceeding is recorded in the office of the city register or the county
13 clerk, as the case may be, who shall be presumed to be the owner there-
14 of. Such mailing shall constitute notice to the owner and shall be
15 deemed to be complete upon such mailing by the office as provided above.
16 No more than fifteen days prior to such service, the office, [~~or~~] the
17 attorney general, at the request of and on behalf of the office of
18 cannabis management, or any local government authorized pursuant to
19 subdivision eight of this section shall verify the ongoing occupancy of
20 any natural person who is a tenant of record and alleged to have caused
21 or permitted the unlicensed activity in the building or premises wherein
22 the unlicensed activity is alleged to have been conducted, maintained,
23 or permitted. [~~If at any time such defendants vacate such building or~~
24 ~~premises, any action or proceeding filed in accordance with these proce-~~
25 ~~dures relating to such building or premises shall be withdrawn.~~]

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

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

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

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

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

53 (ii) If the responding party is a partnership, limited liability part-
54 nership, limited liability company, or other unincorporated association,
55 including a for profit or not-for-profit membership organization or
56 club, the information required pursuant to subparagraph (i) of this

1 paragraph for each of its partners or members, as well as the state or
2 other jurisdiction of its formation;

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

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

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

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

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

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

51 3. Temporary closing order. (a) If, on a motion for a preliminary
52 injunction alleging unlicensed activity as described in this section in
53 a building or premises used for commercial purposes only, the office or
54 the attorney general demonstrates by clear and convincing evidence that
55 such unlicensed activity is being conducted, maintained, or permitted
56 and that the public health, safety, or welfare immediately requires a

temporary closing order, a temporary order closing such part of the building or premises wherein such unlicensed activity is being conducted, maintained, or permitted may be granted without notice, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Any such closing order may also include a preservation order authorizing issuance of subpoenas to third parties to preserve all off site electronic business records. Upon granting a temporary closing order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but no later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within [~~three~~] four business days after the conclusion of the hearing.

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

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

(d) No temporary closing order shall be issued against any building or premises where, in addition to the unlicensed activity which is alleged, activity that is licensed or otherwise lawful remains in place, unless the licensed or otherwise lawful activity is a de minimis part of the business. In addition, no temporary closing order shall be issued against any building or premises which is used in part as residence and pursuant to local law or ordinance is zoned and lawfully occupied as a residence.

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

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

1 agent, employee, or other representative of the defendant business pres-
2 ent at the time the temporary restraining order is effectuated.

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

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

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

27 (d) The police officer or peace officer serving a temporary closing
28 order shall, upon service of the order, command all persons present in
29 the building or premises to vacate the premises forthwith. Upon the
30 building or premises being vacated, the premises shall be securely
31 locked and all keys delivered to the officer serving the order who ther-
32 eafter ~~[shall]~~ may deliver the keys to the fee owner, lessor, or lessee
33 of the building or premises involved. If the fee owner, lessor, or
34 lessee is not at the building or premises when the order is being
35 executed, the officer shall securely padlock the premises and retain the
36 keys until the fee owner, lessor, or lessee of the building is ascer-
37 tained, in which event, the officer ~~[shall]~~ may deliver the keys to such
38 owner, lessor, or lessee or retain them pending further order of the
39 court.

40 (e) Upon service of a temporary closing order or a temporary restrain-
41 ing order, the police officer or peace officer shall post a copy thereof
42 in a conspicuous place or upon one or more of the principal doors at
43 entrances of such premises where the unlicensed activity is being
44 conducted, maintained, or permitted. In addition, where a temporary
45 closing order has been granted, the officer shall affix, in a conspicu-
46 ous place or upon one or more of the principal doors at entrances of
47 such premises, a printed notice that the premises have been closed by
48 court order, which notice shall contain the legend "closed by court
49 order" in block lettering of sufficient size to be observed by anyone
50 intending or likely to enter the premises, the date of the order, the
51 court from which issued, and the name of the officer or agency posting
52 the notice. In addition, where a temporary restraining order has been
53 granted, the police officer or peace officer shall affix, in the same
54 manner, a notice similar to the notice provided for in relation to a
55 temporary closing order except that the notice shall state that certain
56 described activity is prohibited by court order and that removal of

1 property is prohibited by court order. Mutilation or removal of such a
2 posted order or such a posted notice while it remains in force, in addi-
3 tion to any other punishment prescribed by law, shall be punishable, on
4 conviction, by a fine of not more than five thousand dollars or by
5 imprisonment not exceeding ninety days, or by both, provided such order
6 or notice contains therein a notice of such penalty. Any police officer
7 or peace officer with jurisdiction may, upon the request of the office,
8 assist in the enforcement of this section.

9 6. Temporary closing order; temporary restraining order; defendant's
10 remedies. (a) A temporary closing order or a temporary restraining order
11 ~~[shall]~~ may be vacated, upon notice to the office and to any county
12 attorney, corporation counsel, or local government that may have been
13 authorized pursuant to subdivision eight of this section to bring and
14 maintain the proceeding in accordance with the procedures set forth in
15 this section, if ~~[the]~~ a defendant who is the fee owner, lessor, or
16 lessee of the building or premises shows by affidavit and such other
17 proof as may be submitted that the unlicensed activity within the scope
18 of this chapter has been abated and that they are also not affiliated
19 with the person who is conducting the unlicensed activity. An order
20 vacating a temporary closing order or a temporary restraining order
21 shall include a provision authorizing the office, or any county attor-
22 ney, corporation counsel, or local government, as applicable, to inspect
23 the building or premises which is the subject of a proceeding pursuant
24 to this subdivision, periodically without notice, during the pendency of
25 the proceeding for the purpose of ascertaining whether or not the unli-
26 censed activity has been resumed. Any police officer or peace officer
27 with jurisdiction may, upon the request of the office, assist in the
28 enforcement of an inspection provision of an order vacating a temporary
29 closing order or temporary restraining order.

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

48 7. Permanent injunction. (a) A judgment awarding a permanent injunc-
49 tion pursuant to this chapter shall direct that any illicit cannabis,
50 cannabis product, cannabinoid hemp or hemp extract product, or any prod-
51 uct marketed or labeled as such seized shall be turned over to the
52 office of cannabis management or their authorized representative. The
53 judgment may further direct any police officer or peace officer with
54 jurisdiction to seize and remove from the building or premises all mate-
55 rial, equipment, and instrumentalities used in the creation and mainte-
56 nance of the unlicensed activity and shall direct the sale by the sher-

1 iff of any such property in the manner provided for the sale of personal
2 property under execution pursuant to the provisions of the civil prac-
3 tice law and rules, if the estimated value of the property exceeds the
4 estimated lawful expenses of such sale, or the disposal of the property
5 if the estimated value of the property does not exceed the estimated
6 lawful expenses of such sale. The net proceeds of any such sale, after
7 deduction of the lawful expenses involved, shall be paid to the general
8 fund of the state.

9 (b) A judgment awarding a permanent injunction pursuant to this chap-
10 ter may direct the closing of the building or premises by any police
11 officer or peace officer with jurisdiction to the extent necessary to
12 abate the unlicensed activity and shall direct any police officer or
13 peace officer with jurisdiction to post a copy of the judgment and a
14 printed notice of such closing conforming to the requirements of this
15 chapter. The closing directed by the judgment shall be for such period
16 as the court may direct but in no event shall the closing be for a peri-
17 od of more than one year from the posting of the judgment provided for
18 in this section. If the owner shall file a bond in the value of the
19 property ordered to be closed and submits proof to the court that the
20 unlicensed activity has been abated and will not be created, maintained,
21 or permitted for such period of time as the building or premises has
22 been directed to be closed in the judgment, and also submits proof that
23 they are also not affiliated with the person who is conducting the unli-
24 censed activity, the court may vacate the provisions of the judgment
25 that direct the closing of the building or premises. A closing by a
26 police officer or peace officer with jurisdiction pursuant to the
27 provisions of this section shall not constitute an act of possession,
28 ownership, or control by such police officer or peace officer of the
29 closed premises.

30 (c) Upon the request of the office of cannabis management or its
31 authorized representative, or any county attorney, corporation counsel,
32 or local government authorized pursuant to subdivision eight of this
33 section to bring and maintain a civil proceeding in accordance with the
34 procedures set forth in this section, any police officer or peace offi-
35 cer with jurisdiction may assist in the enforcement of a judgment award-
36 ing a permanent injunction entered in a proceeding brought pursuant to
37 this chapter.

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

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

54 8. Civil proceedings. In addition to the authority granted in this
55 section to the office of cannabis management and the attorney general,
56 any county attorney, corporation counsel, or local government in which

1 such building or premises is located may, seven days or more after
2 providing notice to the office of cannabis management [~~grants permission~~
3 ~~in writing~~], bring and maintain a civil proceeding in the supreme court
4 of the county in which the building or premises is located to permanent-
5 ly enjoin the unlicensed activity described in this section and the
6 person or persons conducting or maintaining such unlicensed activity, in
7 accordance with the procedures set forth in this section. The office
8 shall be permitted to intervene as of right in any such proceeding. Any
9 such governmental entity which obtains a permanent injunction pursuant
10 to this chapter shall be awarded, in addition to the costs and disburse-
11 ments allowed by the civil practice law and rules, upon satisfactory
12 proof by affidavit or such other evidence as may be submitted, any
13 penalties awarded pursuant to paragraph (i) of subdivision one or para-
14 graph (e) of subdivision five of this section and the actual costs,
15 expenses and disbursements in bringing and maintaining the proceeding.
16 The authority provided by this subdivision shall be in addition to, and
17 shall not be deemed to diminish or reduce, any rights of the parties
18 described in this section [~~under existing law~~] for any violation pursu-
19 ant to this chapter or any other law.

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

23 3. Notice and right of hearing as provided in the state administrative
24 procedure act shall be served at least fifteen days prior to the date of
25 the hearing, provided that, whenever because of danger to the public
26 health, safety or welfare it appears prejudicial to the interests of the
27 people of the state to delay action for fifteen days or with respect to
28 a violation of subdivision one or one-a of section one hundred twenty-
29 five of this chapter, the board may serve the respondent with an order
30 requiring certain action [~~or~~], the cessation of certain activities, or
31 the sealing of a premises immediately or within a specified period of
32 less than fifteen days, in accordance with the provisions of this chap-
33 ter. Whenever a notice of violation or order has been served, including
34 an order to seal, the respondent shall be provided an opportunity to
35 request a hearing pursuant to the procedures established by the office
36 and in accordance with the state administrative procedure act and the
37 provisions of this chapter.

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

41 5. Upon a demand by the office, a respondent shall furnish to the
42 office, within five days after a demand, or sooner if the hearing is
43 scheduled less than five days from the date of demand, a verified state-
44 ment setting forth:

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

52 (b) If the respondent is a partnership, limited liability partnership,
53 limited liability company, or other unincorporated association, includ-
54 ing a for profit or not-for-profit membership organization or club, the
55 information required pursuant to paragraph (a) of this subdivision for

1 all of its partners or members, as well as the state or other jurisdic-
2 tion of its formation;

3 (c) If the respondent is a corporation, its state or other jurisdic-
4 tion of incorporation, principal place of business, and any state or
5 other jurisdiction of which the respondent is a citizen;

6 (d) If the respondent is not an individual, in addition to any infor-
7 mation provided pursuant to paragraphs (b) and (c) of this subdivision,
8 and to the extent not previously provided, each beneficial owner of the
9 respondent by: (i) full legal name; (ii) date of birth; (iii) current
10 home or business street address; and (iv) a unique identifying number
11 from: (1) an unexpired passport; (2) an unexpired state driver's
12 license; or (3) an unexpired identification card or document issued by a
13 state or local government agency or tribal authority for the purpose of
14 identification of that individual. As used in this section, the term
15 "beneficial owner" shall have the same meaning as defined in 31 U.S.C. §
16 5336(a)(3), as amended, and any regulations promulgated thereunder.

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

24 § 8. Subdivision 8 of section 17 of the cannabis law, as amended by
25 section 13 of part UU of chapter 56 of the laws of 2023, and as renun-
26 bered by section seven of this act, is amended to read as follows:

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

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

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

43 1-b. Any activity conducted in violation of subdivision one or one-a
44 of this section presents a danger to public health, safety, and welfare.

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

47 3. (a) As used in this subdivision and for purposes of any local law
48 adopted pursuant to it, the following terms shall have the following
49 meanings: "person" shall have the meaning provided for in subdivision
50 forty-a of section three of this chapter; "unlicensed activity" shall
51 refer only to unlawfully selling cannabis, cannabis product, or any
52 product marketed or labeled as such without obtaining the appropriate
53 registration, license, or permit therefor, or engaging in an indirect
54 retail sale; "indirect retail sale" shall have the meaning provided for
55 in subdivision forty-six-a of section three of this chapter, except that
56 it shall not include cannabinoid hemp or hemp extract product; "place of

1 business" shall not include a residence or other real property not
2 otherwise held out as open to the public or otherwise being utilized in
3 a business or commercial manner, or any vehicle associated with the
4 business, unless probable cause exists to believe that such residence,
5 real property, or vehicle, is being used in such business or commercial
6 manner for the unlicensed activity.

7 (b) Any county or city may adopt a local law authorizing an officer or
8 agency to conduct regulatory inspections of any place of business
9 located within the county or city, including a vehicle used for such
10 business, not listed on the directory maintained by the office pursuant
11 to subdivision thirteen of section eleven of this chapter. Any such
12 regulatory inspection shall only occur during the operating hours of a
13 place of business and be conducted for purposes of civil administrative
14 enforcement with respect to premises lacking applicable registrations,
15 licenses or permits issued pursuant to this chapter, and in furtherance
16 of its purposes, provided that nothing herein shall limit any enforce-
17 ment action under law when illegal activity is observed or occurs during
18 such inspection.

19 (c) A local law adopted by a county authorizing regulatory inspections
20 shall not apply in any city included within the boundaries of such coun-
21 ty that adopts a local law authorizing regulatory inspections within
22 such city.

23 (d) The local law adopted by a county or a city pursuant to this
24 subdivision shall also:

25 (i) require procedures sufficient to ensure that any regulatory
26 inspections are conducted in a reasonable manner, are administrative in
27 nature, designed to detect administrative violations, in furtherance of
28 the regulatory scheme established pursuant to this section, and designed
29 to guarantee certainty and regularity of application;

30 (ii) designate a local official who shall serve as the liaison to the
31 office and who shall: (1) be required to ensure that updates to the
32 directory are immediately incorporated into the local inspection proc-
33 ess, coordinate with the office on efforts to inspect such unlicensed
34 businesses and related local enforcement efforts; (2) send bi-weekly
35 reports to the office in a manner and format prescribed by the office
36 detailing recent enforcement efforts, including information regarding
37 the number and location of inspections conducted, notices of violation
38 issued, and orders to seal issued and executed, and the amount and
39 nature of the cannabis, cannabis products, or products marketed as such
40 seized; and (3) serve as the primary contact for the office in
41 connection with the office's training program and the sharing of materi-
42 als made available to counties and cities with regard to the inspection
43 and enforcement of unlicensed cannabis businesses;

44 (iii) be filed with the office, as well as any procedures or regu-
45 lations promulgated pursuant to the local law. Notwithstanding the
46 effective date of any such local law, the local law shall not become
47 effective until ten days after it is filed with the office;

48 (iv) establish a system for receiving complaints of such unlicensed
49 activity by any business within the county or city, as the case may be;

50 (v) provide that any person who engages in the unlawful sale of canna-
51 bis, cannabis product, or any product marketed or labeled as such, or in
52 indirect retail sales, shall be subject to a civil penalty of not less
53 than one hundred dollars and not more than ten thousand dollars for each
54 day during which such violation continues, with a maximum penalty of no
55 more than twenty-five thousand dollars. The penalty provided for in this
56 subparagraph may be recovered by an action or proceeding in a court of

1 competent jurisdiction brought by the county or city to enforce the
2 notice of violation referred to in clause one of subparagraph (vi) of
3 this paragraph; and

4 (vi) provide that the officer or agency designated to conduct regula-
5 tory inspections of any place of business not listed on the directory
6 maintained by the office shall have the authority to:

7 (1) issue a notice of violation and order to cease unlicensed activity
8 setting forth the nature of the unlawful conduct along with any fines or
9 penalties for such conduct in amounts not to exceed the fines set forth
10 in subparagraph (v) of this paragraph and order any person who is unlaw-
11 fully selling cannabis, cannabis product, or any product marketed or
12 labeled as such without obtaining the appropriate registration, license,
13 or permit therefor, or engaging in indirect retail sale, to cease such
14 prohibited conduct, provided that any such notice of violation and order
15 to cease unlicensed activity may only be issued against the business
16 that is conducting the unlicensed activity or an individual owner of the
17 business. Any notice of violation and order to cease unlicensed activity
18 shall be served by delivery of the order to the owner of the business or
19 other person of suitable age or discretion in actual or apparent control
20 of the premises at the time of the inspection and shall be posted at the
21 building or premises that have been sealed, secured and closed. A copy
22 of the order shall also be mailed to any address for the owner of the
23 business at any address provided by the person to whom such order was
24 delivered pursuant to this paragraph;

25 (2) seize any cannabis, cannabis product, or any product marketed or
26 labeled as such, found in the possession of a person engaged in the
27 conduct described in clause one of this subparagraph and in their place
28 of business, including a vehicle used for such business, providing that
29 the business that is conducting the unlicensed activity or an individual
30 owner of the business, maintain documentation of the chain of custody of
31 such seized products, and ensure that such products are properly stored,
32 catalogued, and safeguarded until such time as they may properly be
33 destroyed by the county or the city;

34 (3) issue an order to seal the building or premises of any business
35 engaged in unlicensed activity, when such activity is conducted, main-
36 tained, or permitted in such building or premises, occupied as a place
37 of business subject to the procedures and requirements set forth in this
38 subparagraph:

39 A. The officer or agency may issue an order to seal with an immediate
40 effective date if such order is based upon a finding by the officer or
41 agency of an imminent threat to the public health, safety, and welfare.

42 B. Any order to seal shall be served by delivery of the order to the
43 owner of the business or other person of suitable age or discretion in
44 actual or apparent control of the premises at the time of the inspection
45 and shall be posted at the building or premises that have been sealed,
46 secured and closed. A copy of the order shall also be mailed to any
47 address for the owner of the business provided by the person to whom
48 such order was delivered pursuant to this paragraph. The order shall
49 remain in effect pending a hearing and final determination of a court,
50 or until such order is vacated by the officer or agency pursuant to the
51 local law adopted pursuant to this subdivision. An order to seal shall
52 explicitly state that a request for a hearing may be submitted in writ-
53 ing to the corporation counsel or to the county attorney as applicable
54 within seven days. Upon receiving such a request for a hearing, the
55 corporation counsel or county attorney shall file a copy of the request

1 with the clerk of the city court or county court in the city or county
2 where the building or premises is located.

3 C. The court that receives notice of a request for a hearing from a
4 corporation counsel or a county attorney shall fix the date of such
5 hearing no later than three business days from the date such notice is
6 received by the court and provide notice to the parties of the date,
7 time, and location of the hearing. Upon such date, or upon such other
8 date to which the proceeding may be adjourned by agreement of the
9 parties, the court shall hear testimony and receive evidence presented
10 by the parties. The city or county, as applicable, and the person that
11 requested the hearing shall be parties to the proceeding. Within four
12 business days of the conclusion of the hearing, the court shall make a
13 determination as to: (i) whether the person upon which the order to seal
14 was issued was engaged in unlicensed activity, (ii) if the person is
15 found to have engaged in unlicensed activity, then whether such unli-
16 censed activity presents an imminent threat to public health, safety and
17 welfare according to subdivision four of section one hundred thirty-
18 eight-b of this article, and (iii) whether the unlicensed activity as
19 described in this section is more than a de minimis part of the business
20 activity on the premises or in the building to be sealed pursuant to
21 the order. However, when an order to seal has been issued upon a second
22 or subsequent inspection in which unlicensed activity is confirmed to be
23 continuing more than ten calendar days after a notice of violation and
24 order to cease unlicensed activity was previously issued, the court need
25 only determine: (i) whether the person upon which the order to seal was
26 issued was engaged in unlicensed activity; (ii) whether a notice of
27 violation and order to cease unlicensed activity had been issued eleven
28 or more days prior to the issuance of the order to seal; and (iii)
29 whether the order to seal was issued in compliance with paragraph (a) of
30 subdivision six of section one hundred thirty-eight-b of this article.
31 If the court determines that an order to seal was not properly issued,
32 the court shall vacate such order. If the court is satisfied that an
33 order to seal was properly issued, the court may render a judgment
34 affirming the issuance of an order to seal, and direct the closing of
35 the building or premises by any police officer or peace officer with
36 jurisdiction to the extent necessary to abate the unlicensed activity
37 and shall direct any police officer or peace officer with jurisdiction
38 to post a copy of the judgment and a printed notice of such closing
39 conforming to the requirements of this chapter. The closing directed by
40 the judgment shall be for such period as the court may direct but in no
41 event shall the closing be for a period of more than one year from the
42 posting of the judgment provided for in this section. Failure of a party
43 that requested a hearing to appear at the hearing will result in a
44 default and order of sealing to remain in effect for such period as the
45 court may direct but in no event shall the order be in effect for a
46 period of more than one year from the posting of the judgment unless
47 otherwise vacated pursuant to the local law adopted pursuant to this
48 subdivision.

49 D. The local law adopted pursuant to this subdivision shall include,
50 without alteration the provisions of subdivisions four through twelve of
51 section one hundred thirty-eight-b of this article. Any provisions
52 adopted by a local law to the contrary shall be considered specifically
53 preempted by this paragraph, provided however that a county or city
54 shall be permitted to substitute the officer or agency authorized by the
55 county or city to conduct regulatory inspections pursuant to this
56 subsection for any reference to the office or board;

1 (4) seek injunctive relief against any person engaging in conduct in
2 violation of this section, including through an action pursuant to
3 section sixteen-a of this chapter.

4 (e) Upon a demand by the county or city, a respondent or defendant
5 shall provide to the county or city prior to a hearing pursuant to
6 subparagraph (v) of paragraph (d) of this subdivision or an order to
7 seal pursuant to clause three of subparagraph (vi) of paragraph (d) of
8 this subdivision, within five days after a demand or sooner if a hearing
9 is scheduled less than five days from the date of demand, a verified
10 statement setting forth:

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

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

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

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

39 (f) Notwithstanding any provision to the contrary in this section, a
40 city with a population of more than one million may enforce any
41 violations, orders to cease, and orders to seal related to unlicensed
42 activity through an administrative hearing process.

43 § 11. Title 7 of the administrative code of the city of New York is
44 amended by adding a new chapter 5-A to read as follows:

45 CHAPTER 5-A

46 CANNABIS ENFORCEMENT

47 Section 7-551 Cannabis law violation.

48 7-552 Local authority respecting unlicensed cannabis businesses.

49 7-553 Local authority.

50 § 7-551 Cannabis law violation. a. Any person who engages in any
51 conduct prohibited by subdivision one or one-a of section one hundred
52 twenty-five of the cannabis law, except to the extent that such subdivi-
53 sions apply to cultivation, processing, cannabinoid hemp or hemp extract
54 products, or subdivision one or eight of section one hundred thirty-two
55 of the cannabis law, except as to the extent that such subdivisions
56 shall apply to cultivation, shall be subject to a civil penalty of not

1 less than one hundred dollars and not more than ten thousand dollars for
2 each day during which such violation continues, with a maximum penalty
3 of no more than twenty-five thousand dollars with respect to each civil
4 summons, provided that any notice of violation and penalty may only be
5 issued against the business that is conducting the unlicensed activity
6 or an individual owner of the business. Upon default by reason of fail-
7 ure to appear on a designated hearing date or a subsequent date follow-
8 ing an adjournment, the penalty shall be ten thousand dollars with
9 respect to each civil summons.

10 b. This section may be enforced by the office of the city sheriff.

11 c. Violations of this section may be adjudicated in a proceeding
12 before the office of administrative trials and hearings pursuant to
13 chapter forty-five-A of the charter, and may be adjudicated by any divi-
14 sion or tribunal designated by such office. Any decision of such office
15 imposing a civil penalty, whether the adjudication was had by hearing or
16 upon default or otherwise, shall constitute a judgment which may be
17 entered by such office in the civil court of the city of New York or any
18 other place provided for the entry of civil judgments within the state
19 and may be enforced without court proceedings in the same manner as the
20 enforcement of money judgments entered in civil actions; provided,
21 however, that no such judgment shall be entered which exceeds the sum of
22 twenty-five thousand dollars, and that the terms and limitations appli-
23 cable to entry of final orders imposing penalties pursuant to section
24 one thousand forty-nine-a of the charter shall apply to entry of final
25 orders imposing penalties pursuant to this subdivision; provided
26 further, that clause (i) of subparagraph (a) of paragraph two of subdi-
27 vision d of such section may be utilized in connection with service of
28 civil summonses notwithstanding any inconsistent provision of such
29 clause; and provided still further, that such terms and limitations
30 shall not be deemed conditions upon the service or enforcement of orders
31 of the office of the city sheriff, or of civil summonses other than as a
32 condition of entry as judgments pursuant to this subdivision.

33 d. The office of the city sheriff may move to amend any judgment to
34 designate a judgment debtor by the correct legal name in accordance with
35 rules promulgated by the office of administrative trials and hearings.

36 e. Prior to a hearing, a respondent shall furnish to the office of the
37 city sheriff, within five days after a demand, or sooner if practicable
38 where the hearing is scheduled less than five days from the date of
39 demand, a verified statement setting forth the information specified in
40 subdivision five of section seventeen of the cannabis law.

41 f. As used in this section and section 7-552, the following terms
42 shall have the following meanings: "unlicensed activity" shall refer
43 only to unlawfully selling cannabis, cannabis product, or any product
44 marketed or labeled as such without obtaining the appropriate registra-
45 tion, license, or permit therefor, or engaging in an indirect retail
46 sale; "indirect retail sale" shall have the meaning provided for in
47 subdivision forty-six-a of section three of the cannabis law, except
48 that it shall not include cannabinoid hemp or hemp extract product.

49 § 7-552 Local authority respecting unlicensed cannabis businesses. a.
50 The office of the city sheriff shall have the authority to conduct regu-
51 latory inspections of any place of business, including a vehicle used
52 for such business, where cannabis, cannabis product, or any products
53 marketed or labeled as such, are sold, or offered to be sold, where no
54 registration, license, or permit has been issued pursuant to the canna-
55 bis law. For the purposes of this subdivision, "place of business" shall
56 not include a residence or other real property not otherwise held out as

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

6 1. only occur during the operating hours of a place of business;

7 2. be conducted for purposes of civil administrative enforcement with
8 respect to premises lacking applicable registrations, licenses or
9 permits issued pursuant to the cannabis law, and in furtherance of the
10 purposes of such law, provided that nothing herein shall limit any
11 enforcement action under law when illegal activity is observed or occurs
12 during such inspection; and

13 3. be in accordance with procedures sufficient to ensure that any
14 regulatory inspections are conducted in a reasonable manner, and that
15 such procedures are administrative in nature, designed to detect admin-
16 istrative violations, in furtherance of the regulatory scheme estab-
17 lished pursuant to this section, and designed to guarantee certainty and
18 regularity of application.

19 b. The office of the city sheriff shall have the authority to:

20 1. Order any person who is engaged in conduct prohibited by section
21 7-551 to cease such prohibited conduct, provided that any such order to
22 cease may only be issued against the business that is conducting the
23 unlicensed activity or an individual owner of the business;

24 2. Issue and execute an order to seal a building or premises where any
25 person is engaged in conduct prohibited by section 7-551 and which
26 either poses an imminent threat as described in subdivision four of
27 section one hundred thirty-eight-b of the cannabis law or satisfies the
28 conditions set forth in subdivision five of such section with respect to
29 continuation of unlicensed activity upon a subsequent inspection. Such
30 order to seal shall be served in the same manner as section one hundred
31 thirty-eight-b of the cannabis law. Such order to seal shall be refer-
32 enced in the civil summons issued pursuant to section 7-551. When such
33 an order and civil summons have been issued, the office of the city
34 sheriff shall have the same powers, authorities, and responsibilities as
35 provided to the office of cannabis management pursuant to applicable
36 provisions of section one hundred thirty-eight-b of the cannabis law not
37 inconsistent with this chapter, provided that the return date of such
38 civil summons, specifying the hearing date applicable to the civil
39 summons and the sealing order, shall be within five business days of the
40 issuance of such summons and order, or a later date requested by the
41 respondent in accordance with the applicable rules of the office of
42 administrative trials and hearings. The hearing officer of the office of
43 administrative trials and hearings shall make a determination on such
44 civil summons, which shall be deemed a final decision of such office,
45 and shall also make a recommendation to the office of the city sheriff
46 with respect to whether such order to seal was properly issued in
47 accordance with the provisions of this section. The office of the city
48 sheriff shall thereafter make a determination with respect to continua-
49 tion of such order to seal upon review of such recommendation. Such
50 recommendation of the office of administrative trials and hearings and
51 the determination of the office of the city sheriff shall be rendered
52 within four business days of the conclusion of such hearing; and

53 3. Seize and destroy, consistent with applicable law, any cannabis,
54 cannabis product, or any product marketed or labeled as such, found in
55 the possession of a person engaged in the conduct described in paragraph
56 one of this subdivision in their place of business, including a vehicle

1 used for such business, where an order as set forth in such paragraph
2 one has been issued, providing the person is the business that is
3 conducting the unlicensed activity or an individual owner of the busi-
4 ness, and maintain documentation of the chain of custody of such seized
5 products, and ensure that such products are properly stored, catalogued,
6 and safeguarded until such time as they may properly be destroyed by the
7 city.

8 c. Mutilation or removal of a posted order, posted notice, or secure
9 padlock that is enforced or in place pursuant to this section shall be
10 punishable in the manner specified by subdivision eight of section one
11 hundred thirty-eight-b of the cannabis law.

12 d. The provisions of this section shall not apply to any premises or
13 entity that is listed in the directory maintained by the office of
14 cannabis management pursuant to subdivision thirteen of section eleven
15 of the cannabis law. Further, the city sheriff, or the sheriff's desig-
16 nee within the office of the city sheriff or another city agency, shall
17 serve as the liaison to the office of cannabis management to ensure that
18 updates to such directory are immediately incorporated into the local
19 inspection process, and shall coordinate with such office on efforts to
20 inspect unlicensed businesses and related enforcement efforts. The city
21 sheriff or other designee shall:

22 1. send bi-weekly reports to the office of cannabis management, in the
23 manner and format prescribed by such office, detailing recent enforce-
24 ment efforts undertaken pursuant to this section, including the number
25 and location of inspections conducted, notices of violation issued, and
26 orders to seal issued and executed, and the amount and nature of any
27 cannabis, cannabis products, or products marketed or labeled as such
28 that were seized pursuant to this section;

29 2. serve as the primary contact for the office of cannabis management
30 in connection with the training program of such office and the sharing
31 of materials made available to the city with respect to inspection and
32 enforcement pursuant to this section and other applicable law; and

33 3. file with the office of cannabis management any regulations and
34 procedures developed or adopted relating to the implementation of this
35 section and section 7-551, as well as any subsequent local laws imple-
36 menting section one hundred thirty-one of the cannabis law.

37 4. The office of the city sheriff may seek to enforce such order by
38 seeking injunctive relief, including through an action pursuant to
39 section sixteen-a of the cannabis law.

40 e. Notwithstanding any inconsistent provision of law, the office of
41 the city sheriff may designate personnel of other agencies of the city
42 of New York to implement powers granted to such office pursuant to this
43 chapter if such office determines that additional resources are neces-
44 sary for the effective implementation of such powers, provided that no
45 such designation pursuant to this subdivision shall confer peace officer
46 status on any such designated personnel who do not otherwise have such
47 status.

48 f. The office of the city sheriff shall establish a system for receiv-
49 ing complaints of unlicensed activity by any business within the city of
50 New York.

51 g. Any orders issued pursuant to this section shall be served by
52 delivery of the order to the owner of the business or other person of
53 suitable age or discretion in actual or apparent control of the premises
54 at the time of the inspection and shall be posted at the building or
55 premises that have been sealed, secured and closed. A copy of the order
56 shall also be mailed to any address for the owner of the business at any

1 address provided by the person to whom such order was delivered pursuant
2 to this subdivision.

3 § 7-553 Local authority. Nothing in this chapter shall preclude the
4 enactment of local laws or rules in accordance with subdivision three of
5 section one hundred thirty-one of the cannabis law, or any other law.

6 § 12. Subdivision 4 of section 918 of the county law, as amended by
7 chapter 205 of the laws of 2020, is amended to read as follows:

8 4. Any other laws to the contrary notwithstanding, the county clerk in
9 each of the counties within the city of New York is authorized and
10 empowered to maintain separate judgment docket volumes containing the
11 printed transcript or transcripts, in strict alphabetical order of judg-
12 ment made, entered and docketed in the civil court of the city of New
13 York against individuals, corporations, and other entities on behalf of
14 the parking violations bureau, the environmental control board, the taxi
15 and limousine commission, the department of consumer ~~affaires~~ and work-
16 er protection, the office of administrative trials and hearings when
17 acting in accordance with subdivision c of section 7-551 of the adminis-
18 trative code of the city of New York and the commissioner of jurors of
19 the city of New York, provided that the judgments made, entered and
20 docketed in the civil court of the city of New York against individuals,
21 corporations, and other entities on behalf of the department of consumer
22 ~~affaires~~ and worker protection shall be limited to final decisions and
23 orders that either (a) award restitution, or monetary damages, to a
24 consumer or worker; or (b) award such restitution, or monetary damages,
25 to a consumer or worker, together with civil penalties or equitable
26 relief. These volumes may be maintained in the form of computer print
27 outs which shall contain the date of judgment, the name and address of
28 the judgment debtor or debtors, the amount of the judgment and other
29 information which the county clerk may deem necessary to sufficiently
30 describe the parties to the action or proceeding or nature or the manner
31 of the entry of the judgment. The county clerk may, in ~~his or her~~ in
32 such clerk's discretion, in lieu of such volumes, maintain the aforemen-
33 tioned data in a micrographic or computer retrievable format. With
34 respect to judgments on behalf of the parking violations bureau such
35 volumes or other format shall be maintained pursuant to this subdivision
36 for only those individuals, corporations, and other entities having
37 vehicles registered in the counties within the city of New York.

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

42 1.(a) Any person who cultivates for sale, offers to sell, or sells
43 cannabis, cannabis products, medical cannabis, or any product marketed
44 or labeled as such, without having an appropriate registration, license
45 or permit therefor, including a person whose registration, license, or
46 permit has been revoked, surrendered or cancelled, where such person is
47 engaging in activity for which a license would be required under this
48 chapter, may be subject to a civil penalty of not more than ten thousand
49 dollars for each day during which such violation continues and an addi-
50 tional civil penalty in an amount of no more than five times the revenue
51 from such prohibited sales or, in an amount of no more than three times
52 the projected revenue for any such product found in the possession of
53 such person based on the retail list price of such products; provided,
54 however, that any such person who engages in such activity from a resi-
55 dence or other real property not otherwise held out as open to the
56 public or otherwise being utilized in a business or commercial manner or

1 any private vehicle on or about same such property, and the quantity of
2 such product on such premises or vehicle does not exceed the limits of
3 personal use under article two hundred twenty-two of the penal law, may
4 be subject to a civil penalty of no more than five thousand dollars.

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

18 (b) If a person engaging in the conduct described in paragraph (a) of
19 this subdivision~~[7]~~ or subdivision one-a of this section refuses to
20 permit the office or the board from performing a regulatory inspection,
21 such person may be assessed a civil penalty of up to ~~[four]~~ eight thou-
22 sand dollars for a first refusal and up to ~~[eight]~~ fifteen thousand
23 dollars for a second or subsequent refusal within three years of a prior
24 refusal. If the office or board is not permitted access for a regulatory
25 inspection pursuant to section ten or section eleven of this chapter, as
26 applicable, by such person, the attorney general, upon the request of
27 the office or the board, shall be authorized to apply, without notice to
28 such person, to the supreme court in the county in which the place of
29 business is located for an order granting the office or board access to
30 such place of business. The court may grant such an order if it deter-
31 mines, based on evidence presented by the attorney general, that there
32 is reasonable cause to believe that such place of business is a place of
33 business which does not possess a valid registration, license, or permit
34 issued by the office or board.

35 (c) In assessing the civil penalties under this subdivision or subdivi-
36 vision one-a of this section, the board or office shall take into
37 consideration the nature of such violation and shall assess a penalty
38 that is proportionate to the violation; provided, however, that an affi-
39 davit from a representative of the office, the office of the attorney
40 general, or a local government, or a local police officer confirming the
41 presence of conduct described in this subdivision or subdivision one-a
42 of this section following an inspection by the office after the office
43 has ordered such conduct to cease shall be sufficient to establish a
44 prima facie case that such conduct had been continuing for each business
45 day between the initial inspection and the last observed or otherwise
46 documented conduct.

47 1-a. Any person ~~[found to have]~~ engaged in indirect retail sale in
48 violation of subdivision one-a of section one hundred twenty-five of
49 this ~~chapter~~ article, shall be subject to a civil penalty in an amount
50 equaling the lesser of three times the revenue for such indirect retail
51 sales or up to two thousand five hundred dollars for each such sale,
52 provided, however, that where such conduct also constitutes a violation
53 of subdivision one of this section, such person may only be subject to
54 the civil penalties under one such subdivision, and provided, further,
55 that where such person has been ordered to cease such conduct pursuant
56 to subdivision one of section one hundred thirty-eight-a of this arti-

cle, such person may be assessed a civil penalty of up to five thousand dollars for each day during which such violation continues in addition to any civil penalties set forth above.

§ 14. Subdivisions 2, 4 and 5 of section 138-a of the cannabis law, subdivision 2 as added and subdivisions 4 and 5 as amended by section 20 of part UU of chapter 56 of the laws of 2023, are amended and nine new subdivisions 6, 7, 8, 9, 10, 11, 12, 13 and 14 are added to read as follows:

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

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

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

6. in connection with any regulatory inspection or investigation or action thereafter, review, seize and copy records;

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

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

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

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

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

12. upon receipt of one or more complaints that a person is engaged in conduct described in subdivision one of this section, apply or request that the attorney general apply for an ex parte order to the supreme court in the county in which the place of business is located for an order granting the office or board access to such place of business. The court may grant such an order if it determines, based on the evidence presented, that there is reasonable cause to believe that such place of business is the same place of business for which the office has received such complaints;

13. upon finding a violation of this section by a holder of a license issued by the state liquor authority, a registration issued by the

1 commissioner of taxation and finance to sell cigarettes or tobacco
2 products at retail, a registration issued by the commissioner of tax-
3 ation and finance to sell vapor products at retail, or a lottery sales
4 agent license issued by the division of lottery, (a) issue a notice of
5 violation to the holder or an agent thereof that clearly states (i) that
6 the holder's state licenses, permits, or registrations may be at risk of
7 revocation or suspension and (ii) that the holder's business premises
8 may be subject to an order to seal if upon a subsequent inspection the
9 office finds that the violation has not been abated, and (b) notify the
10 agency that issued the authorization that the holder is in violation of
11 this section; and

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

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

21 § 138-b. Orders to seal. 1. In addition to any other authority
22 conferred in this chapter, pursuant to the provisions of this section,
23 the board or the office shall have the authority to issue an order to
24 seal the building or premises of any business engaged in unlicensed
25 activity, when such activity is conducted, maintained, or permitted in
26 such building or premises, occupied as a place of business as described
27 in subdivision eight of section ten of this chapter, in violation of
28 subdivision one or one-a of section one hundred twenty-five or subdivi-
29 sion one or eight of section one hundred thirty-two of this article.

30 2. Any order to seal shall be served by delivery of the order to the
31 owner of the business or other person of suitable age or discretion in
32 actual or apparent control of the premises at the time of the inspection
33 and shall be posted at the building or premises that have been sealed,
34 secured and closed. A copy of the order shall also be mailed to any
35 address for the owner of the business at any address provided by the
36 person to whom such order was delivered pursuant to this subdivision.
37 The order shall remain in effect pending a hearing and final determi-
38 nation of the board, or until such order is vacated by the office pursu-
39 ant to subdivision six of this section. An order to seal shall explicit-
40 ly state the procedure to request a hearing within seven days.

41 3. The office may issue an order to seal with an immediate effective
42 date if such order is based upon a finding by the office of an imminent
43 threat to the public health, safety, and welfare. In such cases a hear-
44 ing shall be held within three business days of a request for such hear-
45 ing, unless otherwise adjourned by agreement of the parties, and a
46 determination shall be rendered within four business days of the conclu-
47 sion of such hearing, provided that the respondent has submitted a veri-
48 fied statement that may be required pursuant to subdivision five of
49 section seventeen of this chapter. Failure of a respondent to appear at
50 the hearing will result in a default and order of sealing to remain in
51 effect for up to one year unless otherwise vacated pursuant to the
52 provisions of this section.

53 4. Factors that determine an imminent threat to public health, safety,
54 and welfare shall be limited to:

55 (a) documented sales to minors;

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

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

7 (d) documented presence of unlawful firearms at the building or prem-
8 ises;

9 (e) proximity of the building or premises to schools, houses of
10 worship, or public youth facilities;

11 (f) presence of products deemed unsafe based on reports of illness or
12 hospitalization; or

13 (g) sales of, or offers to sell, cannabis products not tested or
14 labeled lawfully in accordance with this chapter.

15 5. Notwithstanding the factors listed in subdivision four of this
16 section and the restriction set forth in paragraph (b) of subdivision
17 six of this section, the office may issue an order to seal with an imme-
18 diate effective date upon a second or subsequent inspection in which
19 unlicensed activity is confirmed to be continuing more than ten calendar
20 days after a notice of violation and order to cease unlicensed activity
21 was previously issued by the office, provided that the office has also
22 provided notice pursuant to subparagraph (ii) of paragraph (a) of subdivi-
23 sion thirteen of section one hundred thirty-eight-a of this article.

24 6. An order to seal may be issued by the office or the board pursuant
25 to subdivision three of this section only if: (a) no part of the prem-
26 ises to be sealed is used in part as a residence and pursuant to local
27 law or ordinance is zoned and lawfully occupied as a residence; and (b)
28 the unlicensed activity as described in this section is more than a de
29 minimis part of the business activity on the premises or in the building
30 to be sealed pursuant to the order. In the event that an order to seal
31 may not be issued pursuant to this subdivision, the office shall issue a
32 notice of violation and order to cease the unlicensed conduct, which
33 shall constitute notice that such unlicensed activity must cease imme-
34 diately.

35 7. In assessing whether unlicensed activity within a building or prem-
36 ises is more than de minimis, the office or board, as relevant, shall
37 consider factors such as any one or more of the following:

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

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

45 (c) the volume of illicit cannabis products on site; and

46 (d) the variety of illicit cannabis products on site.

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

51 (a) The police officer or peace officer serving and executing the
52 order to seal shall forthwith make and return to the office an inventory
53 of personal property situated in and used in conducting, maintaining, or
54 permitting the unlicensed activity within the scope of this chapter and
55 shall enter upon the building or premises for such purpose. Such inven-
56 tory shall be taken in any manner which is deemed likely to evidence a

1 true and accurate representation of the personal property subject to
2 such inventory including, but not limited to photographing such personal
3 property.

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

16 (c) Upon service and execution of the order to seal, the police offi-
17 cer or peace officer shall post a copy thereof in a conspicuous place or
18 upon one or more of the principal doors at entrances of such premises
19 where the unlicensed activity is being conducted, maintained, or permit-
20 ted. In addition, the officer shall affix, in a conspicuous place or
21 upon one or more of the principal doors at entrances of such premises, a
22 printed notice that the premises have been closed by order of the canna-
23 bis control board, and the name of the officer or agency posting the
24 notice.

25 (d) Mutilation or removal of such a posted order or such a posted
26 notice while it remains in force, in addition to any other punishment
27 prescribed by law, shall be punishable, on conviction, by a fine of not
28 more than five thousand dollars or by a class B misdemeanor, or both,
29 provided such order or notice contains therein a notice of such penalty,
30 and shall be referred to the local district attorney for enforcement.
31 The office shall also adhere to the procedures in this subdivision when
32 executing an order to seal issued in accordance with this section.

33 9. Any order to seal issued by the office or the board issued pursuant
34 to this section shall be effective for one year from the later of the
35 posting of the order or the date of the judgment provided for in this
36 section. An order to seal shall be vacated by the office or the board,
37 upon notice to the office, if the respondent submits sufficient evidence
38 to the office or the board by an affidavit and such other proof as may
39 be submitted by the respondent that the unlicensed activity has been
40 abated. An order vacating an order to seal shall include a provision
41 authorizing the office, or any police officer or peace officer who
42 assisted with the execution of the order to seal, to inspect the build-
43 ing or premises without notice for the purpose of ascertaining whether
44 or not the unlicensed activity has been abated. Any police officer or
45 peace officer with jurisdiction may, upon the request of the office,
46 assist in the enforcement of an inspection provision of an order vacat-
47 ing an order to seal.

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

55 11. If at any time a respondent vacates the building or premises
56 subject to an order to seal issued by the office or board, or if the

building owner provides sufficient proof thereof, any action or proceeding filed in accordance with these procedures relating to such building or premises shall be withdrawn by the office or the board without prejudice, and any order to seal shall be vacated.

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

§ 16. Section 195.05 of the penal law, as amended by chapter 269 of the laws of 1998, is amended to read as follows:

§ 195.05 Obstructing governmental administration in the second degree.

A person is guilty of obstructing governmental administration when [he].

1. Such person intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration;
or

2. With the intent to violate a closing order, order to seal, temporary closing order, or temporary order to seal issued by a governmental entity to address a public health or safety concern, such person damages or removes any padlock or other device installed for the purpose of effectuating such order.

Obstructing governmental administration is a class A misdemeanor.

§ 17. Subdivision 1, paragraph (b) of subdivision 2 and subdivision 4 of section 715-a of the real property actions and proceedings law, as added by section 21 of part UU of chapter 56 of the laws of 2023, are amended to read as follows:

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

1 tofore brought by them and not prosecuted diligently and in good faith.
2 An enforcement agency authorized to bring a petition hereunder may do so
3 on their own initiative or upon a referral from an agency of the state
4 or a subdivision thereof. The person in possession of the property, as
5 well as any lessee or sublessee and the owner or landlord shall be made
6 respondents in the proceeding.

7 (b) impose and require the payment by any respondent not otherwise
8 subject to a civil penalty under section sixteen or one hundred twenty-
9 five of the cannabis law, who has been found to have knowingly permitted
10 such a violation, a civil penalty not exceeding [~~three~~] five times the
11 amount of rent charged, owed, or paid, as the case may be, for the dura-
12 tion of the violation, which may be calculated from the date the owner
13 or landlord respondent received notice of the violation to the date the
14 unlicensed activity is abated, for which a respondent shall be required
15 to provide sufficient proof thereof, including but not limited to a
16 sworn statement by a local law enforcement or other governmental entity
17 that the unlicensed activity has been abated; provided, however, that in
18 a city with a population of over one million the civil penalty shall be
19 fifty thousand dollars. The landlord or property owner shall also
20 provide a copy of any executed lease with such tenant;

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

26 § 18. This act shall take effect immediately and shall apply to
27 offenses committed on or after the date this act shall have become a
28 law; provided, however, evidence of past violations of sections 138-a
29 and 125 of the cannabis law may be considered when imposing penalties
30 under the cannabis law or issuing orders to seal pursuant to section
31 138-b of the cannabis law established pursuant to section fifteen of
32 this act; and provided, however that the amendments to section 16-a of
33 the cannabis law made by section five of this act shall not affect the
34 repeal of such section and shall be deemed repealed therewith.

35 PART H

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

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

43 § 1-a. Section 110-b of the alcoholic beverage control law is amended
44 by adding two new subdivisions 1-a and 1-b to read as follows:

45 1-a. The proof of notification, provided for in subdivisions six and
46 six-a of this section, must be provided at the time of application;
47 failure to so provide shall constitute good cause for denial.

48 1-b. The authority may not act to approve any application subject to
49 this section prior to the passage of thirty days from the date notifica-
50 tion was provided to the municipality.

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

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

20 § 3. Subdivision 1 of section 97 of the alcoholic beverage control
21 law, as amended by section 19 of part Z of chapter 85 of the laws of
22 2002, is amended to read as follows:

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

36 § 4. Subdivision 2 of section 105 of the alcoholic beverage control
37 law is REPEALED.

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

44 PART I

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

47 § 97-d. Temporary wholesale permit. 1. Any person may apply to the
48 liquor authority for a temporary permit to operate any alcoholic bever-
49 age wholesale facility as may be licensed under this chapter. Such
50 application shall be in writing and verified and shall contain informa-
51 tion as the liquor authority shall require. Such application shall be
52 accompanied by a check or draft in the amount of one hundred twenty-five
53 dollars for such permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 § 2. This act shall take effect immediately and shall apply to all
43 applications filed after the date upon which it shall have become a law.

44 PART J

45 Section 1. Section 4 of chapter 118 of the laws of 2012 amending the
46 alcoholic beverage control law relating to the powers of the chairman
47 and members of the authority, as amended by chapter 124 of the laws of
48 2021, is amended to read as follows:

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

51 § 2. This act shall take effect immediately.

52 PART K

Section 1. Section 5 of chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, as amended by section 1 of part O of chapter 55 of the laws of 2023, is amended to read as follows:

§ 5. This act shall take effect on the sixtieth day after it shall have become a law, provided that paragraph (b) of subdivision 1 of section 97-a of the alcoholic beverage control law as added by section two of this act shall expire and be deemed repealed October 12, ~~2024~~ 2025.

§ 2. This act shall take effect immediately.

PART L

Intentionally Omitted

PART M

Section 1. Subdivisions 2, 7 and 10, and paragraph a of subdivision 5 of section 196-b of the labor law, as added by section 1 of part J of chapter 56 of the laws of 2020, are amended and a new subdivision 4-a is added to read as follows:

2. Nothing in this section shall be construed to prohibit or prevent an employer from providing an amount of sick leave, paid or unpaid, or paid prenatal personal leave which is in excess of the requirements set forth in subdivision one and subdivision four-a of this section, or from adopting a paid leave policy that provides additional benefits to employees. An employer may elect to provide its employees with the total amount of sick leave required to fulfill its obligations pursuant to subdivision one of this section at the beginning of the calendar year, provided, however that no employer shall be permitted to reduce or revoke any such sick leave based on the number of hours actually worked by an employee during the calendar year if such employer elects pursuant to this subdivision.

4-a. In addition to the sick leave provided for in this section, on and after January first, two thousand twenty-five, every employer shall be required to provide to its employees twenty hours of paid prenatal personal leave during any fifty-two week calendar period. Paid prenatal personal leave shall mean leave taken for the health care services received by an employee during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy. Paid prenatal personal leave may be taken in hourly increments. Benefits for paid prenatal personal leave shall be paid in hourly installments. Employees shall receive compensation at the employee's regular rate of pay, or the applicable minimum wage established pursuant to section six hundred fifty-two of this chapter, whichever is greater, for the use of paid prenatal personal leave. Nothing in this section shall be construed to require an employer to pay an employee for unused paid prenatal leave upon such employee's termination, resignation, retirement, or other separation from employment.

a. An employer may not require the disclosure of confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee's family member, or information relating to absence from work due to domestic violence, a sexual

1 offense, stalking, or human trafficking, as a condition of providing
2 sick leave or paid prenatal personal leave pursuant to this section.

3 7. No employer or [~~his or her~~] their agent, or the officer or agent of
4 any corporation, partnership, or limited liability company, or any other
5 person, shall discharge, threaten, penalize, or in any other manner
6 discriminate or retaliate against any employee because such employee has
7 exercised [~~his or her~~] their rights afforded under this section, includ-
8 ing, but not limited to, requesting sick leave or paid prenatal leave
9 and using sick leave or paid prenatal leave, consistent with the
10 provisions of section two hundred fifteen of this chapter.

11 10. Upon return to work following any sick leave or paid prenatal
12 leave taken pursuant to this section, an employee shall be restored by
13 [~~his or her~~] their employer to the position of employment held by such
14 employee prior to any sick leave or paid prenatal leave taken pursuant
15 to this section with the same pay and other terms and conditions of
16 employment.

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

18 PART N

19 Intentionally Omitted

20 PART O

21 Intentionally Omitted

22 PART P

23 Intentionally Omitted

24 PART Q

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

27 2. Notwithstanding the provisions of subdivision one of this section,
28 where the state and an employee organization representing state officers
29 and employees who are in positions which are in collective negotiating
30 units established pursuant to article fourteen of the civil service law
31 enter into an agreement providing for an alternative procedure for the
32 payment of salaries to such employees or where the director of employee
33 relations shall authorize an alternative procedure for the payment of
34 salaries to state officers or employees in the executive branch who are
35 in positions which are not in collective negotiating units, such alter-
36 native procedure shall be implemented in lieu of the procedure specified
37 in subdivision one of this section. Notwithstanding any other provision
38 of law to the contrary, where the state and an employee organization
39 representing officers and employees in the executive branch who are in
40 positions which are in collective negotiating units established pursuant
41 to article fourteen of the civil service law enter into an agreement, or
42 where the director of employee relations shall authorize for officers
43 and employees in the executive branch who are in positions which are not
44 in collective negotiating units, the alternate procedure specified
45 herein shall be terminated for officers and employees hired on or after

1 July first, two thousand twenty-five. The alternate procedure specified
2 herein shall also be terminated for: (i) nonjudicial officers and
3 employees of the unified court system hired on or after July first, two
4 thousand twenty-five, if the chief administrator of the courts so
5 elects; (ii) employees of the senate hired on or after July first, two
6 thousand twenty-five, if the temporary president of the senate so
7 elects; (iii) employees of the assembly hired on or after July first,
8 two thousand twenty-five, if the speaker of the assembly so elects; and
9 (iv) employees of joint legislative employers hired on or after July
10 first, two thousand twenty-five, if the temporary president of the
11 senate and the speaker of the assembly mutually so elect for all such
12 joint legislative employers. Any election made pursuant to paragraph
13 (i), (ii), (iii), or (iv) of this subdivision shall be in writing and
14 filed with the state comptroller not later than thirty days after the
15 enactment of this legislation.

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

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

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

50 (a) For nonjudicial officers and employees of the unified court
51 system: commencing with the earliest administratively feasible payroll
52 period (and corresponding payment date) subsequent to the date this
53 subdivision becomes a law, payment on the payment date of the five
54 payroll periods commencing thereon shall be for nine-tenths of that
55 amount paid each payroll period until a total of five-tenths of salary
56 for one payroll period that would be paid but for this provision has

1 been withheld. For nonjudicial officers and employees hired after the
2 date this subdivision becomes a law, the withholding of five days of
3 salary shall be accomplished in the same manner described above,
4 provided, however, such withholding shall be made on the first five
5 payment dates in which such new officers or employees would otherwise
6 have received their salary. Notwithstanding any other provision of law
7 to the contrary, such withholding shall not be taken for nonjudicial
8 officers and employees of the unified court system hired on or after
9 July first, two thousand twenty-four, if the chief administrator of the
10 courts so elects. Any election made pursuant to this subdivision shall
11 be in writing and filed with the state comptroller not later than thirty
12 days after the enactment of this legislation.

13 § 4. This act shall take effect July 1, 2024; provided, however, that
14 section one of this act shall take effect July 1, 2025.

15 PART R

16 Intentionally Omitted

17 PART S

18 Intentionally Omitted

19 PART T

20 Intentionally Omitted

21 PART U

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

27 § 239-bb. County-wide shared services panels. 1. Definitions. The
28 following terms shall have the following meanings for the purposes of
29 this article:

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

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

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

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

38 2. County-wide shared services panels. a. There ~~[shall]~~ may be a coun-
39 ty-wide shared services panel in each county consisting of the county
40 CEO, and one representative from each city, town and village in the
41 county. The chief executive officer of each town, city and village shall
42 be the representative to a panel and shall be the mayor, if a city or a
43 village, or shall be the supervisor, if a town. The county CEO shall
44 serve as chair. ~~[All panels established in each county pursuant to part~~
45 ~~BBB of chapter fifty-nine of the laws of two thousand seventeen, and~~

~~prior to the enactment of this article, shall continue in satisfaction of this section in such form as they were established, provided that the county CEO may alter the membership of the panel consistent with paragraph b of this subdivision.]~~

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

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

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

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

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

ness, labor, and community leaders, as well as members of the public, shall be permitted to provide public testimony at any such hearings.

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

b. The county legislative body shall review and consider each plan submitted in accordance with paragraph a of this subdivision. A majority of the members of such body may issue an advisory report on each plan, making recommendations as deemed necessary. The county CEO may modify a plan based on such recommendations, which shall include an updated certification as to the accuracy of the savings contained therein.

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

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

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

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

~~8. For each county, new shared services actions in an approved and submitted plan pursuant to this section or part BBB of chapter fifty-nine of the laws of two thousand seventeen, may be eligible for funding to match savings from such action, subject to available appropriation. Savings that are actually and demonstrably realized by the participating local governments are eligible for matching funding. For actions that are part of an approved plan transmitted to the secretary of state in accordance with paragraph b of subdivision seven of this section, savings achieved during either: (i) January first through December thirty-first from new actions implemented on or after January first through December thirty-first of the year immediately following an approved and transmitted plan, or (ii) July first of the year immediately following an approved and transmitted plan through June thirtieth of the subsequent year from new actions implemented July first of the year immediately following an approved plan through June thirtieth of the subsequent year may be eligible for matching funding. Only net savings between local governments for each action would be eligible for matching funding. Savings from internal efficiencies or any other action taken by~~

~~a local government without the participation of another local government are not eligible for matching funding. Each county and all of the local governments within the county that are part of any action to be implemented as part of an approved plan must collectively apply for the matching funding and agree on the distribution and use of any matching funding in order to qualify for matching funding.~~

~~9. The department of state shall prepare a report to the governor, the temporary president of the senate and the speaker of the assembly on the county-wide shared services plans approved by the county-wide shared services panels created pursuant to part BBB of chapter fifty-nine of the laws of two thousand seventeen and this article and shall post the report on the department's website. Such report shall be provided on or before June thirtieth, two thousand twenty-five and shall include, but not be limited to, the following:~~

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

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

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

- ~~(1) a detailed summary of each of the savings plans, including revisions and updates submitted each year or the statement explaining why the county did not approve a plan in any year;~~
- ~~(2) the anticipated savings for each plan;~~
- ~~(3) the number of cities, towns and villages in the county;~~
- ~~(4) the number of cities, towns and villages that participated in a panel, as reported in a plan;~~
- ~~(5) the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, or other special districts in the county; and~~
- ~~(6) the number of school districts, boards of cooperative educational services, fire districts, fire protection districts, or other special districts that participated in a panel, as reported in a plan.~~

~~10.]~~ 8. The secretary of state may solicit, and the panels may provide at ~~[her or his]~~ the request of the secretary of state, advice and recommendations concerning matters related to the operations of local governments and shared services initiatives, including, but not limited to, making recommendations regarding grant proposals incorporating elements of shared services, government dissolutions, government and service consolidations, or property taxes and such other grants where the secretary deems the input of the panels to be in the best interest of the public. The panel shall advance such advice or recommendations by a vote of the majority of the members present at such meeting.

~~[11. The authority granted by this article to a county CEO to convene a panel for the purpose of revising or updating a previously approved plan, or developing a new plan, or to provide the secretary of state~~

~~information pursuant to subdivision ten of this section, shall cease on December thirty first, two thousand twenty four.~~

~~12. Notwithstanding any other provision of law to the contrary, monies constituting the funds of the village incorporation commission established pursuant to section 2-259 of the village law shall be deposited with the state comptroller and held for the purposes of the village incorporation commission established in article two of the village law, provided, however, that such monies shall be derived from the appropriation dedicated to the matching funds program pursuant to subdivision eight of this section and provided further, that such funding for such entity shall not be subject to the requirements of subdivision eight of this section related to savings.]~~

§ 2. The executive law is amended by adding a new section 110 to read as follows:

§ 110. Administration of certain monies. The secretary or their designee shall administer monies collected pursuant to section 2-202 of the village law and appropriations available for the operations of the village incorporation commission established pursuant to section 2-260 of the village law to ensure that the commission can perform its statutory functions; and provided further, that the secretary or their designee shall distribute funds as required pursuant to section 2-236 of the village law and any relevant appropriations bill.

§ 3. Section 2-236 of the village law, as amended by chapter 7 of the laws of 2024, is amended to read as follows:

§ 2-236 Payment of expenses incurred in proceedings for incorporation if village not incorporated. If the incorporation of the proposed village be not effected by the proceedings authorized in this article, the expenses incurred by the towns in which any part of such territory is located for payment of cost of posting, publishing and serving required notices, stenographic services and services of inspectors of election shall be paid from the fund deposited with the department of state, on behalf of the commission. If such fund so deposited is not sufficient to pay all of such expenses, the costs in excess of such fund shall be a general town charge. ~~[Any unexpended balance of such fund shall become a part of the general fund of the town.]~~

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024; provided, however that this act shall not affect the eligibility for funding to match savings for any shared services actions that are part of a plan approved and submitted to the secretary of state pursuant to section 239-bb of the general municipal law as of January 31, 2024. Each county and all of the local governments within the county that are part of any such actions to be implemented as part of such approved plans may collectively apply for the matching funding for savings achieved from such implemented actions and the secretary of state shall distribute such matching funding according to the provisions of section 239-bb of the general municipal law in effect as of January 31, 2024.

PART V

Intentionally Omitted

PART W

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

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

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

36 (ii) Within the annual amounts appropriated therefor, the secretary of
37 state may award competitive grants to municipalities to cover costs
38 associated with local government efficiency projects, including, but not
39 limited to, planning for or implementation of a municipal consolidation
40 or dissolution, a functional consolidation, a city or county charter
41 revision that includes functional consolidation, shared or cooperative
42 services, and regionalized delivery of services; provided, however, that
43 such local government efficiency projects must demonstrate new opportu-
44 nities for financial savings and operational efficiencies; provided,
45 further, that eligible local government efficiency projects shall not
46 include studies and plans for a local government re-organization eligi-
47 ble to receive a local government citizens re-organization empowerment
48 grant pursuant to paragraph q of this subdivision. The secretary of
49 state may focus the grant program in specific functional areas, within
50 distressed communities and areas of historically high local government
51 costs and property taxes, or in areas of unique opportunity, in which
52 case such areas of focus shall be detailed in a request for applica-
53 tions.

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

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

17 (v) The maximum cumulative grant award for a local government effi-
18 ciency project shall not exceed two hundred fifty thousand dollars per
19 municipality; provided, however, that in no case shall such a project
20 receive a cumulative grant award in excess of one million two hundred
21 fifty thousand dollars. The maximum grant award for a local government
22 efficiency planning project, or the planning component of a project that
23 includes both planning and implementation of a local government effi-
24 ciency project, shall not exceed twenty thousand dollars per munici-
25 pality; provided, however, that in no event shall such a planning
26 project receive a grant award in excess of one hundred thousand dollars.

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

39 (vii) In the selection of grant awards, the secretary of state shall
40 give the highest priority to applications: (1) that would result in the
41 dissolution or consolidation of municipalities; (2) that would implement
42 the complete functional consolidation of a municipal service; or (3) by
43 local governments with historically high costs of local government or
44 sustained increases in property taxes. Priority will also be given to
45 municipalities that have previously completed a planning grant pursuant
46 to this program or the shared municipal services incentive grant
47 program, and to local governments currently involved in regional devel-
48 opment projects that have received funds through state community and
49 infrastructure development programs.

50 (viii) Within one week of the receipt of an application, the depart-
51 ment of state shall review the application to ensure the applicant has
52 filed the correct application, and to determine if any required sections
53 of the application contain no information. Within one business day of
54 determining an applicant has filed an incorrect application, or deter-
55 mining an application contains no information in a section required to
56 contain information, the department shall so notify the applicant.

Applicants shall be permitted to amend an application found to be missing information, and such application shall be reconsidered for approval if it is amended by the application deadline. If an applicant has submitted an incorrect application, the applicant may submit the correct application to the appropriate program by the deadline for such program for consideration. Under no circumstances shall this subparagraph be deemed to require the extension of any application deadline established by the department, nor shall it obligate the department to conduct a substantive review of the contents of any application outside of the procedures established by the department for the purposes of maintaining the competitive integrity of the grant program.

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

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

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

PART X

Intentionally Omitted

PART Y

Section 1. Section 2 of part P of chapter 55 of the laws of 2022, amending the alcoholic beverage control law relating to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed [~~three~~ eight years after such date.

§ 2. This act shall take effect immediately.

PART Z

Section 1. Section 240.30 of the penal law is amended by adding a new subdivision 3-a to read as follows:

3-a. With the intent to harass, annoy, threaten or alarm another person, such person strikes, shoves, kicks, or otherwise subjects another person to physical contact, which includes spitting on such other person, and such other person is a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers, or other revenue payment media for use on a train, bus, or ferry or the collection or handling of revenues therefrom; a person

1 whose official duties include the maintenance, repair, inspection, trou-
2 bleshooting, testing or cleaning of buses or ferries, a transit signal
3 system, elevated or underground subway tracks, transit station struc-
4 ture, including fare equipment, escalators, elevators and other equip-
5 ment necessary to passenger service, commuter rail tracks or stations,
6 train yard, revenue train in passenger service, a ferry station, or a
7 train or bus station or terminal; or a supervisor of such personnel,
8 employed by any transit agency, authority or company, public or private,
9 whose operation is authorized by New York state or any of its political
10 subdivisions while such individual is performing an assigned duty; or

11 § 2. Subdivision 11 of section 120.05 of the penal law, as amended by
12 chapter 233 of the laws of 2022, is amended to read as follows:

13 11. With intent to cause physical injury to a train operator, ticket
14 inspector, conductor, signalperson, bus operator, station agent, station
15 cleaner, terminal cleaner, station customer assistant, traffic checker;
16 person whose official duties include the sale or collection of tickets,
17 passes, vouchers, or other revenue payment media for use on a train
18 ~~[or]~~, bus, or ferry the collection or handling of revenues therefrom; a
19 person whose official duties include the maintenance, repair,
20 inspection, troubleshooting, testing or cleaning of buses or ferries, a
21 transit signal system, elevated or underground subway tracks, transit
22 station structure, including fare equipment, escalators, elevators and
23 other equipment necessary to passenger service, commuter rail tracks or
24 stations, train yard, revenue train in passenger service, a ferry
25 station, or a train or bus station or terminal; or a supervisor of such
26 personnel, employed by any transit or commuter rail agency, authority or
27 company, public or private, whose operation is authorized by New York
28 state or any of its political subdivisions, a city marshal, a school
29 crossing guard appointed pursuant to section two hundred eight-a of the
30 general municipal law, a traffic enforcement officer, traffic enforce-
31 ment agent, prosecutor as defined in subdivision thirty-one of section
32 1.20 of the criminal procedure law, sanitation enforcement agent, New
33 York city sanitation worker, public health sanitarian, New York city
34 public health sanitarian, registered nurse, licensed practical nurse,
35 emergency medical service paramedic, or emergency medical service tech-
36 nician, he or she causes physical injury to such train operator, ticket
37 inspector, conductor, signalperson, bus operator, station agent, station
38 cleaner, terminal cleaner, station customer assistant, traffic checker;
39 person whose official duties include the sale or collection of tickets,
40 passes, vouchers or other revenue payment media for use on a train ~~[or]~~,
41 bus, or ferry or the collection or handling of revenues therefrom; a
42 person whose official duties include the maintenance, repair,
43 inspection, troubleshooting, testing or cleaning of buses or ferries, a
44 transit signal system, elevated or underground subway tracks, transit
45 station structure, including fare equipment, escalators, elevators and
46 other equipment necessary to passenger service, commuter rail tracks or
47 stations, train yard, revenue train in passenger service, a ferry
48 station, or a train or bus station or terminal; or a supervisor of such
49 personnel, city marshal, school crossing guard appointed pursuant to
50 section two hundred eight-a of the general municipal law, traffic
51 enforcement officer, traffic enforcement agent, prosecutor as defined in
52 subdivision thirty-one of section 1.20 of the criminal procedure law,
53 registered nurse, licensed practical nurse, public health sanitarian,
54 New York city public health sanitarian, sanitation enforcement agent,
55 New York city sanitation worker, emergency medical service paramedic, or
56 emergency medical service technician, while such employee is performing

1 an assigned duty on, or directly related to, the operation of a train or
2 bus, cleaning of a train or bus station or terminal, assisting custom-
3 ers, checking traffic, the sale or collection of tickets, passes, vouch-
4 ers, or other revenue media for use on a train [~~or~~], bus, or ferry or
5 maintenance or cleaning of a train, a bus, a ferry, or bus station or
6 terminal, signal system, elevated or underground subway tracks, transit
7 station structure, including fare equipment, escalators, elevators and
8 other equipment necessary to passenger service, commuter rail tracks or
9 stations, train yard or revenue train in passenger service, a ferry
10 station, or such city marshal, school crossing guard, traffic enforce-
11 ment officer, traffic enforcement agent, prosecutor as defined in subdivi-
12 sion thirty-one of section 1.20 of the criminal procedure law, regis-
13 tered nurse, licensed practical nurse, public health sanitarian, New
14 York city public health sanitarian, sanitation enforcement agent, New
15 York city sanitation worker, emergency medical service paramedic, or
16 emergency medical service technician is performing an assigned duty; or
17 § 3. This act shall take effect on the ninetieth day after it shall
18 have become a law.

PART AA

20 Section 1. Subparagraph (iii) of paragraph (c) of subdivision 2 of
21 section 722.23 of the criminal procedure law, as added by section 1-a of
22 part WWW of chapter 59 of the laws of 2017, is amended to read as
23 follows:

24 (iii) the defendant unlawfully engaged in [~~sexual intercourse, oral~~
25 ~~sexual conduct, anal sexual conduct~~] vaginal sexual contact, oral sexual
26 contact, anal sexual contact, or sexual contact as defined in section
27 130.00 of the penal law.

28 § 2. This act shall take effect on the same date and in the same
29 manner as chapter 777 of the laws of 2023, as amended, takes effect.

PART BB

31 Section 1. Subdivision 4 of section 467 of the real property tax law,
32 as separately amended by section 1 of part B of chapter 686 and chapter
33 738 of the laws of 2022, is amended to read as follows:

34 4. Every municipal corporation in which such real property is located
35 shall notify, or cause to be notified, each person owning residential
36 real property in such municipal corporation of the provisions of this
37 section. The provisions of this subdivision may be met by a notice or
38 legend sent on or with each tax or PILOT bill to such persons reading
39 [~~"You may be eligible for senior citizen tax exemptions. Senior citizens~~
40 ~~have until month....., day....., year....., to apply for such~~
41 ~~exemptions. For information please call or write.....," followed by the~~
42 ~~name, telephone number and/or address of a person or department selected~~
43 ~~by the municipal corporation to explain the provisions of this section]~~
44 substantially as set forth in subdivision one-c of section nine hundred
45 twenty-two of this chapter. Each cooperative apartment corporation
46 shall notify each tenant-stockholder thereof in residence of such
47 provisions as set forth herein. Failure to notify, or cause to be noti-
48 fied any person who is in fact, eligible to receive the exemption
49 provided by this section or the failure of such person to receive the
50 same shall not prevent the levy, collection and enforcement of the
51 payment of the taxes or PILOT on property owned by such person. A second

1 copy of the notice required by this subdivision shall be sent thirty
2 days prior to the filing deadline.

3 § 2. Subdivision 12 of section 905 of the real property tax law, as
4 added by chapter 167 of the laws of 2018, is amended to read as follows:

5 12. Surplus. Any surplus funds remaining after the sale of a property
6 at a tax foreclosure for unpaid code violations shall be returned to the
7 former owner of the property in a manner as provided under local law.

8 ~~[This provision shall not apply to a sale of a property at a tax fore-~~
9 ~~closure due to unpaid taxes. If a property has both unpaid taxes and~~
10 ~~unpaid code violations on the same tax levy and is auctioned at a tax~~
11 ~~foreclosure the amount of the surplus funds returned to the former owner~~
12 ~~shall be proportionate to the amount of unpaid code violations owed in~~
13 ~~the total amount of debt owed to the city of Buffalo.]~~ For the purpose

14 of this section, "surplus funds" shall mean the balance of money
15 received after auction of a property at a tax foreclosure sale minus the
16 amount owed for code violations and the costs and attorneys' fees
17 incurred in the collection of the fees by the city.

18 § 3. Section 922 of the real property tax law is amended by adding a
19 new subdivision 1-c to read as follows:

20 1-c. Each statement of taxes pertaining to residential property shall
21 contain or be accompanied by a notice or legend reading substantially as
22 follows: "IF YOU ARE A SENIOR CITIZEN, A PERSON WITH A PHYSICAL DISABIL-
23 ITY AND/OR A VETERAN, YOU MAY BE ENTITLED TO A PARTIAL EXEMPTION FROM
24 PROPERTY TAXES. Eligible homeowners have until (insert date) to apply
25 for such exemptions. For further information please call or write the
26 assessor's office" followed by the telephone number and address of that
27 office.

28 § 4. Subdivision 1 of section 1102 of the real property tax law, as
29 amended by chapter 532 of the laws of 1994, is amended to read as
30 follows:

31 1. "Charges" or "legal charges" means:

32 (a) the cost of the mailing or service of notices required or author-
33 ized by this article;

34 (b) the cost of publication of notices required or authorized by this
35 title;

36 (c) the amount of any interest and penalties imposed by law;

37 (d) the cost of recording or filing legal documents required or
38 authorized by this article; ~~[and]~~

39 (e) the cost of appraising a parcel for the purpose of determining the
40 existence and amount of any surplus pursuant to section eleven hundred
41 ninety-six of this article;

42 (f) the reasonable and necessary cost of any search of the public
43 record required or authorized to satisfy the notice requirements of this
44 article, and ~~[the]~~ other reasonable and necessary expenses ~~[for legal~~
45 ~~services of]~~ incurred by a tax district in connection with a proceeding
46 to foreclose a tax lien, including but not limited to administrative,
47 auction and reasonable attorney fees and/or costs associated with the
48 foreclosure process; provided, that: (i) a charge of up to ~~[one]~~ either
49 two hundred fifty dollars per parcel, or two percent of the sum of the
50 taxes, interest and penalties due on the parcel, whichever is greater,

51 shall be deemed reasonable and necessary to cover the combined costs of
52 such searches and ~~[legal expenses]~~ the other reasonable and necessary
53 costs and expenses delineated in this paragraph, and such an amount may
54 be charged without substantiation, even if salaried employees of the tax
55 district performed ~~[the search or legal]~~ some or all of such services;
56 and (ii) a tax district may charge a greater amount with respect to one

1 or more parcels upon demonstration to the satisfaction of the court
2 having jurisdiction that such greater amount was reasonable and neces-
3 sary; and

4 ~~[(f)]~~ (g) the amount owed to the tax district by virtue of a judgment
5 lien, a mortgage lien, or any other lien held by the tax district that
6 is not a delinquent tax lien.

7 (h) Charges shall be deemed a part of the delinquent tax for purposes
8 of redemption and determination of surplus.

9 § 5. Subdivision 1 of section 1123 of the real property tax law, as
10 amended by chapter 579 of the laws of 1995, is amended to read as
11 follows:

12 1. ~~Twenty-one~~ Eighteen months after lien date, or as soon thereafter
13 as is practicable, the enforcing officer shall execute a petition of
14 foreclosure pertaining to those properties which remain subject to
15 delinquent tax liens; provided, however, that in the case of property
16 which is subject to a three or four year redemption period, such peti-
17 tion shall be executed ~~[thirty-three or forty-five]~~ thirty or forty-two
18 months after lien date, respectively, or as soon thereafter as is prac-
19 ticable.

20 § 6. The sixth undesignated paragraph of subdivision 3 of section 1124
21 of the real property tax law, as amended by chapter 532 of the laws of
22 1994, is amended to read as follows:

23 Last day for redemption: The last day for redemption is hereby fixed
24 as the day of (here insert a date at least ~~[three]~~
25 six months after the date of the first publication of this notice).

26 § 7. Section 1125 of the real property tax law is amended by adding a
27 new subdivision 2-a to read as follows:

28 2-a. In the case of residential property as defined by section eleven
29 hundred eleven of this article, such notice shall also either include or
30 be accompanied by the homeowner warning notice described by section
31 eleven hundred forty-four of this article.

32 § 8. The real property tax law is amended by adding a new section 1135
33 to read as follows:

34 § 1135. Application for surplus. In lieu of filing an answer to the
35 foreclosure proceeding, any person claiming surplus arising from a tax
36 district's enforcement of delinquent property taxes shall have the right
37 to file with the clerk in whose office the report of sale is filed at
38 any time before the confirmation of the report of sale, a written notice
39 of such claim, stating the nature and extent of their claim and the
40 address of the claimant or the claimant's attorney.

41 § 9. Paragraph (d) of subdivision 2 of section 1136 of the real prop-
42 erty tax law, as amended by chapter 532 of the laws of 1994, is amended
43 to read as follows:

44 (d) In directing any conveyance pursuant to this subdivision, the
45 judgment shall direct the enforcing officer of the tax district to
46 prepare and execute a deed conveying title to the parcel or parcels of
47 real property concerned. Such title shall be full and complete in the
48 absence of an agreement between tax districts as herein provided that it
49 shall be subject to the tax liens of one or more tax districts. Upon the
50 execution of such deed, the grantee shall be seized of an estate in fee
51 simple absolute in such parcel unless the conveyance is expressly made
52 subject to tax liens of a tax district as herein provided, and all
53 persons, including the state, infants, incompetents, absentees and non-
54 residents, who may have had any right, title, interest, claim, lien or
55 equity of redemption in or upon such parcel, shall be barred and forever
56 foreclosed of all such right, title, interest, claim, lien or equity of

1 redemption. Nothing contained herein shall be construed to preclude any
2 such person from filing a claim pursuant to section eleven hundred thir-
3 ty-five or title six of this article for a share of any surplus that may
4 be attributable to the sale of such parcel.

5 § 10. Subdivision 3 of section 1136 of the real property tax law, as
6 amended by chapter 532 of the laws of 1994, is amended to read as
7 follows:

8 3. When no answer has been interposed. (a) The court shall make a
9 final judgment awarding to such tax district the possession of any
10 parcel of real property described in the petition of foreclosure not
11 redeemed as provided in this title and as to which no answer is inter-
12 posed as provided herein. In addition thereto such judgment shall
13 contain a direction to the enforcing officer of the tax district to
14 prepare, execute and cause to be recorded a deed conveying to such tax
15 district full and complete title to such parcel.

16 (b) Alternatively, at the request of the enforcing officer, the court
17 may make a final judgment authorizing the enforcing officer to prepare,
18 execute and cause to be recorded a deed conveying full and complete
19 title to such parcel directly to a party other than the tax district,
20 without the tax district taking title thereto.

21 (c) Upon the execution of such deed, the tax district, or the grantee
22 as the case may be, shall be seized of an estate in fee simple absolute
23 in such parcel and all persons, including the state, infants, incompe-
24 tents, absentees and non-residents who may have had any right, title,
25 interest, claim, lien or equity of redemption in or upon such parcel
26 shall be barred and forever foreclosed of all such right, title, inter-
27 est, claim, lien or equity of redemption. Nothing contained herein
28 shall be construed to preclude any such person from filing a claim
29 pursuant to section eleven hundred thirty-five or title six of this
30 article for a share of any surplus that may be attributable to the sale
31 of such parcel.

32 § 11. Section 1136 of the real property tax law is amended by adding
33 a new subdivision 4 to read as follows:

34 4. (a) Notwithstanding any other provision of law to the contrary,
35 when a parcel is subject to a judgment of foreclosure issued pursuant to
36 this section but has not yet been conveyed to a third party, the tax
37 district may, at its discretion, convey title to the parcel back to the
38 former owner or owners, or to the successor or successors in interest if
39 any, upon payment of the taxes, penalties, interest and other lawful
40 charges owed to the tax district, subject to the provisions of paragraph
41 (b) of this subdivision.

42 (b) If immediately prior to the issuance of the judgment of foreclo-
43 sure, any other person had any right, title, interest, claim, lien or
44 equity of redemption in or upon such parcel, the deed conveying the
45 parcel back to the former owner or owners, or to their successor or
46 successors in interest, shall state that the conveyance shall become
47 subject to the right, title, interest, claim, lien or equity of redemp-
48 tion of any other person that had been extinguished by the judgment of
49 foreclosure, once such right, title, interest, claim, lien or equity of
50 redemption has been reinstated nunc pro tunc pursuant to the provisions
51 of this paragraph. Upon the execution of such deed, the tax district
52 shall cause a copy thereof to be filed with the court, which shall
53 direct the reinstatement of any such right, title, interest, claim, lien
54 or equity of redemption in such parcel nunc pro tunc.

55 § 12. Article 11 of the real property tax law is amended by adding a
56 new title 3-A to read as follows:

TITLE 3-A

HOMEOWNER BILL OF RIGHTS AND RELATED PROVISIONS

Section 1142. Homeowner bill of rights.

1144. Homeowner warning notices.

1146. Repayment plans.

1148. Assistance to vulnerable populations.

§ 1142. Homeowner bill of rights. Any owner of a residential property, as defined in section eleven hundred eleven of this article, who occupies such property as their primary residence, shall have the following rights:

1. Notwithstanding any other general, special, or local law, local tax act, code, rule, regulation, or charter provision to the contrary, to not have exemptions removed or waived for nonpayment of property taxes, except to the extent otherwise provided in section one hundred seventy-one-w of the tax law and any other general law that explicitly authorizes the removal of an exemption due to the nonpayment of taxes;

2. To be informed of the amount of tax due, the number of tax years for which the parcel has been in arrears, the date on which the redemption period ends, the accepted forms of payment, the location where payments shall be made, and the contact information for the responsible taxing authority, provided that a claim by an owner that they were not so informed shall not constitute a valid defense to a foreclosure proceeding;

3. To receive homeowner warning notices pursuant to section eleven hundred forty-four of this title;

4. In the event that their primary residence is foreclosed upon, to receive a share of any surplus resulting from the sale of the property in the manner provided by law;

5. To be charged interest at a rate no higher than the maximum allowable statutory interest rate for unpaid property taxes;

6. To enter into installment plans or repayment plans for purposes of paying delinquent taxes where locally authorized;

7. For owners who are senior citizens who are receiving a senior citizens exemption, an enhanced STAR exemption or an enhanced STAR credit, to receive a grace period of five business days to pay their taxes without interest in a local government that has opted to grant such an extension to such persons;

8. In the event that their primary residence is foreclosed upon, to have all debts related to delinquent taxes owed on such primary residence extinguished upon the foreclosure, except when they have reacquired title pursuant to subdivision four of section eleven hundred thirty-six of this article; provided, however, that nothing contained herein shall be construed to preclude a tax district from bringing an action against a former owner to recover reasonable costs incurred in acting pursuant to law to remove, abate or mitigate unsafe conditions and/or nuisances that were present on the property at the time of foreclosure, including but not limited to the demolition of unsafe structures and the elimination of fire and health hazards where warranted.

§ 1144. Homeowner warning notices. 1. (a) In the case of residential property as defined by section eleven hundred eleven of this article, when personal notice of the commencement of a foreclosure proceeding is mailed pursuant to section eleven hundred twenty-five of this article, such notice shall include or be accompanied by the homeowner warning notice described by paragraph (b) of this subdivision. Provided, however, that in a tax district that does not enforce delinquent taxes pursu-

1 ant to this article, such homeowner warning notice shall be sent when
2 the foreclosure proceeding is commenced.

3 (b) Such notice shall be in substantially the following form:

4 "YOU MAY BE AT RISK OF FORECLOSURE ON A PROPERTY TAX LIEN. PLEASE READ
5 THE FOLLOWING NOTICE CAREFULLY.

6 As of (enter date), your property taxes have not been paid for the
7 following years and amounts each year: (enter years and amounts)

8 The total needed to pay off all tax arrears as of the date of this
9 notice is: (enter amount due)

10 Under New York State law, we are required to send you this notice to
11 inform you that you are at risk of losing your home.

12 Attached to this notice is a list of government approved housing coun-
13 seling agencies in your area which provide free counseling. You can also
14 call the NYS Office of the Attorney General's Homeowner Protection
15 Program (HOPP) toll-free consumer hotline to be connected to free hous-
16 ing counseling or legal services in your area at 1-855-HOME-456 (1-855-
17 466-3456), or visit their website. A statewide listing by county is also
18 available at the website of the New York State Department of Financial
19 Services. Qualified free help is available; watch out for companies or
20 people who charge a fee for these services.

21 Housing counselors from New York-based agencies listed on the website
22 above are trained to help homeowners who are having problems making
23 their tax payments and can help you find the best option for your situ-
24 ation.

25 If you wish, you may also contact our office directly to discuss
26 possible payment plans and other options.

27 While we cannot assure that a mutually agreeable resolution is possi-
28 ble, we encourage you to take immediate steps to try to achieve a resol-
29 ution.

30 The longer you wait, the fewer options you may have.

31 If you have not taken any actions to resolve this matter within ninety
32 days from the date this notice was mailed, we may commence legal action
33 or other remedies against you to foreclose the tax lien, which may even-
34 tually result in eviction from your home.

35 Under New York State law, you may be barred from entering into a
36 payment plan or from being permitted to make any payment to save your
37 home after the "Redemption Date". In your case, the "Redemption Date" is
38 tentatively set as (enter date).

39 IMPORTANT: You have the right to remain in your home until you receive
40 a court order telling you to leave the property; however, you may lose
41 the right to continue ownership of your home after the Redemption Date.
42 If a foreclosure action is filed against you in court, you still have
43 the right to remain in the home until a court orders you to leave.

44 This notice is not an eviction notice, and a foreclosure action has
45 not yet been commenced against you.

46 You should also be aware that if you are a senior citizen, a person
47 with a physical disability and/or a veteran, you may be entitled to a
48 partial exemption from property taxes. If you are not already receiving
49 one or more of these exemptions and would like information about the
50 eligibility and application requirements, please contact your local
51 assessor's office."

52 (c) In a tax district that does not pursue foreclosure when property
53 is owned by a person receiving one of more of the exemptions listed in
54 such notice, a sentence reading substantially as follows shall be added:
55 "If you are currently receiving one or more of these exemptions, please
56 contact us immediately so that we may suspend the foreclosure."

2. A failure of the owner to receive such notice shall not prevent the collection and enforcement of the payment of the taxes on property owned by such person.

3. Such notice may be accompanied by a list of housing counseling agencies that serve the county in which the property is located, including the last known addresses and telephone numbers of such agencies. The department of financial services shall make available on its website a listing, by county, of such agencies. The enforcing officer shall use such lists to meet the requirements of this section.

4. Such notice shall also include or be accompanied by a statement, set forth in each of the twelve most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by United States Census Bureau, advising them that a translated version of this notice, or a detailed summary thereof, may be found on the website of the New York state office of general services. This requirement may be satisfied by posting a statement in each such language that is substantially equivalent to the following: "YOU MAY BE AT RISK OF FORECLOSURE ON A PROPERTY TAX LIEN. To see this notice in (insert the name of the applicable language), go to (insert the applicable URL address)."

§ 1146. Repayment plans. 1. The governing body of a tax district is hereby authorized and empowered to enact and amend a local law providing that in the case of primary residences with a tax delinquency greater than five hundred dollars but less than thirty thousand dollars or such other limit as may be provided by such local law, the property owner shall be permitted to enter into a repayment plan to cure a tax delinquency at any time until the date of redemption.

2. The term of the repayment plan shall be twelve, eighteen, twenty-four, or thirty-six months, at the option of the owner. The amount due under the agreement shall be paid, as nearly as possible, in equal amounts on each payment due date. The amount of each such payment shall be determined by dividing the amount due by the number of required installment payments.

3. The owner shall be deemed to be in default of a payment plan agreement pursuant to this section upon the occurrence of any of the following events:

(a) Any payment due under the repayment plan is not made within forty-five days from the payment due date;

(b) Any tax levied after the owner entered into the repayment plan is not paid by the payment due date;

(c) The subject property is sold; or

(d) The total principal amount in arrears exceeds thirty thousand dollars or such higher amount as may have been set by local law, ordinance or resolution.

4. In the event of a default in payments, and after service of a twenty-day notice of default, the tax district shall have the right to require the entire unpaid balance, with interest, to be paid in full.

§ 1148. Assistance to vulnerable populations. 1. Every notice of unpaid taxes, notice of arrears included in tax statements, personal notice of commencement of foreclosure proceeding or tax lien sale must include information about a housing counseling agency or agencies funded by the New York state office of the attorney general's homeowner protection program in the region in which the property is located.

2. Upon receiving a return of unpaid taxes pursuant to section nine hundred thirty-six of this chapter or a comparable provision of law, the enforcing officer shall send a list of the names, addresses and tele-

phone numbers, if available, of the residential property owners included on such return to a housing counseling agency or agencies funded by the New York state office of the attorney general's homeowner protection program in the region where the property is located, so that such agency may make the homeowner aware of free foreclosure prevention services and options available to the parties.

§ 13. Section 1166 of the real property tax law, as amended by chapter 532 of the laws of 1994, subdivision 1 as amended by chapter 500 of the laws of 2015, is amended to read as follows:

§ 1166. Real property acquired by tax district; right of sale. 1. Whenever any tax district shall become vested with the title to real property, and whenever an enforcing officer shall have been authorized to sell and convey real property directly to another party, by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district or enforcing officer is hereby authorized to sell and convey ~~the~~ such real property ~~so-acquired~~, which shall include any and all gas, oil or mineral rights associated with such real property, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.

2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder.

3. The provisions of title six of this article shall govern the distribution of any surplus attributable to such sales.

§ 14. The real property tax law is amended by adding a new section 1194-a to read as follows:

§ 1194-a. Administration of surplus in connection with tax lien sales. Real property tax liens owned by third parties, including those tax liens sold pursuant to former title three of article fourteen of this chapter or pursuant to a special or local law or charter shall only be enforced in the manner described in this section:

1. Upon written application and the surrender of the tax lien certificate of sale, a treasurer's deed may be issued vesting in the tax lien certificate holder an absolute estate in fee, subject to all claims the taxing jurisdiction or state may have thereon for taxes, liens or encumbrances, if (a) a New York state licensed real estate appraiser conducts an appraisal of the property prior to the issuance of the deed to establish the property's fair market value and (b) the property's appraised value does not exceed the outstanding amount due to the tax lien holder. The tax district shall levy the cost of conducting the appraisal as a lien upon the property to be collected along with any other pending taxes, liens, or encumbrances; or

2. Notwithstanding any other law to the contrary, after the applicable redemption period has elapsed, an action to foreclose a tax sale certificate issued pursuant to former title three of article fourteen of this chapter or pursuant to a local law or charter may be commenced and maintained pursuant to this title.

3. Notwithstanding any other law to the contrary, when a tax lien has been sold to a third party, the lienholder shall send a homeowner warning notice in the manner provided by section eleven hundred forty-four of this article at least one hundred eighty days prior to making application for a treasurer's deed or commencing a foreclosure proceeding, as the case may be.

4. Notwithstanding the foregoing provisions of this section, in a city with a population of one million or more, real property tax liens owned

1 by third parties shall be enforced in the manner provided by the admin-
2 istrative code of such city.

3 § 15. Article 11 of the real property tax law is amended by adding a
4 new title 6 to read as follows:

5 TITLE 6

6 DISTRIBUTION OF SURPLUS

7 Section 1195. Definitions.

8 1196. Determination of existence and amount of surplus.

9 1197. Claims for surplus.

10 § 1195. Definitions. In addition to the definitions set forth in
11 section eleven hundred two of this article, for purposes of this title:

12 1. "Former homeowner" means a person or persons who lost title to
13 and/or ownership of residential property due to a tax foreclosure.

14 2. "Public sale" means a sale resulting from a public auction
15 conducted in accordance with the provisions of section two hundred thir-
16 ty-one of the real property actions and proceedings law.

17 3. "Surplus" means the net gain, if any, realized by the tax district
18 upon the sale of tax-foreclosed property, as determined in the manner
19 set forth in section eleven hundred ninety-six of this title. Where no
20 such gain was realized, no surplus shall be attributable to that sale.

21 4. "Tax-foreclosed property" means a parcel as to which a judgment of
22 foreclosure has been issued pursuant to section eleven hundred thirty-
23 six of this article.

24 § 1196. Determination of existence and amount of surplus. 1. (a)
25 Within forty-five days after the sale of tax-foreclosed property, the
26 enforcing officer shall determine whether a surplus is attributable to
27 such sale and if so, the amount thereof. Subject to the provisions of
28 subdivision two of this section, such determination shall be made by
29 ascertaining the sum of the total amount of taxes due plus interest,
30 penalties and other charges as defined by section eleven hundred two of
31 this article, and subtracting such sum from whichever of the following
32 is applicable:

33 (i) where the sale was a public sale, the amount to be so subtracted
34 shall be the amount paid for the property;

35 (ii) where the sale was not a public sale, the amount to be so
36 subtracted shall be either (A) the full value of the property as shown
37 on the most recent tax roll, (B) if available, an appraisal prepared by
38 a licensed New York state appraiser that establishes the full value of
39 the property as of the date of the transfer of title, or (C) the full
40 value of the property as of the date of the transfer of title as deter-
41 mined by such other valuation method as the enforcing officer reasonably
42 determines will result in just compensation to the former owner and
43 other parties whose interests were extinguished by the foreclosure.

44 (b) For purposes of this subdivision, where the enforcing officer has
45 been notified that the tax district intends to retain tax-foreclosed
46 property for a public use, the property shall be deemed to have been
47 sold on the date that the enforcing officer was so notified, and the
48 enforcing officer shall determine the existence and amount of a surplus
49 relative to such property in the manner provided by subparagraph (ii) of
50 paragraph (a) of this subdivision.

51 2. Notwithstanding the provisions of subdivision one of this section,
52 when a tax district has sold or conveyed tax-foreclosed property to a
53 land bank, a housing development agency or another public entity, and
54 such sale or conveyance was not the result of a public sale, or when a
55 tax district has determined to retain tax-foreclosed property for a

1 public use, no surplus shall be payable if all of the following condi-
2 tions are satisfied:

3 (a) prior to such sale, conveyance or determination, the property had
4 been offered for sale at two separate public auctions conducted at least
5 three months apart from one another,

6 (b) both auctions had been conducted in full compliance with the
7 provisions of section two hundred thirty-one of the real property
8 actions and proceedings law,

9 (c) the minimum acceptable bid at each auction had been set at an
10 amount no greater than the sum of the taxes due plus interest, penalties
11 and other charges, and

12 (d) no qualifying bids were received for the property at either
13 auction.

14 3. (a) If the enforcing officer determines that no surplus is attrib-
15 utable to the sale, such enforcing officer shall submit a report to the
16 court describing the circumstances of the sale, stating that no surplus
17 was attributable to the sale and demonstrating how the enforcing officer
18 reached that conclusion.

19 (b) If the enforcing officer determines that a surplus is attributable
20 to the sale, such enforcing officer shall submit a report to the court
21 describing the circumstances of the sale, stating that a surplus was
22 attributable to the sale, and demonstrating how the amount of the
23 surplus was determined. Such surplus shall be paid to the court there-
24 with. Within ten days of submitting such report, the enforcing officer
25 shall notify the former property owner that a surplus was attributable
26 to the sale of such property, that such surplus has been paid into
27 court, and that the court will notify the interested parties of the
28 procedure to be followed in order to make a claim for a share of the
29 surplus.

30 (c) Where the enforcing officer's determination of surplus is based
31 upon such enforcing officer's estimate of the property's value, the
32 enforcing officer's report to the court shall set forth an explanation
33 of how this estimate was made, including the evidence upon which it was
34 based.

35 4. Upon approval by the court of the enforcing officer's report, the
36 tax district shall have no further responsibilities in relation to the
37 parcel or any surplus attributable thereto, except to the extent the
38 court directs otherwise pursuant to section eleven hundred ninety-seven
39 of this title.

40 § 1197. Claims for surplus. 1. Any person who had any right, title,
41 interest, claim, lien or equity of redemption in or upon a parcel imme-
42 diately prior to the issuance of the judgment of foreclosure may file a
43 claim with the court having jurisdiction for a share of any surplus
44 resulting from the sale of such property. Such claims shall be adminis-
45 tered and adjudicated, and such surplus shall be distributed, in the
46 same manner as in an action to foreclose a mortgage pursuant to article
47 thirteen of the real property actions and proceedings law, subject to
48 the provisions of this section.

49 2. (a) Where the property was sold by a public sale, the amount paid
50 for the property shall be accepted as the full value of the property.
51 No party may maintain a claim for surplus or any other claim or action
52 against the tax district on the basis that the amount paid for the prop-
53 erty did not fairly represent the property's value.

54 (b) Where the property was sold by other than a public sale, a claim-
55 ant may make a motion, upon notice to the enforcing officer, for the
56 surplus to be recalculated on the basis that the property's full value

1 on the date of the sale was substantially higher than the value used to
2 measure the surplus pursuant to subparagraph (ii) of paragraph (a) of
3 subdivision one of section eleven hundred ninety-six of this title. If
4 the court or its referee finds that a preponderance of the evidence
5 supports the claimant's position, the court may direct the enforcing
6 officer to recalculate the surplus based upon the property's value as
7 determined by the court or referee. The court may further direct the
8 enforcing officer to pay the difference into court to be distributed as
9 required by this section.

10 3. Where the court has appointed a referee to preside over the
11 proceedings pursuant to subdivision two of section thirteen hundred
12 sixty-one of the real property actions and proceedings law, it shall not
13 be necessary for such referee to make a report of such proceedings; nor
14 shall it be necessary for the court to confirm by order or otherwise
15 such proceedings.

16 4. In the case of residential property, if at the time of the confir-
17 mation of the report of sale, no former homeowner has filed a claim for
18 surplus, and there are surplus proceeds that remain to be distributed,
19 the proceeding shall remain open for at least three years from the
20 confirmation of the report of sale, or for such longer period as the
21 court may direct. If a former homeowner should file a claim for surplus
22 during such period, the court shall proceed as if it had been timely
23 filed.

24 5. At the conclusion of such proceedings, any surplus funds that have
25 not been claimed shall be deemed abandoned but shall be paid to the tax
26 district, not to the state comptroller, and shall be used by the tax
27 district to reduce its tax levy.

28 6. To the extent the provisions of article thirteen of the real prop-
29 erty actions and proceedings law are inconsistent with the provisions of
30 this article, the provisions of this article shall govern.

31 § 16. Subparagraph (B) of paragraph 7 of subsection (eee) of section
32 606 of the tax law, as amended by section 1 of subpart D of part Z of
33 chapter 59 of the laws of 2022, is amended to read as follows:

34 (B) Notwithstanding any provision of law to the contrary, the names
35 and addresses of individuals who have applied for or are receiving the
36 credit authorized by this subsection may be disclosed to assessors,
37 county directors of real property tax services, ~~and~~ municipal tax
38 collecting officers and enforcing officers within New York state. In
39 addition, such information may be exchanged with assessors and tax offi-
40 cials from jurisdictions outside New York state if the laws of the other
41 jurisdiction allow it to provide similar information to this state. Such
42 information shall be considered confidential and shall not be subject to
43 further disclosure pursuant to the freedom of information law or other-
44 wise.

45 § 17. Subdivision (c) of section 6 of chapter 602 of the laws of 1993
46 amending the real property tax law relating to the enforcement of the
47 collection of delinquent real property taxes and to the collection of
48 taxes by banks, as amended by chapter 562 of the laws of 2021, is
49 amended to read as follows:

50 (c) A village which conducted a tax sale in 1993 pursuant to section
51 1454 of the real property tax law is hereby authorized to adopt a local
52 law without referendum, no later than September 1, 1994, providing that
53 the collection of taxes that shall become liens on or after January 1,
54 1995 and on or before December 31, ~~2024~~ 2027 shall be enforced pursu-
55 ant to title 3 of article 14 of the real property tax law, as the same
56 shall have been in effect on the last day preceding the effective date

1 of this act. A copy of such local law shall be filed with the state
2 board of equalization and assessment no later than October 1, 1994.
3 Provided, however, that on and after the effective date of the chapter
4 of the laws of 2024 that amended this subdivision, the enforcement of
5 delinquent taxes in a village that has adopted such a local law shall
6 also be subject to the provisions of section 1194-a of the real property
7 tax law.

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

18 § 19. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after May 25, 2023, provided
20 that:

21 1. (a) In a taxing jurisdiction that enforces delinquent taxes pursu-
22 ant to article 11 of the real property tax law, where a tax-foreclosed
23 property has been sold on or after May 25, 2023 and prior to the effec-
24 tive date of this act, the enforcing officer of the tax district shall
25 have six months from the effective date of this act to submit to the
26 court the report required by section 1194-a of the real property tax law
27 as added by section fourteen of this act regarding the existence and
28 amount of surplus and to pay such surplus to the court.

29 (b) In a taxing jurisdiction that enforces delinquent taxes pursuant
30 to a county charter, city charter, administrative code or special law,
31 as authorized by a local law adopted pursuant to section 1104 of the
32 real property tax law, the provisions of such county charter, city char-
33 ter, administrative code or special law shall continue to apply therein
34 without regard to the provisions of this act, provided that such county
35 charter, city charter, administrative code or special law provides a
36 mechanism for former owners and other parties whose interests were
37 extinguished by the foreclosure of a delinquent tax lien to claim
38 surplus. If the county charter, city charter, administrative code or
39 special law applicable to the taxing jurisdiction does not provide a
40 mechanism for claiming surplus, the taxing jurisdiction is hereby
41 authorized to adopt a local law providing that surplus shall be adminis-
42 tered therein in the manner provided by title 6 of article 11 of the
43 real property tax law, as added by section fifteen of this act. Such a
44 local law shall remain in effect until repealed or until the applicable
45 county charter, city charter, administrative code or special law is
46 amended to provide a mechanism for claiming surplus, whichever is soon-
47 er. As used in this paragraph, the term "surplus" shall have substan-
48 tially the same meaning as set forth in section 1195 of the real proper-
49 ty tax law, as added by section fifteen of this act, provided, however,
50 that in a city with a population of one million or more, such term shall
51 mean the difference, if any, after subtracting: (A) the sum of the
52 amount of the delinquent tax lien on a property and any foreclosure
53 costs from (B) the proceeds of the sale of such property pursuant to a
54 foreclosure by the taxing jurisdiction; and provided further, that in
55 such a city, the term "foreclosure costs" means the sum of the "charges"
56 as defined by section 1102 of the real property tax law, as amended by

1 section four of this act, and any other amounts specifically identified
2 in such charter, code or special law as due and payable upon foreclo-
3 sure.

4 (c) In any taxing jurisdiction, where a tax-foreclosed property was
5 sold prior to May 25, 2023, a claim for surplus attributable to such
6 sale may be maintained if and only if a proceeding to compel such tax
7 district to distribute such surplus to the petitioner or petitioners had
8 been initiated pursuant to subdivision 1 of section 7803 of the civil
9 practice law and rules, such proceeding was commenced in a timely manner
10 as provided by section 217 of such chapter, and such proceeding was
11 still active on the effective date of this act.

12 (d) For purposes of this paragraph, the term "taxing jurisdiction"
13 means a municipal corporation with the power to enforce delinquent real
14 property tax liens.

15 2. Section seventeen of this act shall take effect immediately and
16 shall be deemed to have been in full force and effect on and after July
17 26, 1994.

18 PART CC

19 Section 1. Section 106 of the alcoholic beverage control law is
20 amended by adding a new subdivision 16 to read as follows:

21 16. A person holding a retail on-premises license for a movie theatre,
22 other than a license for a movie theatre that meets the definitions of
23 restaurant and meals, and where all seating is at tables where meals are
24 served, shall:

25 (a) for every purchase of an alcoholic beverage, require the purchaser
26 to provide written evidence of age as set forth in paragraph (b) of
27 subdivision two of section sixty-five-b of this chapter; and

28 (b) allow the purchase of only one alcoholic beverage per transaction;
29 and

30 (c) not commence the sale of alcoholic beverages until one hour prior
31 to the start of the first motion picture, and cease all sales of alco-
32 holic beverages after the conclusion of the final motion picture.

33 § 2. Subdivision 6 of section 64-a of the alcoholic beverage control
34 law, as amended by chapter 475 of the laws of 2011, is amended to read
35 as follows:

36 6. No special on-premises license shall be granted except for premises
37 in which the principal business shall be (a) the sale of food or bever-
38 ages at retail for consumption on the premises or (b) the operation of a
39 legitimate theatre, including a motion picture theatre that is a build-
40 ing or facility which is regularly used and kept open primarily for the
41 exhibition of motion pictures for at least five out of seven days a
42 week, or on a regular seasonal basis of no less than six contiguous
43 weeks, to the general public where all auditorium seating is permanently
44 affixed to the floor and at least sixty-five percent of the motion
45 picture theatre's annual gross revenues is the combined result of admis-
46 sion revenue for the showing of motion pictures and the sale of food and
47 non-alcoholic beverages, or such other lawful adult entertainment or
48 recreational facility as the liquor authority, giving due regard to the
49 convenience of the public and the strict avoidance of sales prohibited
50 by this chapter, shall by regulation classify for eligibility. [~~Nothing~~
51 ~~contained in this subdivision shall be deemed to authorize the issuance~~
52 ~~of a license to a motion picture theatre, except those meeting the defi-~~
53 ~~nition of restaurant and meals, and where all seating is at tables where~~
54 ~~meals are served.~~]

§ 3. Subdivision 8 of section 64-a of the alcoholic beverage control law, as added by chapter 531 of the laws of 1964, is amended to read as follows:

8. Every special on-premises licensee shall regularly keep food available for sale to its customers for consumption on the premises. The availability of sandwiches, soups or other foods, whether fresh, processed, pre-cooked or frozen, shall be deemed compliance with this requirement. For motion picture theatres licensed under paragraph (b) of subdivision six of this section, food that is typically found in a motion picture theatre, including but not limited to: popcorn, candy, and light snacks, shall be deemed to be in compliance with this requirement. The licensed premises shall comply at all times with all the regulations of the local department of health. Nothing contained in this subdivision, however, shall be construed to require that any food be sold or purchased with any liquor, nor shall any rule, regulation or standard be promulgated or enforced requiring that the sale of food be substantial or that the receipts of the business other than from the sale of liquor equal any set percentage of total receipts from sales made therein.

§ 4. Subdivision 9 of section 64-a of the alcoholic beverage control law, as added by chapter 531 of the laws of 1964, is amended to read as follows:

9. In the case of a motion picture theatre applying for a license under this section, any municipality required to be notified under section one hundred ten-b of this chapter may express an opinion with respect to whether the application should be approved, and such opinion may be considered in determining whether good cause exists to deny any such application.

10. The liquor authority may make such rules as it deems necessary to carry out the provisions of this section.

§ 5. This act shall take effect immediately and shall expire and be deemed repealed 3 years after such date.

PART DD

Section 1. This Part enacts into law components of legislation relating to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo and authorizing the expenditure of the proceeds from such bonds for such objects or purposes. Each component is wholly contained within a Subpart identified as Subparts A through D. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Legislative findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 19, 2019 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of \$1,100,000 to finance the cost of

1 construction of a new police shooting range. The legislature further
2 finds and determines that said resolution failed to include language to
3 identify the accurate address within the city in which such construction
4 of a new police shooting range is intended to be made.

5 § 2. Notwithstanding the defects described in section one of this act,
6 the object or purposes for which said bonds were issued are hereby
7 deemed to be for the construction of a new police shooting range to be
8 located at 379 Paderewski Drive in the city of Buffalo as mentioned in
9 the aforesaid resolution and the expenditure of the \$1,100,000 proceeds
10 of such bonds for such objects or purposes is hereby authorized, vali-
11 dated, confirmed and ratified.

12 § 3. The authorization provided in section two of this act shall not
13 take effect until the common council of the city of Buffalo adopts a
14 resolution after the effective date of this act that shall be subject to
15 permissive referendum pursuant to section 23-11 of the charter of the
16 city of Buffalo as if the council had not already created a city debt.
17 In the event a successful petition is filed with the city clerk, the
18 authorization provided in section two of this act shall not take effect
19 unless such resolution is approved by the affirmative vote of a majority
20 of the qualified electors.

21 § 4. Separability. If any clause, sentence, paragraph, section or part
22 of this act shall be adjudged by any court of competent jurisdiction to
23 be invalid, such judgment shall not affect, impair, or invalidate the
24 remainder thereof, but shall be confined in its operation to the clause,
25 sentence, paragraph, section or part thereof directly involved in the
26 controversy in which such judgment shall have been rendered.

27 § 5. This act shall take effect immediately.

28 SUBPART B

29 Section 1. Legislative findings. The legislature hereby finds and
30 determines that pursuant to a bond resolution dated February 18, 2020
31 adopted by the common council of the city of Buffalo, county of Erie,
32 (the "common council" and the "city" respectively) the city issued bonds
33 in the principal amount of \$400,000 to finance the cost of construction
34 of a new police shooting range. The legislature further finds and deter-
35 mines that said resolution failed to include language to identify the
36 accurate address within the city in which such construction of a new
37 police shooting range is intended to be made.

38 § 2. Notwithstanding the defects described in section one of this act,
39 the object or purposes for which said bonds were issued are hereby
40 deemed to be for the construction of a new police shooting range to be
41 located at 379 Paderewski Drive in the city of Buffalo as mentioned in
42 the aforesaid resolution and the expenditure of the \$400,000 proceeds of
43 such bonds for such objects or purposes is hereby authorized, validated,
44 confirmed and ratified.

45 § 3. The authorization provided in section two of this act shall not
46 take effect until the common council of the city of Buffalo adopts a
47 resolution after the effective date of this act that shall be subject to
48 permissive referendum pursuant to section 23-11 of the charter of the
49 city of Buffalo as if the council had not already created a city debt.
50 In the event a successful petition is filed with the city clerk, the
51 authorization provided in section two of this act shall not take effect
52 unless such resolution is approved by the affirmative vote of a majority
53 of the qualified electors.

§ 4. Separability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

SUBPART C

Section 1. Legislative findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 22, 2022 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of \$1,879,700 to finance the cost of construction of a new police training facility. The legislature further finds and determines that said resolution failed to include language to identify the accurate address within the city in which such construction of a new police training facility is intended to be made.

§ 2. Notwithstanding the defects described in section one of this act, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of a new police training facility to be located at 379 Paderewski Drive in the city of Buffalo as mentioned in the aforesaid resolution and the expenditure of the \$1,879,700 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

SUBPART D

Section 1. Legislative findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 7, 2023 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of \$1,514,700 to finance the cost of construction of a new police training facility, including planning and design work, related site improvements, and furnishings. The legislature further finds and determines that said resolution failed to include language to identify the accurate address within the city in which such construction of a new police training facility is intended to be made.

§ 2. Notwithstanding the defects described in section one of this act, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of a new police training facility, including planning and design work, related site improvements, and furnishings to be located at 379 Paderewski Drive in the city of Buffalo as mentioned in the aforesaid resolution and the expenditure of the \$1,514,700 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

§ 2. Severability. If any clause, sentence, paragraph, section or subpart of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or subpart of this act directly involved in the controversy in which the judgment shall have been rendered.

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

PART EE

Section 1. The retirement and social security law is amended by adding a new section 604-j to read as follows:

§ 604-j. Twenty-five year retirement program for fire protection inspector members. a. Definitions. The following words and phrases as used in this section shall have the following meanings unless a different meaning is plainly required by the context.

1. "Fire protection inspector member" shall mean a member who is employed by the city of New York or by the New York city fire department in a title whose duties are those of a fire protection inspector or associate fire protection inspector; or in a title whose duties require the supervision of employees whose duties are those of a fire protection inspector or associate fire protection inspector.

2. "Twenty-five year retirement program" shall mean all the terms and conditions of this section.

3. "Starting date of the twenty-five year retirement program" shall mean the effective date of this section.

4. "Participant in the twenty-five year retirement program" shall mean any fire protection inspector member who, under the applicable provisions of subdivision b of this section, is entitled to the rights,

1 benefits, and privileges and is subject to the obligations of the twenty-five year retirement program, as applicable to them.

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3 5. "Discontinued member" shall mean a participant in the twenty-five year retirement program who, while they were a fire protection inspector member, discontinued service as such a member and has a right to a deferred vested benefit under subdivision d of this section.

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6 6. "Administrative code" shall mean the administrative code of the city of New York.

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9 7. "Allowable service as a fire protection inspector member" shall mean all service as a fire protection inspector member.

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11 b. Participation in the twenty-five year retirement program. 1. Subject to the provisions of paragraphs six and seven of this subdivision, any person who is a fire protection inspector member on the starting date of the twenty-five year retirement program and who, as such a fire protection inspector member or otherwise, last became subject to the provisions of this article prior to such starting date, may elect to become a participant in the twenty-five year retirement program by filing, within one hundred eighty days after the starting date of the twenty-five year retirement program, a duly executed application for such participation with the retirement system of which such person is a member, provided they are such a fire protection inspector member on the date such application is filed.

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23 2. Subject to the provisions of paragraphs six and seven of this subdivision, any person who becomes a fire protection inspector member after the starting date of the twenty-five year retirement program and who, as such a fire protection inspector member or otherwise, last became subject to the provisions of this article prior to such starting date, may elect to become a participant in the twenty-five year retirement program by filing, within one hundred eighty days after becoming such a fire protection inspector member, a duly executed application for such participation with the retirement system for which such person is a member, provided they are such a fire protection inspector member on the date such application is filed.

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34 3. Each fire protection inspector member, other than a fire protection inspector member subject to paragraph one or two of this subdivision, who becomes subject to the provisions of this article on or after the starting date of the twenty-five year retirement program shall become a participant in the twenty-five year retirement program on the date they become such a fire protection inspector member. Provided, however, a person subject to this paragraph, and who has exceeded age twenty-five upon employment as a fire protection inspector member, shall be exempt from participation in the improved twenty-five year retirement program if such person elects not to participate by filing a duly executed form with the retirement system within one hundred eighty days of becoming a fire protection inspector member.

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46 4. Any election to be a participant in the twenty-five year retirement program shall be irrevocable.

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53 5. Where any participant in the twenty-five year retirement program shall cease to be employed as a fire protection inspector member, they shall cease to be such a participant and, during any period in which such person is not so employed, they shall not be a participant in the twenty-five year retirement program and shall not be eligible for the benefits of subdivision c of this section.

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55 6. Where any participant in the twenty-five year retirement program terminates service as a fire protection inspector member and returns to

1 such service as a fire protection inspector member at a later date, they
2 shall again become such a participant on that date.

3 7. Notwithstanding any other provision of the law to the contrary, any
4 person who is eligible to elect to become a participant in the twenty-
5 five year retirement program pursuant to paragraph one or two of this
6 subdivision for the full one hundred eighty day period provided for in
7 such applicable paragraph and who fails to timely file a duly executed
8 application for such participation with the retirement system, shall not
9 thereafter be eligible to become a participant in such program.

10 c. Service retirement benefits. 1. A participant in the twenty-five
11 year retirement program:

12 (i) who has completed twenty-five or more years of allowable service
13 as a fire protection inspector member; and

14 (ii) who has paid, before the effective date of retirement, all addi-
15 tional member contributions and interest (if any) required by subdivi-
16 sion e of this section; and

17 (iii) who files with the retirement system of which they are a member
18 an application for service retirement setting forth at what time, not
19 less than thirty days subsequent to the execution and filing thereof,
20 their desire to be retired; and

21 (iv) who shall be a participant in the twenty-five year retirement
22 program at the time so specified for their retirement; shall be retired
23 pursuant to the provisions of this section affording early service
24 retirement.

25 2. Notwithstanding the provisions of subdivision a-1 of section six
26 hundred three of this article, or any other provision of law to the
27 contrary, and subject to the provisions of paragraph six of subdivision
28 e of this section, the early service retirement benefit for participants
29 in the twenty-five year retirement program who retire pursuant to para-
30 graph one of this subdivision shall be a retirement allowance consisting
31 of:

32 (i) an amount, on account of the required minimum period of service,
33 equal to fifty percent of their final average salary; plus

34 (ii) an amount on account of allowable service as a fire protection
35 inspector member, or fraction thereof, beyond such required minimum
36 period of service equal to two percent of their final salary for such
37 allowable service as a fire protection inspector member during the peri-
38 od from completion of twenty-five years of allowable service as a fire
39 protection inspector member to the date of retirement but not to exceed
40 more than five years of additional service as a fire protection inspec-
41 tor member.

42 d. Vesting. 1. A participant in the twenty-five year retirement
43 program:

44 (i) who discontinues service as such a participant, other than by
45 death or retirement; and

46 (ii) who prior to such discontinuance, completed five but less than
47 twenty-five years of allowable service as a fire protection inspector
48 member; and

49 (iii) who, subject to the provisions of paragraph seven of subdivision
50 e of this section, has paid, prior to such discontinuance, all addi-
51 tional member contributions and interest (if any) required by subdivi-
52 sion e of this section; and

53 (iv) who does not withdraw in whole or in part their accumulated
54 member contributions pursuant to section six hundred thirteen of this
55 article unless such participant thereafter returns to public service and
56 repays the amounts so withdrawn, together with interest, pursuant to

1 such section six hundred thirteen; shall be entitled to receive a
2 deferred vested benefit as provided in this subdivision.

3 2. (i) Upon such discontinuance under the conditions and in compliance
4 with the provisions of paragraph one of this subdivision, such deferred
5 vested benefit shall vest automatically.

6 (ii) In the case of a participant who is not a New York city revised
7 plan member, such vested benefit shall become payable on the earliest
8 date on which such discontinued member could have retired for service if
9 such discontinuance had not occurred or, in the case of a participant
10 who is a New York city revised plan member, such vested benefit shall
11 become payable at age sixty-three. Subject to the provisions of para-
12 graph seven of subdivision e of this section, such deferred vested bene-
13 fit shall be a retirement allowance consisting of an amount equal to two
14 percent of such discontinued member's final average salary, multiplied
15 by the number of years of credited service.

16 e. Additional member contributions. 1. In addition to the member
17 contributions required by section six hundred thirteen of this article,
18 each participant in the twenty-five year retirement program shall
19 contribute to the retirement system of which they are a member (subject
20 to the applicable provisions of subdivision d of section six hundred
21 thirteen of this article and subject to the limitation provided for in
22 paragraph two of this subdivision) an additional six and twenty-five
23 one-hundredths percent of their compensation earned from (i) all allow-
24 able service, as a participant in the twenty-five year retirement
25 program, rendered on or after the starting date of the twenty-five year
26 retirement program, and (ii) all allowable service after such person
27 ceases to be a participant, but before they again become a participant
28 pursuant to paragraph six of subdivision b of this section. The addi-
29 tional contributions required by this section shall be in lieu of addi-
30 tional member contributions required by subdivision d of section six
31 hundred four-c of this article, as added by chapter ninety-six of the
32 laws of nineteen hundred ninety-five, and no member making additional
33 contributions pursuant to this section shall be required to make
34 contributions pursuant to such subdivision d of section six hundred
35 four-c of this article. Notwithstanding the foregoing provisions of this
36 paragraph, the additional member contribution required to be paid by
37 each participant pursuant to this paragraph shall not exceed the
38 percentage of their compensation that, when added to the contribution
39 made pursuant to subdivision d of section six hundred thirteen of this
40 article, equals nine and twenty-five one-hundredths percent of that
41 compensation.

42 2. A participant in the twenty-five year retirement program shall
43 contribute additional member contributions until the later of (i) the
44 first anniversary of the starting date of the twenty-five year retire-
45 ment program, or (ii) the date on which they complete thirty years of
46 allowable service as a fire protection inspector member.

47 3. Commencing with the first full payroll period after each person
48 becomes a participant in the twenty-five year retirement program, addi-
49 tional member contributions at the rate specified in paragraph one of
50 this subdivision shall be deducted (subject to the applicable provisions
51 of subdivision d of section six hundred thirteen of this article) from
52 the compensation of such participant on each and every payroll of such
53 participant for each and every payroll period for which they are such a
54 participant.

55 4. (i) Each participant in the twenty-five year retirement program
56 shall be charged with a contribution deficiency consisting of the total

1 amounts of additional member contributions such person is required to
2 make pursuant to paragraphs one and two of this subdivision which are
3 not deducted from their compensation pursuant to paragraph three of this
4 subdivision, if any, together with interest thereon, compounded annual-
5 ly, and computed in accordance with the provisions of subparagraphs (ii)
6 and (iii) of this paragraph.

7 (ii) (A) The interest required to be paid on each such amount speci-
8 fied in subparagraph (i) of this paragraph shall accrue from the end of
9 the payroll period for which such amount would have been deducted from
10 compensation if they had been a participant at the beginning of that
11 payroll period and such deduction had been required for such payroll
12 period, until such amount is paid to the retirement system.

13 (B) The rate of interest to be applied to each such amount during the
14 period for which interest accrues on that amount shall be equal to the
15 rate or rates of interest required by law to be used during that same
16 period to credit interest on the accumulated deductions of retirement
17 system members.

18 (iii) Except as otherwise provided in paragraph five of this subdivi-
19 sion, no interest shall be due on any unpaid additional member contrib-
20 utions which are not attributable to a period prior to the first full
21 payroll period referred to in paragraph three of this subdivision.

22 5. (i) Should any person who, pursuant to subparagraph (ii) of para-
23 graph ten of this subdivision, has received a refund of their additional
24 member contribution including any interest paid on such contributions,
25 again become a participant in the twenty-five year retirement program
26 pursuant to paragraph six of subdivision b of this section, an appropri-
27 ate amount shall be included in such participant's contribution defi-
28 ciency (including interest thereon as calculated pursuant to subpara-
29 graph (ii) of this paragraph) for any credited service for which such
30 person received a refund of such additional member contributions
31 (including any amount of an unpaid loan balance deemed to have been
32 returned to such person pursuant to paragraph twelve of this subdivi-
33 sion), as if such additional member contributions never had been paid.

34 (ii)(A) Interest on a participant's additional member contributions
35 included in such participant's contribution deficiency pursuant to
36 subparagraph (i) of this paragraph shall be calculated as if such addi-
37 tional member contributions had never been paid by such participant, and
38 such interest shall accrue from the end of the payroll period to which
39 an amount of such additional member contributions is attributable, until
40 such amount is paid to the retirement system.

41 (B) The rate of interest to be applied to each such amount during the
42 period for which interest accrues on that amount shall be five percent
43 per annum, compounded annually.

44 6. Where a participant who is otherwise eligible for service retire-
45 ment pursuant to subdivision c of this section did not, prior to the
46 effective date of retirement, pay the entire amount of a contribution
47 deficiency chargeable to them pursuant to paragraphs four and five of
48 this subdivision, or repay the entire amount of a loan of their addi-
49 tional member contributions pursuant to paragraph eleven of this subdivi-
50 vision (including accrued interest on such loan), that participant,
51 nevertheless, shall be eligible to retire pursuant to subdivision c of
52 this section, provided, however, that such participant's service retire-
53 ment benefit calculated pursuant to paragraph two of such subdivision c
54 of this section shall be reduced by a life annuity (calculated in
55 accordance with the method set forth in subdivision i of section six
56 hundred thirteen-b of this article) which is actuarially equivalent to:

1 (i) the amount of any unpaid contribution deficiency chargeable to
2 such member pursuant to paragraphs four and five of this subdivision;
3 plus

4 (ii) the amount of any unpaid balance of a loan of their additional
5 member contributions pursuant to paragraph eleven of this subdivision
6 (including accrued interest on such loan).

7 7. Where a participant who is otherwise eligible for a vested right to
8 a deferred benefit pursuant to subdivision d of this section did not,
9 prior to the date of discontinuance of service, pay the entire amount of
10 a contribution deficiency chargeable to them pursuant to paragraphs four
11 and five of this subdivision, or repay the entire amount of a loan of
12 their additional member contributions pursuant to paragraph eleven of
13 this subdivision (including accrued interest on such loan), that partic-
14 ipant, nevertheless, shall have a vested right to a deferred benefit
15 pursuant to subdivision d of this section provided, however, that the
16 deferred vested benefit calculated pursuant to paragraph two of subdivi-
17 sion d of this section shall be reduced by a life annuity (calculated in
18 accordance with the method set forth in subdivision i of section six
19 hundred thirteen-b of this article) which is actuarially equivalent to:

20 (i) the amount of any unpaid contribution chargeable to such member
21 pursuant to paragraphs four and five of this subdivision; plus

22 (ii) the amount of any unpaid balance of a loan of their additional
23 member contributions pursuant to paragraph eleven of this subdivision
24 (including accrued interest on such a loan).

25 8. The head of a retirement system which includes participants in the
26 twenty-five year retirement program in its membership may, consistent
27 with the provisions of this subdivision, promulgate regulations for the
28 payment of such additional member contributions, and any interest there-
29 on, by such participants (including the deduction of such contributions,
30 and any interest thereon, from the participant's compensation).

31 9. Subject to the provisions of paragraphs six and seven of this
32 subdivision, where a participant has not paid in full any contribution
33 deficiency chargeable to them pursuant to paragraphs four and five of
34 this subdivision, and a benefit, other than a refund of member contrib-
35 utions pursuant to section six hundred thirteen of this article or a
36 refund of additional member contributions pursuant to subparagraph (ii)
37 of paragraph ten of this subdivision, becomes payable under this article
38 to the participant or to their designated beneficiary or estate, the
39 actuarial equivalent of any such unpaid amount shall be deducted from
40 the benefit otherwise payable.

41 10. (i) Such additional member contributions (and any interest there-
42 on) shall be paid into the contingent reserve fund of the retirement
43 system of which the participant is a member and shall not for any
44 purpose be deemed to be member contributions or accumulated contrib-
45 utions of a member under section six hundred thirteen of this article or
46 otherwise while they are a participant in the twenty-five year retire-
47 ment program or otherwise.

48 (ii) Should a participant in the twenty-five year retirement program
49 who has rendered less than fifteen years of credited service cease to
50 hold a position as a fire protection inspector member for any reason
51 whatsoever, their accumulated additional member contributions made
52 pursuant to this subdivision (together with any interest thereon paid to
53 the retirement system) may be withdrawn by them pursuant to procedures
54 promulgated in regulations of the board of trustees of the retirement
55 system, together with interest thereon at the rate of five percent per
56 annum, compounded annually.

(iii) Notwithstanding any other provision of law to the contrary, (A) no person shall be permitted to withdraw from the retirement system any additional member contributions paid pursuant to this subdivision or any interest paid thereon, except pursuant to and in accordance with the preceding subparagraphs of this paragraph; and (B) no person, while they are a participant in the twenty-five year retirement program, shall be permitted to withdraw any such additional member contributions or any interest paid thereon pursuant to any of the preceding subparagraphs of this paragraph or otherwise.

11. A participant in the twenty-five year retirement program shall be permitted to borrow from their additional member contributions (including any interest paid thereon) which are credited to the additional contributions account established for such participant in the contingent reserve fund of the retirement system. The borrowing from such additional member contributions pursuant to this paragraph shall be governed by the rights, privileges, obligations, and procedures set forth in section six hundred thirteen-b of this article which govern the borrowing of member contributions made pursuant to section six hundred thirteen of this article. The board of trustees of the retirement system may, consistent with the provisions of this subdivision and the provisions of section six hundred thirteen-b of this article as made applicable to this subdivision, promulgate regulations governing the borrowing of such additional member contributions.

12. Whenever a person has an unpaid balance of a loan or their additional member contributions pursuant to paragraph eleven of this subdivision at the time they become entitled to a refund of their additional member contributions pursuant to subparagraph (ii) of paragraph ten of this subdivision, the amount of such unpaid loan balance (including accrued interest) shall be deemed to have been returned to such member, and the refund of such additional contributions shall be the net amount of such contribution, together with interest thereon in accordance with the provisions of such subparagraph (ii).

§ 2. Subdivision d of section 613 of the retirement and social security law is amended by adding a new paragraph 12 to read as follows:

12. (i) The city of New York shall, in the case of a fire protection inspector member (as defined in paragraph one of subdivision a of section six hundred four-j of this article) who is a participant in the twenty-five year retirement program (as defined in paragraph four of subdivision a of such section six hundred four-j), pick up and pay to the retirement system of which such participant is a member all additional member contributions which otherwise would be required to be deducted from such member's compensation pursuant to paragraphs one and two of subdivision e of such section six hundred four-j of this article (not including any additional member contributions due for any period prior to the first full payroll period referred to in such paragraph three of such subdivision e), and shall effect such pick up in each and every payroll of such participant for each and every payroll period with respect to which such paragraph three would otherwise require such deductions.

(ii) An amount equal to the amount of additional contributions picked up pursuant to this paragraph shall be deducted by such employer from the compensation of such member (as such compensation would be in the absence of a pick up program applicable to them hereunder) and shall not be paid to such member.

(iii) The additional member contributions picked up pursuant to this paragraph for any such member shall be paid by such employer in lieu of

1 an equal amount of additional member contributions otherwise required to
2 be paid by such member under the applicable provisions of subdivision e
3 of section six hundred four-j of this article, and shall be deemed to be
4 and treated as employer contributions pursuant to section 414(h) of the
5 Internal Revenue Code.

6 (iv) For the purpose of determining the retirement system rights,
7 benefits, and privileges of any member whose additional member contrib-
8 utions are picked up pursuant to this paragraph, such picked up addi-
9 tional member contributions shall be deemed to be and treated as part of
10 such member's additional member contributions under the applicable
11 provisions of subdivision e of section six hundred four-j of this arti-
12 cle.

13 (v) With the exception of federal income tax treatment, the additional
14 member contributions picked up pursuant to subparagraph (i) of this
15 paragraph shall for all other purposes, including computation of retire-
16 ment benefits and contributions by employers and employees, be deemed
17 employee salary. Nothing contained in this subdivision shall be
18 construed as superseding the provisions of section four hundred thirty-
19 one of this chapter, or any similar provision of law which limits the
20 salary base for computing retirement benefits payable by a public
21 retirement system.

22 § 3. Subdivision a of section 603 of the retirement and social securi-
23 ty law, as amended by chapter 18 of the laws of 2012, is amended to read
24 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, or subdivision c of section six hundred four-j of this article,
37 provided, however, a member of a teachers' retirement system or the New
38 York state and local employees' retirement system who first joins such
39 system before January first, two thousand ten or a member who is a
40 uniformed court officer or peace officer employed by the unified court
41 system who first becomes a member of the New York state and local
42 employees' retirement system before April first, two thousand twelve may
43 retire without reduction of [~~his or her~~] their retirement benefit upon
44 attainment of at least fifty-five years of age and completion of thirty
45 or more years of service, provided, however, that a uniformed court
46 officer or peace officer employed by the unified court system who first
47 becomes a member of the New York state and local employees' retirement
48 system on or after January first, two thousand ten and retires without
49 reduction of [~~his or her~~] their retirement benefit upon attainment of at
50 least fifty-five years of age and completion of thirty or more years of
51 service pursuant to this section shall be required to make the member
52 contributions required by subdivision f of section six hundred thirteen
53 of this article for all years of credited and creditable service,
54 provided further that the [~~the~~] preceding provisions of this subdivision
55 shall not apply to a New York city revised plan member.

§ 4. Nothing contained in sections two and three of this act shall be construed to create any contractual right with respect to members to whom such sections apply. The provisions of such sections are intended to afford members the advantages of certain benefits contained in the internal revenue code, and the effectiveness and existence of such sections and benefits they confer are completely contingent thereon.

§ 5. This act shall take effect immediately, provided, however that:

(a) The provisions of sections two and three of this act shall remain in full force and effect only so long as, pursuant to federal law, contributions picked up under such sections are not includable as gross income of a member for federal income tax purposes until distributed or made available to the member; provided that the New York city employees' retirement system shall notify the legislative bill drafting commission upon the occurrence of such a change in federal law ruling affecting the provisions of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law;

(b) The amendments to subdivision a of section 603 of the retirement and social security law made by section three of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

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

SUMMARY: This proposed legislation would establish 25-Year Retirement Programs for Fire Protection Inspectors (FPI 25-Year Plans) for Tier 4 and Tier 6 members of NYCERS.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years (\$ in Thousands)

Year	NYCERS
2025	321.8
2026	309.8
2027	299.1
2028	290.0
2029	281.4
2030	273.4
2031	264.3
2032	256.8
2033	250.5
2034	241.9
2035	232.1
2036	223.9
2037	24.9
2038	17.1
2039	9.4
2040	3.3
2041	(0.9)
2042	(4.7)
2043	(7.8)
2044	(9.9)
2045	(11.1)
2046	(11.6)
2047	(11.5)
2048	(11.5)
2049	(11.8)

Employer Contribution impact beyond Fiscal Year 2049 is not shown.
Projected contributions include future new hires that may be impacted.

The entire increase (decrease) in employer contributions will be allocated to New York City.

INITIAL INCREASE (DECREASE) IN ACTUARIAL LIABILITIES
as of June 30, 2023 (\$ in Millions)

Present Value (PV)	NYCERS
PV of Benefits:	3.3
PV of Employee Contributions:	1.9
PV of Employer Contributions:	1.4
Unfunded Accrued Liabilities:	1.5

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS
Number of Payments:	12
Fiscal Year of Last Payment:	2036
Amortization Payment:	192 K

Unfunded Accrued Liability increases were amortized over the expected remaining working lifetime of those impacted by the benefit changes using level dollar payments.

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for the fire protection inspectors assumed to elect an FPI 25-Year Plan is summarized below.

	NYCERS
Active Members	
- Number Count:	82
- Average Age:	41.6
- Average Service:	13.6
- Average Salary:	88,200

IMPACT ON MEMBER BENEFITS AND CONTRIBUTIONS: The proposed legislation would provide fire protection inspectors a service retirement benefit under the FPI 25-Year Plans equal to 50% of Final Average Salary (FAS) for the first 25 years of Allowable Service, plus 2% of FAS for each additional year of Allowable Service exceeding 25 years up to a maximum of 30 years. The FAS is based on a three-year average for Tier 4 members and a five-year average for Tier 6 members. The vested benefit under the FPI 25-Year Plans would be 2% of FAS for each year of Allowable Service.

Members of the FPI 25-Year Plans would be required to pay Basic Member Contributions (BMC), which vary by tier, plus Additional Member Contributions (AMC) equal to 6.25% of compensation for all service as a Plan participant on and after the starting date of the Plan until the later of the one-year anniversary of the effective date of the Plans or 30 years of Allowable Service. In no event shall BMC plus AMC exceed 9.25% of compensation.

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:

* The rates of retirement for the FPI 25-Year Plans were assigned based on members' eligibility to elect or opt out of the plan. The FPI 25-year plan will be optional for current fire protection inspectors. Future members will be mandated into the FPI 25-year plan unless they are over age 25 when hired as a fire protection inspector.

* New entrants were assumed to replace exiting members so that total payroll for fire protection inspectors increases by 3% each year. New entrant demographics were developed based on data for recent new hires and actuarial judgement. Future members, who are not over age 25 when hired as a fire protection inspector, would be mandated into the FPI 25-year plan.

To determine the impact of the elective nature of the proposed legislation, a subgroup of NYCERS Fire Protection Inspectors was developed based on who is assumed to benefit actuarially by comparing the net present value of future employer costs of each member's benefit under their current plan and under the applicable FPI 25-Year Plan.

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 2024-37 dated March 25, 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.

1

PART FF

2 Section 1. Subdivisions 9, 10 and 11 of section 155.30 of the penal
3 law, subdivision 9 as amended by chapter 479 of the laws of 2010, subdi-
4 vision 10 as added by chapter 491 of the laws of 1992 and subdivision 11
5 as added by chapter 394 of the laws of 2005, are amended and a new
6 subdivision 12 is added to read as follows:

7 9. The property consists of a scroll, religious vestment, a vessel, an
8 item comprising a display of religious symbols which forms a represen-
9 tative expression of faith, or other miscellaneous item of property
10 which:

11 (a) has a value of at least one hundred dollars; and

12 (b) is kept for or used in connection with religious worship in any
13 building, structure or upon the curtilage of such building or structure
14 used as a place of religious worship by a religious corporation, as

1 incorporated under the religious corporations law or the education
2 law[~~+~~]; or

3 10. The property consists of an access device which the person intends
4 to use unlawfully to obtain telephone service[~~+~~]; or

5 11. The property consists of anhydrous ammonia or liquified ammonia
6 gas and the actor intends to use, or knows another person intends to
7 use, such anhydrous ammonia or liquified ammonia gas to manufacture
8 methamphetamine[~~+~~]; or

9 12. The property consists of retail goods or merchandise stolen pursu-
10 ant to a common scheme or plan or a single, ongoing intent to deprive
11 another or others of the property or to appropriate the property to the
12 actor or another person and the value of the property exceeds one thou-
13 sand dollars, which value may be determined by the aggregate value of
14 all such property regardless of whether the goods or merchandise were
15 stolen from the same owner. Nothing in this subdivision shall be read to
16 limit the ability to aggregate the value of any property or the ability
17 to charge the larceny of retail goods or merchandise under another
18 applicable provision of law.

19 § 2. Subdivision 2 of section 155.35 of the penal law, as amended by
20 chapter 464 of the laws of 2010, is amended and a new subdivision 3 is
21 added to read as follows:

22 2. the property is an automated teller machine or the contents of an
23 automated teller machine[~~+~~], or

24 3. the property consists of retail goods or merchandise stolen pursu-
25 ant to a common scheme or plan or a single, ongoing intent to deprive
26 another or others of the property or to appropriate the property to the
27 actor or another person and the value of the property exceeds three
28 thousand dollars, which value may be determined by the aggregate value
29 of all such property regardless of whether the goods or merchandise were
30 stolen from the same owner. Nothing in this subdivision shall be read to
31 limit the ability to aggregate the value of any property or the ability
32 to charge the larceny of retail goods or merchandise under another
33 applicable provision of law.

34 § 3. Subdivision 2 of section 155.40 of the penal law, as amended by
35 chapter 515 of the laws of 1986, is amended and a new subdivision 3 is
36 added to read as follows:

37 2. The property, regardless of its nature and value, is obtained by
38 extortion committed by instilling in the victim a fear that the actor or
39 another person will (a) cause physical injury to some person in the
40 future, or (b) cause damage to property, or (c) use or abuse his posi-
41 tion as a public servant by engaging in conduct within or related to his
42 official duties, or by failing or refusing to perform an official duty,
43 in such manner as to affect some person adversely[~~+~~]; or

44 3. The property consists of retail goods or merchandise stolen pursu-
45 ant to a common scheme or plan or a single, ongoing intent to deprive
46 another or others of the property or to appropriate the property to the
47 actor or another person and the value of the property exceeds fifty
48 thousand dollars, which value may be determined by the aggregate value
49 of all such property regardless of whether the goods or merchandise were
50 stolen from the same owner. Nothing in this subdivision shall be read to
51 limit the ability to aggregate the value of any property or the ability
52 to charge the larceny of retail goods or merchandise under another
53 applicable provision of law.

54 § 4. Section 155.42 of the penal law, as added by chapter 515 of the
55 laws of 1986, is amended to read as follows:

56 § 155.42 Grand larceny in the first degree.

1 A person is guilty of grand larceny in the first degree when [~~he~~] such
2 person steals property and when [~~the~~]:

3 1. The value of the property exceeds one million dollars[~~+~~]; or

4 2. The property consists of retail goods or merchandise stolen pursu-
5 ant to a common scheme or plan or a single, ongoing intent to deprive
6 another or others of the property or to appropriate the property to the
7 actor or another person and the value of the property exceeds one
8 million dollars, which value may be determined by the aggregate value of
9 all such property regardless of whether the goods or merchandise were
10 stolen from the same owner. Nothing in this subdivision shall be read to
11 limit the ability to aggregate the value of any property or the ability
12 to charge the larceny of retail goods or merchandise under another
13 applicable provision of law.

14 Grand larceny in the first degree is a class B felony.

15 § 5. Subparagraph (iv) of paragraph (b) of subdivision 1 of section
16 70.10 of the penal law, as added by chapter 264 of the laws of 2003, is
17 amended to read as follows:

18 (iv) that such conviction was for a felony offense other than persist-
19 ent sexual abuse, as defined in section 130.53 of this chapter[~~+~~]; grand
20 larceny in the fourth degree as defined in subdivision twelve of section
21 155.30 of this chapter; grand larceny in the third degree as defined in
22 subdivision three of section 155.35 of this chapter; grand larceny in
23 the second degree as defined in subdivision three of section 155.40 of
24 this chapter; or grand larceny in the first degree as defined in subdi-
25 vision two of section 155.42 of this chapter.

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

31 PART GG

32 Section 1. Section 3 of part HH of chapter 56 of the laws of 2022
33 amending the retirement and social security law relating to waiving
34 approval and income limitations on retirees employed in school districts
35 and board of cooperative educational services, as amended by section 1
36 of part V of chapter 55 of the laws of 2023, is amended to read as
37 follows:

38 § 3. This act shall take effect immediately and shall expire and be
39 deemed repealed June 30, [~~2024~~] 2025.

40 § 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 bene-
fit through June 30, 2025.

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.

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 27, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-140 Revised, prepared by the Actuary for the New York State and Local Retirement System.

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

This bill would amend Part HH of Chapter 56 of the Laws of 2022 to extend the waiver of the earnings-after-retirement limit for one more year to June 30, 2025 for retired members who return to work with a school district or a board of cooperative educational services (BOCES). The current expiration date is June 30, 2024 for the waiver of this limit. This act shall take effect immediately and shall be deemed repealed on June 30, 2025.

It is estimated that there will be no additional annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted. There could be additional annual costs in the future if this waiver is continually extended such that it becomes an expectation, as this could lead to some members retiring earlier than they otherwise would have. Earlier retirement generally increases plan costs since members will be receiving their benefits for a longer period.

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 2024-29 dated March 21, 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.

1 PART HH

2 Section 1. Subdivision 3 of section 363-a of the retirement and social
3 security law, as amended by chapter 437 of the laws of 2016, is amended
4 to read as follows:

5 3. As used in this section, the terms "firefighter" and "police offi-
6 cer" mean any member who is performing police or fire service, as the
7 phrase police or fire service is defined in paragraphs a, b, c, d, f (as
8 added by chapter six hundred seventy-four of the laws of nineteen eight-
9 y-six), f (as added by chapter six hundred seventy-seven of the laws of
10 nineteen eighty-six), g, h, i and j of subdivision eleven of section
11 three hundred two of this article, and who, prior to entry into service
12 as a firefighter or police officer, successfully passed a physical exam-
13 ination which failed to disclose evidence of any disease or other
14 impairment of the heart.

15 § 2. The amendments to section 363-a of the retirement and social
16 security law made by section one of this act shall not affect, impair,
17 or invalidate any temporary right, privilege, or benefit conferred
18 pursuant to the provisions of a general, special or local law (other
19 than pursuant to articles 14 and 15 of the retirement and social securi-
20 ty law) for any member of a public retirement system or pension plan
21 funded by the state or one of its political subdivisions, nor shall any
22 amendments thereto affect the application of such provisions as extended
23 by the provisions of section 480 of the retirement and social security
24 law.

25 § 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

PART II

2 Section 1. Legislative findings and declaration. The legislature here-
3 by finds and declares that an adjustment to pensionable earnings of
4 first grade police officers is necessary to enhance public safety and
5 prevent the loss of vital public services in this state. The legislature
6 hereby finds and declares that such adjustment is necessary to address,
7 inter alia, the historic police officer recruitment and retention
8 crisis, the increase in police overtime, and the rise in crime impacting
9 New Yorkers. Therefore, the legislature declares the necessity for the
10 enactment of this act to enhance public safety and protect against
11 disruption of vital public services in this state.

12 § 2. Section 14-111 of the administrative code of the city of New York
13 is amended by adding two new subdivisions c and d to read as follows:

14 c. When a first grade police officer of the New York city police
15 department shall have served in the rank of police officer for a period
16 of twenty-five years, such officer shall have the same rights in respect
17 to the New York state and local police and fire retirement system or the
18 New York city police pension fund as a police officer designated to act
19 as detective of the third grade who shall have served as such for a
20 period of time aggregating two years at the highest salary rate for a
21 detective of the third grade.

22 d. When a first grade police officer of the New York city police
23 department shall have served in the rank of police officer for a period
24 of thirty years, such officer shall have the same rights in respect to
25 the New York state and local police and fire retirement system or the
26 New York city police pension fund as a sergeant who shall have served as
27 such for a period of time aggregating two years at the highest salary
28 rate for a sergeant.

29 § 3. This act shall take effect immediately.

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

SUMMARY: This proposed legislation, as it relates to the New York City Police Pension Fund (POLICE), would increase the salary used for determining pension benefits for first grade NYPD officers who have served in such rank for 25 or 30 years, to salaries equivalent to detective 3rd grade or sergeant, respectively.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years (\$ in Millions)

Year	POLICE
2025	0.0
2026	1.0

2027	2.0
2028	3.0
2029	4.0
2030	5.1
2031	6.2
2032	7.4
2033	8.6
2034	9.7
2035	10.9
2036	12.0
2037	13.1
2038	14.1
2039	15.1
2040	14.9
2041	14.7
2042	14.4
2043	14.0
2044	13.5
2045	13.1
2046	12.6
2047	12.1
2048	11.6
2049	11.1

Projected contributions are based on historical experience for Tier 2 members. Future retirement patterns may differ due to a larger Tier 3 population (e.g., Tier 2 is expected to retire at 20 years of service, and Tier 3 is expected to retire at 25 years of service).

The entire increase in employer contributions will be allocated to New York City.

EXPECTED INCREASE (DECREASE) IN ACTUARIAL LIABILITIES

The enactment of this proposed legislation is expected to increase the Present Value of Future Benefits (PVFB) by approximately \$8.2 million in the first year and every year thereafter. Each year's PVFB increase will depend on the actual experience of benefiting retirees and will be recognized in the year benefits are first payable.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Ongoing Gain/Loss	POLICE
Number of Payments:	14
Fiscal Year of Last Payment:	N/A
First-year Amortization Payment:	\$ 1.0 M

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for POLICE active members is summarized below.

	POLICE
Active Members	
- Number Count:	33,800
- Average Age:	37.6
- Average Service:	11.3
- Average Salary:	128,600

The salaries used in this analysis were provided by the Police Benevolent Association of the City of New York and reflect the latest contract negotiations. Below is a summary of the salary data provided:

- * Police Officer 1st Grade - \$105,146
- * Detective 3rd Grade - \$111,999
- * Sergeant - \$125,852

Data from prior actuarial valuations was used to estimate the number of retirees who could potentially benefit from this proposed legislation and is summarized below.

* Police Officer 1st Grade who retired with 25-29 years in rank - 930 retired over the past 10 years.

* Police Officer 1st Grade who retired with 30+ years in rank - 218 retired over the past 10 years.

IMPACT ON MEMBER BENEFITS: The proposed legislation would permit first grade police officers, who have met certain service requirements, to have their pension calculations based on a higher assumed salary.

For example, under this proposed legislation a Tier 2 Police Officer 1st Grade who holds such position for at least 25, or 30, years would receive an increase in their annual pension benefit of approximately \$4,300 or \$12,200 per year, respectively, due to the higher assumed pensionable salary.

Based on an estimate of the number of POLICE members who are expected to be impacted by the increased pensionable salary, it is estimated that if this proposed legislation is enacted, the annual increase in POLICE pension benefits paid will be approximately \$0.7 million in the first year and increase in every year thereafter.

With respect to an individual member, the impact on benefits due to this proposed legislation could vary greatly depending on the member's age, years of service, retirement cause, and Tier.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the actuarial assumptions and methods to be used for the Preliminary Fiscal Year 2025 employer contributions 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.

* Future contribution impacts have been developed assuming a homogeneous population and consistent retirement pattern.

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 2024-02 dated January 16, 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.

1 PART JJ

2 Section 1. Section 343 of the retirement and social security law is
3 amended by adding a new subdivision i to read as follows:

4 i. 1. Notwithstanding any other law, rule or regulation to the contra-
5 ry, for any police officer employed by the division of law enforcement
6 in the department of environmental protection in the city of New York
7 transferring from the New York city employees' retirement system to the
8 New York state and local police and fire retirement system after the
9 effective date of this subdivision and any police officer formerly
10 employed by the division of law enforcement in the department of envi-
11 ronmental protection in the city of New York having made such transfer,
12 such police officer's division of law enforcement in the department of
13 environmental protection in the city of New York service credit shall be
14 deemed creditable service, in such police officer's twenty year or twen-
15 ty-five year retirement plan, if such police officer has served for at
16 least two years in such employment and if, within one year of the date
17 on which he or she first became a member of the New York state and local
18 police and fire retirement system or within one year of the effective
19 date of this subdivision, such member elects to do so.

20 2. The amount of such service credited to the member in the New York
21 state and local police and fire retirement system plan shall not exceed
22 the amount of service credited to the member in the New York city
23 employees' retirement system plan.

24 3. If the member subsequently retires on an age-based retirement plan
25 in the New York state and local police and fire retirement system
26 instead of a twenty year or twenty-five year plan, the full amount of
27 service credit earned, as a police officer employed by the division of
28 law enforcement in the department of environmental protection in the
29 city of New York shall be granted.

30 4. In no event shall the division of law enforcement in the department
31 of environmental protection in the city of New York service credited to
32 a member of the New York state and local police and fire retirement
33 system pursuant to this subdivision exceed a total of ten years.

34 5. Notwithstanding any other provision of law in this section to the
35 contrary, the reserve on such member's benefits shall be transferred
36 from the New York city employees' retirement system to the New York
37 state and local police and fire retirement system in accordance with
38 subdivisions c and d of this section.

39 6. No member who receives service credit pursuant to this subdivision
40 shall be eligible to receive additional service credit pursuant to
41 subdivision b of section three hundred eighty-four-e of this article if
42 his or her employer has elected to provide such service credit.

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

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

This bill would expand the definition of service creditable under 20-year and 25-year plans in the New York State and Local Police and Fire Retirement System (NYSLPFRS) to include service transferred by any

police officer employed or formerly employed by the Division of Law Enforcement in the Department of Environmental Protection in the City of New York, provided that such police officer has at least two years of such employment. The member must elect to obtain the service credit within one year of the date on which they first became a member of the NYSLPFRS or within one year of the effective date of this bill, whichever occurs later. The amount of service credit received in the NYSLPFRS shall not exceed the minimum of the amount of service credited to the member in the New York City Employees' Retirement System (NYCERS) plan or 10 years.

If this bill is enacted during the 2024 Legislative Session, it is estimated that the past service cost will average approximately 25% of an affected member's salary for each year of additional service that is credited on a 20-year or 25-year plan. This cost will be offset by any reserves transferred from the NYCERS. The remaining cost will be shared by the State of New York and the participating employers in the NYSLPFRS.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

Summary of relevant resources:

Membership data as of March 31, 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. 2024-108, prepared by the Actuary for the New York State and Local Retirement System.

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

SUMMARY: This proposed legislation would allow current or former NYCERS members employed as New York City Department of Environmental Protection (DEP) police officers who transfer or transferred to the New York State and Local Police and Fire Retirement System (PFRS) to receive up to 10 years of service credit in the 20 or 25-year State Plans.

ILLUSTRATION - INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years (\$ in Thousands)

Year	One Transfer	One Transfer Per Year
2025	5.3	5.3
2026	5.3	10.6
2027	5.3	16.0
2028	5.3	21.5

2029	5.3	27.0
2030	5.3	32.6
2031	5.3	38.2
2032	5.3	43.9
2033	5.3	49.7
2034	5.3	55.5
2035	5.3	61.4
2036	5.3	67.3
2037	5.3	73.2
2038	5.3	79.2
2039	0	80.0
2040	0	80.7
2041	0	81.4
2042	0	82.1
2043	0	82.8
2044	0	83.4
2045	0	84.0
2046	0	84.5
2047	0	85.0
2048	0	85.5
2049	0	85.9

Employer Contribution impact beyond Fiscal Year 2049 is not shown.

The potential increases in employer contributions will be allocated to New York City.

EXPECTED INCREASE (DECREASE) IN ACTUARIAL LIABILITIES
as of June 30, 2023 (\$ in Thousands)

Present Value (PV)	Per Transfer
PV of Benefits:	44.6
PV of Employee Contributions:	0.0
PV of Employer Contributions:	44.6
Unfunded Accrued Liabilities:	44.6

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Ongoing Gain/Loss	Per Transfer
Number of Payments:	14
Amortization Payment:	5.3 K

CENSUS DATA: The number of members who have transferred or will transfer to PFRS is unknown. The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for the potentially impacted population used to develop the average costs in this Fiscal Note is based on DEP police officers currently in NYCERS who have between two and 15 years of service and is summarized below.

	NYCERS
Active Members	
- Number Count:	82
- Average Age:	35.9
- Average Service:	8.6
- Average Salary:	79,400
Term. Vested Members	

- Number Count:	23
- Average Age:	39.8
Term. Non-Vested Members	
- Number Count:	41
- Average Age:	35.6

BACKGROUND: Currently, NYCERS members employed as DEP police officers who subsequently become employed by the State are eligible to transfer their NYCERS membership and receive service credit in the State plans, but generally do not receive service credit in the 20-year and 25-year PFRS Plans.

Under the proposed legislation, DEP police officers who served in such title for a minimum of two years and then transfer their NYCERS membership to PFRS within one year of becoming a PFRS member (or one year of the effective date, if later) would receive up to 10 years of credit in the 20-year and 25-year PFRS Plans for such equal DEP service.

Currently, member accumulated contributions (with accrued interest), and employer paid reserves if the member has at least 10 years of service, are transferred. Under the proposed legislation, NYCERS would be required to calculate and pay such member's pension reserve, net of any accumulated salary deductions otherwise transferred, to PFRS, even if the member has less than 10 years of service.

It should be noted that the proposed legislation does not provide for a reciprocal transfer of reserves should a member transfer from PFRS to NYCERS with less than 10 years of service.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems.

For purposes of this Fiscal Note, it has been assumed that the impacted NYCERS members would generally not have transferred their membership to PFRS absent this proposed legislation. It has been further assumed that members with more than 15 years of service would not transfer their membership even under the proposed legislation.

The number of members who will benefit in the future from this fiscal note is unknown. The cost of this proposed legislation could vary greatly depending on the number of future members who benefit and, on their plan, length of service, age, and salary history.

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 2024-29 dated March 15, 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.

1 PART KK

2 Section 1. The second undesignated paragraph of subdivision a of
3 section 517 of the retirement and social security law, as amended by
4 section 1 of part SS of chapter 56 of the laws of 2022, is amended to
5 read as follows:

6 Notwithstanding the foregoing, during each of the first three plan
7 years (April first to March thirty-first) in which such member has
8 established membership in the New York state and local employees'
9 retirement system, such member shall contribute a percentage of annual
10 wages in accordance with the preceding schedule based upon a projection
11 of annual wages provided by the employer. Notwithstanding the foregoing,
12 when determining the rate at which each such member who became a member
13 of the New York state and local employees' retirement system on or after
14 April first, two thousand twelve shall contribute for any plan year
15 (April first to March thirty-first) between April first, two thousand
16 twenty-two and April first, two thousand [~~twenty-four~~ **twenty-six**, such
17 rate shall be determined by reference to employees annual base wages of
18 such member in the second plan year (April first to March thirty-first)
19 preceding such current plan year. Base wages shall include regular pay,
20 shift differential pay, location pay, and any increased hiring rate pay,
21 but shall not include any overtime payments.

22 § 2. The second undesignated paragraph of paragraph 1 and the second
23 undesignated paragraph of paragraph 2 of subdivision a, the second
24 undesignated paragraph of subdivision f and the second undesignated
25 paragraph of subdivision g of section 613 of the retirement and social
26 security law, as amended by section 2 of part SS of chapter 56 of the
27 laws of 2022, are amended to read as follows:

28 Notwithstanding the foregoing, during each of the first three plan
29 years (April first to March thirty-first, except for members of New York
30 city employees' retirement system, New York city teachers' retirement
31 system and New York city board of education retirement system, plan year
32 shall mean January first through December thirty-first commencing with
33 the January first next succeeding the effective date of chapter five
34 hundred ten of the laws of two thousand fifteen) in which such member
35 has established membership in a public retirement system of the state,
36 such member shall contribute a percentage of annual wages in accordance
37 with the preceding schedule based upon a projection of annual wages
38 provided by the employer. Notwithstanding the foregoing, when determin-
39 ing the rate at which each such member who became a member of the New
40 York state and local employees' retirement system, New York city employ-
41 ees' retirement system, New York city teachers' retirement system and
42 New York city board of education retirement system, on or after April
43 first, two thousand twelve shall contribute for any plan year (April
44 first to March thirty-first, except for members of the New York city
45 employees' retirement system, New York city teachers' retirement system
46 and New York city board of education retirement system, plan year shall
47 mean January first through December thirty-first commencing with January
48 first next succeeding the effective date of chapter five hundred ten of
49 the laws of two thousand fifteen) between April first, two thousand
50 twenty-two and April first, two thousand [~~twenty-four~~ **twenty-six**, such

1 rate shall be determined by reference to employees annual base wages of
2 such member in the second plan year (April first to March thirty-first)
3 preceding such current plan year. Base wages shall include regular pay,
4 shift differential pay, location pay, and any increased hiring rate pay,
5 but shall not include any overtime payments or compensation earned for
6 extracurricular programs or any other pensionable earnings paid in addi-
7 tion to the annual base wages.

8 Notwithstanding the foregoing, during each of the first three plan
9 years (April first to March thirty-first, provided, however, that plan
10 year shall mean January first through December thirty-first commencing
11 with the January first next succeeding the effective date of chapter
12 five hundred ten of the laws of two thousand fifteen) in which such
13 member has established membership in the New York city employees'
14 retirement system, such member shall contribute a percentage of annual
15 wages in accordance with the preceding schedule based upon a projection
16 of annual wages provided by the employer. Notwithstanding the foregoing,
17 when determining the rate at which each such member who became a member
18 of, New York city employees' retirement system, on or after April first,
19 two thousand twelve shall contribute for any plan year (April first to
20 March thirty-first, provided, however, that plan year shall mean January
21 first through December thirty-first commencing with the January first
22 next succeeding the effective date of chapter five hundred ten of the
23 laws of two thousand fifteen) between April first, two thousand twenty-
24 two and April first, two thousand [~~twenty-four~~ twenty-six, such rate
25 shall be determined by reference to employees annual base wages of such
26 member in the second plan year (April first to March thirty-first)
27 preceding such current plan year. Base wages shall include regular pay,
28 shift differential pay, location pay, and any increased hiring rate pay,
29 but shall not include any overtime payments.

30 Notwithstanding the foregoing, during each of the first three plan
31 years (April first to March thirty-first) in which such member has
32 established membership in the New York state and local employees'
33 retirement system, such member shall contribute a percentage of annual
34 wages in accordance with the preceding schedule based upon a projection
35 of annual wages provided by the employer. Notwithstanding the foregoing,
36 when determining the rate at which each such member who became a member
37 of the New York state and local employees' retirement system on or after
38 April first, two thousand twelve shall contribute for any plan year
39 (April first to March thirty-first) between April first, two thousand
40 twenty-two and April first, two thousand [~~twenty-four~~ twenty-six, such
41 rate shall be determined by reference to employees annual base wages of
42 such member in the second plan year (April first to March thirty-first)
43 preceding such current plan year. Base wages shall include regular pay,
44 shift differential pay, location pay, and any increased hiring rate pay,
45 but shall not include any overtime payments.

46 Notwithstanding the foregoing, during each of the first three plan
47 years (July first to June thirtieth) in which such member has estab-
48 lished membership in the New York state teachers' retirement system,
49 such member shall contribute a percentage of annual wages in accordance
50 with the preceding schedule based upon a projection of annual wages
51 provided by the employer. Notwithstanding the foregoing, when determin-
52 ing the contribution rate at which a member of the New York state teach-
53 ers' retirement system with a date of membership on or after April
54 first, two thousand twelve shall contribute for plan years (July first
55 to June thirtieth) between July first, two thousand twenty-two and July
56 first, two thousand [~~twenty-four~~ twenty-six, such rate shall be deter-

1 mined by reference to the member's annual base wages in the second plan
2 year (July first to June thirtieth) preceding such current plan year.
3 Annual base wages shall not include compensation earned for extracurric-
4 ular programs or any other pensionable earnings paid in addition to the
5 annual base wages.

6 § 3. The second undesignated paragraph of section 1204 of the retire-
7 ment and social security law, as amended by section 3 of part SS of
8 chapter 56 of the laws of 2022, is amended to read as follows:

9 Notwithstanding the foregoing, during each of the first three plan
10 years (April first to March thirty-first) in which such member has
11 established membership in the New York state and local police and fire
12 retirement system, such member shall contribute a percentage of annual
13 wages in accordance with the preceding schedule based upon a projection
14 of annual wages provided by the employer. Notwithstanding the foregoing,
15 when determining the rate at which each such member who became a member
16 of the New York state and local police and fire retirement system on or
17 after April first, two thousand twelve shall contribute for any plan
18 year (April first to March thirty-first) between April first, two thou-
19 sand twenty-two and April first, two thousand [~~twenty-four~~] twenty-six,
20 such rate shall be determined by reference to employees annual base
21 wages of such member in the second plan year (April first to March thir-
22 ty-first) preceding such current plan year. Base wages shall include
23 regular pay, shift differential pay, location pay, and any increased
24 hiring rate pay, but shall not include any overtime payments. Effective
25 April first, two thousand twelve, all members subject to the provisions
26 of this article shall not be required to make member contributions on
27 annual wages excluded from the calculation of final average salary
28 pursuant to section twelve hundred three of this article. Nothing in
29 this section, however, shall be construed or deemed to allow members to
30 receive a refund of any member contributions on such wages paid prior to
31 April first, two thousand twelve.

32 § 4. This act shall take effect immediately.

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

This bill would exclude overtime pay from the annual wages used to
determine the variable member contribution rate for Tier 6 members of
the New York State and Local Retirement System during the period of
April 1, 2024 to April 1, 2026.

Insofar as this bill affects the New York State and Local Employees'
Retirement System (NYSLERS), if this bill is enacted during the 2024
Legislative Session, we anticipate that there will be an increase in the
present value of benefits of approximately \$36 million which would be
shared by the State of New York and all participating employers in the
NYSLERS. The annual contribution required would be approximately \$1.3
million to the State of New York and approximately \$1.9 million to the
local participating employers. This permanent annual cost will vary in
subsequent billing cycles with changes in the billing rate and salary of
the affected members.

Insofar as this bill affects the New York State and Local Police and
Fire Retirement System (NYSLPFRS), if this bill is enacted during the
2024 Legislative Session, we anticipate that there will be an increase
in the present value of benefits of approximately \$7 million which would
be shared by the State of New York and all participating employers in
the NYSLPFRS. The annual contribution required would be approximately
\$0.1 million to the State of New York and approximately \$0.4 million to
the local participating employers. This permanent annual cost will vary

in subsequent billing cycles with changes in the billing rate and salary of the affected members.

In addition to the costs discussed above, implementing the provisions of this legislation would generate administrative costs.

The exact number of current members who could be affected by this legislation cannot be readily determined.

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 1, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-111, 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 Teachers' Retirement System, this bill would amend Section 613 of the Retirement and Social Security Law to extend the period during which the calculation of the employee contribution rate for Tier 6 members is to be determined using only a member's annual base wages and would not include compensation earned for extracurricular programs or any other pensionable earnings paid in addition to the annual base wages. This provision would be extended for two additional fiscal years, those ending June 30, 2025 and June 30, 2026. The current expiration date of this provision is the fiscal year ending June 20, 2024.

The estimated cost for using only annual base wages to determine the employee contribution rate for Tier 6 members during 2025 and 2026 is projected to be \$9.2 million, over the two-year period, if this bill is enacted. This is not a recurring annual cost, but rather a temporary cost due to the projected decrease in employee contributions to be made during the two fiscal years ending June 30, 2025 and June 30, 2026.

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 2024-16 dated February 27, 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 extend Part SS of Chapter 56 of the Laws of 2022 by excluding overtime and compensation earned for supplemental work from annual wages used to calculate Tier 6 Basic Member Contribution Rates for two additional years.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years (\$ in Thousands)

Year	NYCERS	TRS	BERS	TOTAL
2025	1,395	716	17	2,128
2026	1,408	728	16	2,152
2027	1,418	741	16	2,175
2028	1,424	755	16	2,195
2029	1,425	768	16	2,209
2030	1,421	781	16	2,218
2031	1,416	793	16	2,225
2032	1,411	805	16	2,232
2033	1,406	817	16	2,239
2034	1,401	829	15	2,245
2035	1,395	841	15	2,251
2036	1,390	855	15	2,260
2037	1,384	870	15	2,269
2038	1,377	886	10	2,273
2039	1,369	901	10	2,280
2040	876	918	10	1,804
2041	863	934	10	1,807
2042	846	952	9	1,807
2043	824	969	9	1,802
2044	798	751	9	1,558
2045	767	759	9	1,535
2046	730	764	8	1,502
2047	690	765	8	1,463
2048	648	764	8	1,420
2049	601	760	8	1,369

Employer Contribution impact beyond Fiscal Year 2049 is not shown.

The initial increase in employer contributions of \$2.1 million is estimated to be \$1.3 million for New York City and \$0.8 million for the other obligors of NYCRS.

INITIAL INCREASE (DECREASE) IN ACTUARIAL LIABILITIES
as of June 30, 2023 (\$ in Thousands)

Present Value (PV)	NYCERS	TRS	BERS
PV of Benefits:	(2,032)	(1,716)	(35)
PV of Employee Contributions:	(16,873)	(11,726)	(203)
PV of Employer Contributions:	14,841	10,010	167
Unfunded Accrued Liabilities:	4,253	2,305	38

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS	TRS	BERS
Number of Payments:	15	19	13
Fiscal Year of Last Payment:	2039	2043	2037
Amortization Payment:	483 K	231 K	5 K

Unfunded Accrued Liability increases were amortized over the expected remaining working lifetime of those impacted by the benefit changes using level dollar payments.

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
Active Members			
- Number Count:	85,203	60,663	12,932
- Average Age:	42.4	38.1	46.9
- Average Service:	4.4	5.0	4.0
- Average Salary:	78,900	80,000	56,200

BACKGROUND: Tier 6 members of NYCERS, TRS, and BERS are required to make Basic Member Contributions (BMC) ranging from 3% to 6% depending on the members' respective annual wages two calendar years prior. Annual wages include overtime up to a certain limit that increases annually based on inflation (\$19,729 for calendar year 2023).

Part SS of Chapter 56 of the Laws of 2022 excluded overtime and compensation earned for supplemental work for determining future Tier 6 BMC rates for the period of April 1, 2022 through April 1, 2024 (NYCERS, TRS, and BERS are subject to a calendar plan year).

The proposed legislation would extend the exclusion of overtime and compensation earned for supplemental work for determining Tier 6 BMC rates through April 1, 2026.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems.

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 2024-26 dated March 14, 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.

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

10 § 3. This act shall take effect immediately provided, however, that
11 the applicable effective date of Parts A through KK of this act shall be
12 as specifically set forth in the last section of such Parts.