STATE OF NEW YORK

10626

IN ASSEMBLY

March 13, 2026

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to establishing a New York state prison labor board to ensure that all labor programs comply with the requirements of the labor law and are for the purpose of promoting successful rehabilitation, reentry and reintegration into the community and not for the purpose of earnings or cost-savings which inure to the benefit of the state or any private individual or corporation, prohibiting the department of corrections and community supervision from unfairly attaching, garnishing or disbursing the funds of incarcerated individuals where such individuals have not requested disbursement, and requiring that all interest accumulated on incarcerated individuals' funds be credited to such individual's accounts; and to repeal sections 184, 185 and 186 of the correction law relating thereto; to amend the state finance law and the legislative law, in relation to eliminating the preferred status of the department of corrections and community supervision regarding commodities and services furnished by the correctional industries program; and to repeal certain provisions of the state finance law relating to such preferred status

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

Section 1. Short Title. This act shall be known and may be cited as the "fairness and opportunity for incarcerated workers act".

§ 2. Legislative findings and intent. The legislature hereby declares that:

1. The current system of prison labor in New York is an outgrowth of the legacy of slavery and has been allowed to continue in our state because of the exception created in the 13th Amendment which abolished slavery "except as punishment for a crime."

2. The history of prison labor in New York can be traced back to Auburn Prison, where a cruel and dehumanizing system of forced labor was established 200 years ago with the goal of creating a self-sustaining prison system.

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

LBD03188-01-5

3. Today, incarcerated individuals are forced to work under threat of punishment; hourly wages range from ten to sixty-five cents an hour and have not increased since 1993; work conditions are unsafe and have resulted in serious injury and even death; assigned work programs are insufficient to provide incarcerated individuals with the skills and training necessary for successful rehabilitation, reentry and reintegration into the community; and there currently exists no means by which incarcerated individuals can organize to work toward improving these conditions.

4. The labor of incarcerated individuals has been used to create millions of dollars of profits and cost-savings for the state.

5. The current system of prison labor is a violation of human rights and an affront to human dignity.

6. The Fairness and Opportunity for Incarcerated Workers Act will: end forced labor; provide for a minimum wage, healthy and safe working conditions, and the right to organize; and require that all work programs provide incarcerated individuals with the skills and training necessary for successful rehabilitation, reentry, and reintegration into the community. The act also establishes a labor board to ensure that these requirements are met; provides a means of redress if labor laws are violated; and eliminates Corcraft's preferred vendor status.

§ 3. Section 2 of the correction law is amended by adding two new subdivisions 35 and 36 to read as follows:

35. "Labor program" means any job or work whereby the department employs, assigns or permits an incarcerated individual to provide services in any correctional facility, jail, reformatory or other institution in the state and for which the minimum wage established by article nineteen of the labor law would have been due but for such individual's condition of incarceration. Labor programs shall include, but not be limited to, Corcraft prison industry jobs, facility needs jobs, kitchen, laundry, library, groundskeeping and other in-house prison operation and upkeep work, and any other work whereby the labor of an incarcerated individual is contracted, let, farmed out, given or sold to the state, any subdivision thereof, or any public, nonprofit or private entity, shareholder or individual.

36. "Labor board" means the prison labor board established pursuant to section 200-a of this chapter.

§ 4. Section 116 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 116. [~~incarcerated~~] Incarcerated individuals' funds. The warden or superintendent of each of the institutions within the jurisdiction of the department of corrections and community supervision shall deposit at least once in each week to [~~his or her~~] such warden or superintendent's credit as such warden, or superintendent, in such bank or banks as may be designated by the comptroller, all the moneys received by [~~him or her~~] such warden or superintendent as such warden, or superintendent, as incarcerated individuals' funds, and send to the comptroller and also to the commissioner monthly, a statement showing the amount so received and deposited. Such statement of deposits shall be certified by the proper officer of the bank receiving such deposit or deposits. The warden, or superintendent, shall also verify by [~~his or her~~] such warden or superintendent's affidavit that the sum so deposited is all the money received by [~~him or her~~] such warden or superintendent as incarcerated individuals' funds during the month. Any bank in which such deposits shall be made shall, before receiving any such deposits, file a bond with the comptroller of the state, subject to [~~his or her~~] such comptroller's approval, for such sum as [~~he or she~~] such comptroller shall deem necessary. Upon a certificate of approval issued by the director of the budget, [~~pursuant to the provisions of section fifty-three of the state finance law,~~] the amount of interest, if any, heretofore accrued and hereafter to accrue on moneys so deposited, heretofore and hereafter credited to the warden, or superintendent, by the bank from time to time, shall be [~~available for expenditure by the warden, or superintendent, subject to the direction of the commissioner, for welfare work among the incarcerated individuals in his or her custody. The withdrawal of moneys so deposited by such warden, or superintendent, as incarcerated individuals' funds, including any interest so credited, shall be subject to his or her check~~] designated as incarcerated individual's funds. Each warden, or superintendent, shall each month provide the comptroller and also the commissioner with a record of all withdrawals from incarcerated individuals' funds. As used in this section, the term " incarcerated individuals' funds" means the funds in the possession of the incarcerated individual at the time of [~~his or her~~] such incarcerated individual's admission into the institution, funds earned by [~~him or her~~] such incarcerated individual as provided in section one hundred eighty-seven of this chapter, interest accrued on such funds, and any other funds received by [~~him or her~~] such incarcerated individual or on [~~his or her~~] such incarcerated individual's behalf and deposited with such warden or superintendent in accordance with the rules and regulations of the commissioner. [~~Whenever the total unencumbered value of funds in an incarcerated individual's account exceeds ten thousand dollars, the superintendent shall give written notice to the office of victim services.~~]

§ 5. The correction law is amended by adding a new section 200-a to read as follows:

§ 200-a. Prison labor board; organization, functions, powers and duties. 1. There is hereby established within the department a prison labor board which, for the purposes of this section, shall be referred to as the "labor board".

2. The labor board shall be comprised of the following members:

(a) the commissioner or their designee;

(b) the deputy commissioner for programs or their designee;

(c) the commissioner of the department of labor or their designee;

(d) the commissioner of the division of human rights or their designee;

(e) one formerly incarcerated individual who shall be appointed by the governor;

(f) one formerly incarcerated individual who shall be appointed by the chairperson of the assembly committee on correction;

(g) one formerly incarcerated individual who shall be appointed by the chairperson of the senate committee on crime victims, crime and correction;

(h) three currently incarcerated individuals from the three correctional facilities with the largest prison populations and where Corcraft industry is in operation. Such individuals shall be appointed by their facility's incarcerated liaison committee and shall serve terms as defined by this section;

(i) one currently incarcerated individual from a women's correctional facility. Such individual shall be appointed by their facility's incarcerated liaison committee and shall serve a term as defined by this section;

(j) two members of nonprofit reentry programs for incarcerated individuals, one of which serves formerly incarcerated individuals in New York city and one of which serves formerly incarcerated individuals statewide; and

(k) two members representing organized labor who shall be appointed by the commissioner of the department of labor.

3. The commissioner or their designee and the commissioner of the department of labor or their designee shall serve as co-chairpersons of the labor board.

4. All individuals appointed to the labor board shall have direct experience with or demonstrated knowledge of prison labor programs, vocational and occupational training, or community reentry and reintegration programs.

5. All members of the labor board shall be equal voting members.

6. All members of the labor board shall serve two years after initial appointment. After their initial terms, all members shall serve four-year terms.

7. Any member chosen to fill in a vacancy created, other than by expiration of term, shall be appointed for the unexpired term of the member whom such chosen member is to succeed. Vacancies caused by the expiration of term or otherwise shall be filled in the same manner as original appointments.

8. The labor board members shall continue in office until the expiration of their terms and until their successors are appointed.

9. No labor board member shall be appointed to the labor board for more than four consecutive terms.

10. Appointments to the labor board shall be made within ninety days of the effective date of this section.

11. All nongovernmental labor board members shall be reimbursed for reasonable and necessary expenses related to their official duties as members of the labor board.

12. The labor board and each member thereof shall have, but not be limited to the following functions, duties, and powers:

(a) to ensure that all labor programs are for the purpose of rehabilitation and community reentry and reintegration, and not for the purpose of creating profits or cost-savings which inure to the benefit of the state, any subdivision thereof, the department of corrections and community supervision, any public or nonprofit entity, or any private entity, shareholder, or individual;

(b) to develop and implement:

(i) uniform rules, regulations, standards, processes, and best practices that all labor programs shall meet; and

(ii) uniform rules and regulations that govern the responsibilities of the department and the labor board in designing, implementing, approving, and monitoring labor programs;

(c) to approve existing labor programs that meet the requirements of this chapter, to make recommendations for labor programs that are not approved, and to design and implement new labor programs;

(d) to ensure that labor programs are made available to all incarcerated individuals in an equitable and non-discriminatory manner, and to prohibit the extraction of any form of payment or benefit as a condition of labor program assignment or duties; and

(e) to investigate or take such other action as shall be deemed necessary or proper with respect to any labor program that does not comply with the requirements of this article.

13. Within one year of the enactment of this section, but no later than December thirty-first, two thousand twenty-six, and annually thereafter, the labor board shall report to the governor, the temporary president of the senate, and the speaker of the assembly the following information for each correctional facility:

(a) all activities undertaken by the labor board including approvals, disapprovals, and investigations of current labor programs, and activities related to the creation of new labor programs;

(b) a description of the purpose of each labor program, including the skills required to perform the labor and the training or education offered to attain such skills;

(c) the wage rate assigned to each type of labor program including variations within the wage rate based on seniority, skills, or other criteria;

(d) the physical and environmental hazards that exist for each type of labor program;

(e) a datafile consisting of every incarcerated individual participating in a labor program in which each individual is de-identified but is assigned an ID unique to such datafile, which shall include the following information for each individual for each pay period during the past year:

(i) for each incarcerated individual, the wages received by such incarcerated individual with an indication of any amounts that were garnished or attached by the court or the department;

(ii) for each incarcerated individual, the total number of hours worked and hourly wage rate assigned to the labor program;

(iii) the race, ethnicity, gender, and age for each incarcerated individual participating in a labor program;

(iv) any injuries reported by an incarcerated individual while participating in a labor program, including a description of the injury received, or exacerbation of an existing injury, the specific labor program in which the injury was received, the treatment administered, and outcome of such treatment; and

(v) any reports regarding an incarcerated individual's refusal to work or threatened refusal to work, reasons for such work refusal, and the consequences imposed including, but not limited to, placement on keeplock status, negative behavior reports, fines, or loss of family visitation or other privileges.

(f) recommendations for further study to measure the success of the labor program regarding rehabilitation, reentry, and reintegration into the community.

§ 6. Section 154 of the correction law, as added by chapter 788 of the laws of 1968, subdivision 4 as amended by section 3 of part F of chapter 62 of the laws of 2003, is amended to read as follows:

§ 154. Disposition of [~~Earnings~~] earnings. The earnings of [~~a prisoner~~] an incarcerated individual participating in a work release program, less any payroll deductions required or authorized by law, shall be deposited with the department in a trust fund account. Such earnings shall not be subject to attachment or garnishment in the hands of the department. The commissioner is authorized [~~to provide for disbursements from the trust fund account for any or all of the following purposes:~~

~~1. Such costs incident to the prisoner's confinement as the commissioner deems appropriate and reasonable.~~

~~2. Such costs related to the prisoner's work release program as the commissioner deems appropriate and reasonable.~~

~~3. Support of the prisoner's dependents.~~

~~4. Payment of court fines, mandatory surcharge, sex offender registration fee, DNA databank fee, restitution or reparation, or forfeitures~~] and shall approve requests by incarcerated individuals for the disbursement of their earnings for commissary purchases, aid to dependents, or any other lawful purposes. The balance of such earnings, if any, after disbursements for any of the foregoing purposes shall be paid [~~to the prisoner~~] by check issued by the department and payable to the incarcerated individual upon termination of [~~his~~] such incarcerated individual's imprisonment.

§ 7. Subdivision 1 of section 170 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

1. The commissioner shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any incarcerated individual in any state or local correctional facility in this state, or the product or profit of [~~his or her~~] such incarcerated individual's work, shall be contracted, let, farmed out, given or sold to [~~any person, firm, association or corporation; except that the incarcerated individuals in said correctional institutions may work for, and the products of their labor may be disposed of to, the state or any political subdivision thereof, any public institution owned or managed and controlled by the state, or any political subdivision thereof, provided that no incarcerated individual shall be employed or assigned to engage in any activity that involves obtaining access to, collecting or processing social security account numbers of other individuals~~] the state, any subdivision thereof, the department, or any public, nonprofit or private entity, shareholder, or individual unless such labor program is in compliance with the requirements of this chapter.

§ 8. Section 171 of the correction law, as amended by chapter 364 of the laws of 1983, the section heading and subdivision 1 as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 171. [~~Incarcerated individuals to be employed; products of labor of incarcerated individuals~~] Terms and conditions of labor programs. 1. The commissioner and the superintendents and officials of all penitentiaries in the state may not cause incarcerated individuals in the state correctional facilities and such penitentiaries [~~who are physically capable thereof~~] to be employed for [~~not to exceed~~] more than eight hours of each day other than Sundays and public holidays. Notwithstanding any other provision of this section, however, the commissioner and superintendents of state correctional facilities may employ incarcerated individuals on a volunteer basis on Sundays and public holidays in specialized areas of the facility, including kitchen areas, vehicular garages, rubbish pickup and grounds maintenance, providing, however, that incarcerated individuals so employed shall be allowed an alternative free day within the normal work week.

2. [~~Such labor~~] Labor programs shall be [~~either~~] for the purpose of [~~the production of supplies for said institutions, or for the state, or any political subdivision thereof, or for any public institution owned or managed and controlled by the state, or any political subdivision thereof; or for the purpose of industrial training and instruction, or partly for one, and partly for the other of such purposes~~] promoting successful rehabilitation, reentry and reintegration into the community, and not for the purpose of creating profits or cost-savings which inure to the benefit of the state, any subdivision thereof, the department, or any public or nonprofit entity, private entity, shareholder or individual.

3. All labor programs shall comply with the following terms and conditions:

(a) No incarcerated individual shall be compelled, threatened, induced or coerced to provide labor against such incarcerated individual's will by means of actual or threatened force, punishment, sexual harm, or by any other means reasonably likely to cause the incarcerated individual to believe that, if they do not provide such labor, that they or another person would suffer physical, emotional or mental harm, or other adverse consequences;

(b) The wages paid to incarcerated individuals shall not be less than the minimum wage established by article nineteen of the labor law;

(c) All health and safety protections required to be provided to employees under federal and state labor law shall be provided to incarcerated individuals engaged in labor programs;

(d) All incarcerated individuals shall have the right to organize and collectively bargain; and

(e) All incarcerated individuals shall be afforded an equal opportunity to participate in labor programs and the commissioner, the superintendents and officials of all correctional facilities, jails, reformatories and other institutions shall make all efforts to ensure that assignments are distributed equitably and work is provided to all who request it.

4. No incarcerated individual shall be discriminated against in a labor program because of their age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence.

5. The department shall not take any retaliatory action against an incarcerated individual, whether or not within the scope of the individual's labor program duties, because such individual does any of the following:

(a) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of the department that the incarcerated individual reasonably believes is in violation of law, rule, or regulation, or that the incarcerated individual reasonably believes poses a substantial and specific danger to the public health or safety;

(b) provides information to, or testifies before, any public body conducting an investigation, hearing, or inquiry into any such activity, policy or practice by the department; or

(c) objects to, or refuses to participate in, any such activity, policy, or practice.

6. In no event shall an incarcerated individual be employed in an establishment which has a labor dispute.

7. The department of labor shall exercise the same supervision over conditions of employment for incarcerated individuals participating in labor programs as such department does over conditions of employment for non-incarcerated individuals.

8. Any incarcerated individual alleging a violation of subdivision three, four, or five of this section against any correctional facility, jail, reformatory, or other institution in the state shall have a cause of action in the court of appropriate jurisdiction for damages and injunctive relief and such other remedies as may be appropriate.

9. Any incarcerated individual alleging a violation of subdivision three, four or five of this section against any officer or employee of any correctional facility, jail, reformatory, or other institution in the state shall, within ten years after the acts alleged to have

violated this section, have a cause of action for damages, including punitive damages, injunctive relief, and such other remedies as may be appropriate together with all reasonable attorney's fees and costs.

10. The immunity granted pursuant to subdivision one of section twenty-four of this chapter shall not extend to actions brought pursuant to subdivision three, four, or five of this section and any action commenced under this section may be brought in any court of competent jurisdiction, including the supreme court.

11. A violation of any of the provisions of subdivision three, four, or five of this section by any officer or employee of any correctional facility, jail, reformatory, or other institution in the state shall constitute sufficient cause for the removal of such employee by the duly constituted authority having jurisdiction.

§ 9. Subdivision 3 of section 177 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

3. However, for the purpose of distributing, marketing or sale of the whole or any part of the product of any correctional facility in the state, other than by said state correctional facilities, to the state or to any political subdivisions thereof or to any public institutions owned or managed and controlled by the state, or by any political subdivisions thereof, or to any public corporation, authority, or eleemosynary association funded in whole or in part by any federal, state or local funds, the sheriff of any such local correctional facility and the commissioner of corrections and community supervision may enter into a contract or contracts which may determine the kinds and qualities of articles to be produced by such institution and the method of distribution and sale thereof by the commissioner of corrections and community supervision or under [~~his or her~~] such commissioner's direction, either in separate lots or in combination with the products of other such institutions and with the products produced by incarcerated individuals in state correctional facilities. Such contracts may fix and determine any and all terms and conditions for the disposition of such products and the disposition of proceeds of sale thereof and any and all other terms and conditions as may be agreed upon, not inconsistent with the constitution or this chapter. However, no such contract shall be for a period of more than one year and any prices fixed by such contract shall be [~~the prices established pursuant to section one hundred eighty-six of this article for like articles or shall be~~] approved by the [~~department of corrections and community supervision~~] labor board and the director of the budget on presentation to them of a copy of such contract or proposed contract, and provided further that any distribution or diversification of industries provided for by such contract shall be in accordance with the rules and regulations established by the department of corrections and community supervision or shall be approved by such department on presentation to it of a copy of such contract or proposed contract.

§ 10. Section 178 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 178. Participation in work release and other community activities. Nothing contained in this article shall be construed or applied so as to prohibit private employment of incarcerated individuals in the community under a work release program, or a residential treatment facility program [~~formulated pursuant to any provision~~] provided such employment complies with the requirements of this chapter.

§ 11. Subdivisions 1 and 2 of section 183 of the correction law, subdivision 1 as amended by section 26 of subpart A of part C of chapter

62 of the laws of 2011 and subdivision 2 as added by chapter 464 of the laws of 1981, are amended to read as follows:

1. It shall be the duty of the commissioner to distribute, among the correctional institutions under [~~his~~] **such commissioner's** jurisdiction, the labor and industries assigned to said institutions, due regard being had to the location and convenience of the prisons, and of the other institutions to be supplied, the machinery now therein and the number of [~~prisoners~~] **incarcerated individuals**, in order to secure the best service and distribution of the labor, and to employ the [~~prisoners, so far as practicable,~~] **incarcerated individuals** in occupations in which they will be most likely to obtain employment after their discharge from imprisonment. The commissioner shall change or dispose of the present plants and machinery in said institutions now used in industries which shall be discontinued, and which can not be used in the industries hereafter to be carried on in said prisons, due effort to be made by full notice to probable purchasers, in case of sales of industries or machinery, to obtain the best price possible for the property sold, and good will of the business to be discontinued.

2. The commissioner shall submit reports, quarterly, to **the labor board,** the senate finance committee, the assembly ways and means committee, and the director of the budget, regarding industries under [~~his~~] **such commissioner's** jurisdiction. Such reports shall include, but not be limited to, the following:

(a) all materials, machinery or other property procured, and the cost thereof;

(b) all other expenditures and the nature thereof;

(c) all receipts and the nature thereof;

(d) all inventory on hand at the opening and closing of the quarter; **and**

(e) recommendations regarding the continuance of the program.

§ 12. Sections 184, 185 and 186 of the correction law are REPEALED.

§ 13. Section 187 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 187. Earnings of incarcerated individuals. 1. Every incarcerated individual confined in a [~~state~~] correctional facility, [~~subject to the rules and regulations of the department of corrections and community supervision, and every incarcerated individual confined in a local correctional facility, in the discretion of the sheriff thereof, may~~] **jail, reformatory, or other institution in the state shall** receive compensation for work performed during [~~his or her~~] **such incarcerated individual's** imprisonment. Such compensation shall be graded by the [~~department of corrections and community supervision~~] **labor board,** with regard to incarcerated individuals [~~employed in prison industries~~] **participating in labor programs**, based upon the work performed by such [~~prisoners for prisoners confined in state correctional facilities, and by the sheriffs in all local correctional facilities for incarcerated individuals confined therein~~] **incarcerated individual**.

2. The [~~department of corrections and community supervision~~] **labor board** shall adopt rules, subject to the approval of the director of the budget, for establishing in all of the state correctional facilities a system of compensation for the incarcerated individuals confined therein. Such rules shall provide for the payment of compensation to each incarcerated individual[~~, who~~] **and** shall meet the requirements established by [~~the department of corrections and community supervision, based upon the work performed by such incarcerated individuals~~] **this chapter**.

3. The [~~department~~] **labor board** shall prepare graded wage schedules for incarcerated individuals, which schedules shall be based upon classifications according to the value of work performed by each **and in no instance shall be lower than the minimum wage established by article nineteen of the labor law**. Such schedules [~~need not~~] **shall** be uniform in all institutions. [~~The rules of the department shall also provide for the establishment of a credit system for each incarcerated individual and the manner in which such earnings shall be paid to the incarcerated individual or [his or her~~] **such incarcerated individual's** dependents or held in trust for [~~him or her~~] **such incarcerated individual** until [~~his or her~~] **such incarcerated individual's** release.

4. Any compensation paid to an incarcerated individual under this article shall be based on the work performed by such incarcerated individual. Compensation may be paid from moneys appropriated to the department and available to facilities for nonpersonal service.]

§ 14. Section 189 of the correction law, as amended by chapter 738 of the laws of 1942, is amended to read as follows:

§ 189. Disposition of moneys paid to [~~prisoner~~] **incarcerated individual** for [~~his~~] **such incarcerated individual's** labor. **The earnings, including any accrued interest, of an incarcerated individual participating in a labor program shall be held by the department in a trust fund account. Such earnings shall not be subject to attachment or garnishment in the hands of the department.** The amount of such [~~compensation~~] **earnings** to the credit of any [~~prisoner~~] **incarcerated individual** may be drawn by the [~~prisoner~~] **incarcerated individual** during [~~his~~] **such incarcerated individual's** imprisonment[~~, only upon approval of the commissioner to~~] **for** aid **to** dependent relatives [~~of such prisoner~~]**,** **commissary purchases**, or for [~~such~~] **any** other [~~purposes as the commissioner may approve. Such disbursement to aid a dependent relative of a prisoner may be made without the consent of such prisoner upon the certificate of the commissioner of welfare, or other officer performing the duties of a commissioner of welfare, of the community in which such dependent is located~~] **lawful purpose**. Any balance to the credit of any [~~prisoner~~] **incarcerated individual** at the time of [~~his~~] **such incarcerated individual's** conditional release as provided by this chapter shall be subject to the draft of the [~~prisoner in such amounts and at such times as the commissioner shall approve~~] **incarcerated individual**; provided, however, that at the date of absolute discharge of any [~~prisoner~~] **incarcerated individual** the balance as aforesaid shall be paid to such [~~prisoner~~] **incarcerated individual**.

§ 15. Section 190 of the correction law, as amended by section 23 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

§ 190. Monthly statement of receipts and expenditures for industries. The warden of each of the state prisons shall, on the first of each month, make a full detailed statement of all materials, machinery or other property procured, and of the cost thereof, and of the expenditures made during the last preceding month for manufacturing purposes, together with a statement of all materials then on hand to be manufactured, or in process of manufacture, or manufactured, and of machinery, fixtures or other appurtenances for the purpose of carrying on the labor of the [~~prisoners~~] **incarcerated individual**, and the amount and kinds of work done, and the earnings realized, and the total amount of moneys coming into [~~his or her~~] **such incarcerated individual's** hands as such warden during such last preceding month as the proceeds of the labor of the [~~prisoners~~] **incarcerated individuals** at such prison, which statement shall be verified by the oath of such warden to be just and true, and shall be by [~~him or her~~] **such warden** forwarded to the department **and the labor board**.

§ 16. Subdivisions 2, 3, 4, and 6 of section 200 of the correction law, subdivisions 2, 3, and 4 as amended by chapter 322 of the laws of 2021, and subdivision 6 as added by chapter 536 of the laws of 1974, are amended to read as follows:

2. In lieu of the system of labor in correctional institutions established by this article, the [~~commissioner may~~] **labor board shall**, in order to facilitate an incarcerated individual's eventual reintegration into society, establish for the incarcerated individuals in one or more state correctional institutions a system of educational, career and industrial training programs, and of incentive allowances for each such program. **Educational, career and industrial training programs shall not include any job or work that is part of a labor program as defined by subdivision thirty-five of section two of this chapter.**

3. For each institution wherein such system is established the [~~commissioner~~] **labor board** shall prepare, and may at times revise, graded incentive allowance schedules for the incarcerated individuals within each such program based upon the levels of performance and achievement by an incarcerated individual in a program to which [~~he or she~~] **such incarcerated individual** has been assigned. Upon the approval of the director of the budget such schedules or revisions thereof may be promulgated.

4. The [~~commissioner~~] **labor board** shall also provide for the establishment of a credit system for each incarcerated individual and the manner in which incentive allowances shall be paid to the incarcerated individual or [~~his or her~~] **such incarcerated individual's** dependents or held in trust for [~~him or her~~] **such incarcerated individual** until [~~his or her~~] **such incarcerated individual's** release. The amount of incentive allowed to the credit of any incarcerated individual shall be disposed of as provided by section one hundred eighty-nine of this article.

6. [~~Except as otherwise provided by this section, those provisions of law dealing with labor in state correctional institutions shall apply to industrial training in state correctional institutions including the disposition of services rendered and products produced incidental to such industrial training.~~] **All health and safety protections required to be provided to employees under federal and state labor law shall be provided to incarcerated individuals engaged in educational, career and industrial training programs.**

§ 17. Paragraph a of subdivision 2 of section 162 of the state finance law is REPEALED and paragraphs b, c, d, e, and f are relettered paragraphs a, b, c, d, and e.

§ 18. Subdivision 3 of section 162 of the state finance law, as added by chapter 83 of the laws of 1995, paragraphs a and b as amended by section 164 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

3. Public list of services and commodities provided by preferred sources.

a. By December thirty-first, nineteen hundred ninety-five, the commissioner, in consultation with the commissioners of [~~corrections and community supervision,~~] the office of children and family services, the office of temporary and disability assistance, mental health and education, shall prepare a list of all commodities and services that are available and are being provided as of said date, for purchase by state agencies, public benefit corporations or political subdivisions from those entities accorded preference or priority status under this section. Such list may include references to catalogs and other descriptive literature which are available directly from any provider accorded preferred status under this section. The commissioner shall make this list available to prospective vendors, state agencies, public benefit corporations, political subdivisions and other interested parties. Thereafter, new or substantially different commodities or services may only be made available by preferred sources for purchase by more than one state agency, public benefit corporation or political subdivision after addition to said list.

b. After January first, nineteen hundred ninety-six, upon the application of [~~the commissioner of corrections and community supervision,~~] the commissioner of the office of children and family services, the office of temporary and disability assistance, the commissioner of mental health or the commissioner of education, or a non-profit-making facilitating agency designated by one of the said commissioners pursuant to paragraph e of subdivision [~~six~~] five of this section, the state procurement council may recommend that the commissioner: (i) add commodities or services to, or (ii) in order to insure that such list reflects current production and/or availability of commodities and services, delete at the request of a preferred source, commodities or services from, the list established by paragraph a of this subdivision. The council may make a non-binding recommendation to the relevant preferred source to delete a commodity or service from such list. Additions may be made only for new services or commodities, or for services or commodities that are substantially different from those reflected on said list for that provider. The decision to recommend the addition of services or commodities shall be based upon a review of relevant factors as determined by the council including costs and benefits to be derived from such addition and shall include an analysis by the office of general services conducted pursuant to subdivision [~~six~~] five of this section. Unless the state procurement council shall make a recommendation to the commissioner on any such application within one hundred twenty days of receipt thereof, such application shall be deemed recommended. In the event that the state procurement council shall deny any such application, the commissioner or non-profit-making agency which submitted such application may, within thirty days of such denial, appeal such denial to the commissioner of general services who shall review all materials submitted to the state procurement council with respect to such application and who may request such further information or material as is deemed necessary. Within sixty days of receipt of all information or materials deemed necessary, the commissioner shall render a written final decision on the application which shall be binding upon the applicant and upon the state procurement council.

c. The list maintained by the office of general services pursuant to paragraph a of this subdivision shall be revised as necessary to reflect the additions and deletions of commodities and services approved by the state procurement council.

§ 19. Subparagraph (iii) of paragraph a of subdivision 4 of section 162 of the state finance law is REPEALED.

§ 20. Subparagraphs (i) and (ii) of paragraph a, subparagraphs (i), (ii) and (iii) of paragraph b and paragraph c of subdivision 4 of section 162 of the state finance law, subparagraph (i) of paragraph a as amended by section 164 of subpart B of part C of chapter 62 of the laws of 2011, subparagraph (ii) of paragraph a as amended by chapter 91 of the laws of 2023, subparagraphs (i) and (ii) of paragraph b and paragraph c as added by chapter 83 of the laws of 1995, and subparagraph (iii) of paragraph b of subdivision 4 as amended by chapter 430 of the laws of 1997, are amended to read as follows:

(i) When commodities are available, in the form, function and utility required by a state agency, public authority, commission, public benefit corporation or political subdivision, said commodities must be purchased first from [~~the correctional industries program of the department of corrections and community supervision~~] **approved charitable non-profit-making agencies for the blind**;

(ii) When commodities are available, in the form, function and utility required by, a state agency or political subdivision or public benefit corporation having their own purchasing agency, and such commodities are not available pursuant to subparagraph (i) of this paragraph, said commodities shall then be purchased from [~~approved charitable non-profit-making agencies for the blind~~] **a qualified non-profit-making agency for other severely disabled persons, a qualified special employment program for mentally ill persons, or a qualified veterans' workshop**, provided, however, the preferred source shall perform fifty percent or more of the work;

(i) state agencies or political subdivisions or public benefit corporations having their own purchasing agency shall make reasonable efforts to provide a notification describing their requirements to those preferred sources, or to the facilitating entity identified in paragraph e of subdivision [~~six~~] **five** of this section, which provide the required services as indicated on the official public list maintained by the office of general services pursuant to subdivision three of this section;

(ii) if, within ten days of the notification required by subparagraph (i) of this paragraph, one or more preferred sources or facilitating entities identified in paragraph e of subdivision [~~six~~] **five** of this section submit a notice of intent to provide the service in the form, function and utility required, said service shall be purchased in accordance with this section. If more than one preferred source or facilitating entity identified in paragraph e of subdivision [~~six~~] **five** of this section submits notification of intent and meets the requirements, costs shall be the determining factor for purchase among the preferred sources;

(iii) if, within ten days of the notification required by subparagraph (i) of this paragraph, no preferred source or facilitating entity identified in paragraph e of subdivision [~~six~~] **five** of this section indicates intent to provide the service, then the service shall be procured in accordance with section one hundred sixty-three of this article. If, after such period, a preferred source elects to bid on the service, award shall be made in accordance with section one hundred sixty-three of this article or as otherwise provided by law.

c. For the purposes of commodities and services produced by special employment programs operated by facilities approved or operated by the office of mental health, facilities within the office of mental health shall be exempt from the requirements of subparagraph (i) of paragraph a of this subdivision. When such requirements of the office of mental health cannot be met pursuant to subparagraph (ii) [~~or (iii)~~] of paragraph a of this subdivision, or paragraph b of this subdivision, the office of mental health may purchase commodities and services which are competitive in price and comparable in quality to those which could otherwise be obtained in accordance with this article, from special employment programs operated by facilities within the office of mental health or other programs approved by the office of mental health.

§ 21. Subparagraph (ii) of paragraph a of subdivision 4 of section 162 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

(ii) When commodities are available, in the form, function and utility required by, a state agency or political subdivision or public benefit corporation having their own purchasing agency, and such commodities are not available pursuant to subparagraph (i) of this paragraph, said commodities shall then be purchased from [~~approved charitable non-profit-making agencies for the blind~~] **a qualified non-profit-making agency for other severely disabled persons, a qualified special employment program for mentally ill persons, or a qualified veterans' workshop provided, however, the preferred source shall perform fifty percent or more of the work**;

§ 22. Subdivision 5 of section 162 of the state finance law is REPEALED and subdivisions 6, 7, 8, and 9 are renumbered subdivisions 5, 6, 7 and 8.

§ 23. The opening paragraph and paragraph a of subdivision 5 of section 162 of the state finance law, as amended by chapter 565 of the laws of 2022 and as renumbered by section twenty-two of this act, is amended to read as follows:

Prices charged by agencies for the blind, other disabled and veterans' entity**, and the department of corrections and community supervision**.

a. [~~Except with respect to the correctional industries program of the department of corrections and community supervision, it~~] **It** shall be the duty of the commissioner to determine, and from time to time review, the prices of all commodities and to approve the price of all services provided by **the department of corrections and community supervision and** preferred sources as specified in this section offered to state agencies, political subdivisions or public benefit corporations having their own purchasing office. The commissioner's price review and approval shall not be required for any purchases below one hundred thousand dollars.

§ 24. Subparagraph 9 of paragraph a of subdivision 3 of section 139-j of the state finance law, as amended by chapter 265 of the laws of 2013, is amended to read as follows:

(9) Any communications relating to a governmental procurement made under section one hundred sixty-two of the state finance law undertaken by (i) the non-profit-making agencies appointed pursuant to paragraph e of subdivision [~~six~~] **five** of section one hundred sixty-two of the state finance law by the commissioner of the office of children and family services, the commission for the blind, or the commissioner of education, and (ii) the qualified charitable non-profit-making agencies for the blind, and qualified charitable non-profit-making agencies for other severely disabled persons as identified in subdivision two of section one hundred sixty-two of this chapter; provided, however, that any communications which attempt to influence the issuance or terms of the specifications that serve as the basis for bid documents, requests for proposals, invitations for bids, or solicitations of proposals, or any other method for soliciting a response from offerers intending to result in a procurement contract with a state agency, the state legislature, the unified court system, a municipal agency or local legislative body shall not be exempt from the provisions of this paragraph; **provided, however, that nothing in this subdivision shall be construed as recognizing or creating any new rights, duties or responsibilities or abro-**

gating any existing rights, duties or responsibilities of any governmental entity as it pertains to implementation and enforcement of article eleven of this chapter or any other provision of law dealing with the governmental procurement process, and that nothing in this subdivision shall be interpreted to limit the authority of a governmental entity involved in a government procurement by exercise of an oversight function from providing information to offerers regarding the status of the review, oversight, or approval of a governmental procurement that has been submitted to or is under review by that governmental entity;

§ 25. Subparagraph (G) of the second undesignated paragraph of subdivision (c) of section 1-c of the legislative law, as amended by chapter 265 of the laws of 2013, is amended to read as follows:

(G) Any activity relating to governmental procurements made under section one hundred sixty-two of the state finance law undertaken by (i) the non-profit-making agencies appointed pursuant to paragraph e of subdivision [~~six~~] five of section one hundred sixty-two of the state finance law by the commissioner of the office of children and family services, the commission for the blind, or the commissioner of education, and (ii) the qualified charitable non-profit-making agencies for the blind, and qualified charitable non-profit-making agencies for other severely disabled persons as identified in subdivision two of section one hundred sixty-two of the state finance law; provided, however, that any attempt to influence the issuance or terms of the specifications that serve as the basis for bid documents, requests for proposals, invitations for bids, or solicitations of proposals, or any other method for soliciting a response from offerers intending to result in a procurement contract with a state agency, the state legislature, the unified court system, a municipal agency or local legislative body shall not be exempt from the definition of "lobbying" or "lobbying activities" under this subparagraph;

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

§ 27. This act shall take effect immediately; provided, however that the relettering of paragraphs d, e and f of subdivision 2 of section 162 of the state finance law made by section eighteen of this act shall not affect the expiration of such paragraphs and shall expire therewith; provided further, however, that the amendments to subparagraph (ii) of paragraph a of subdivision 4 of section 162 of the state finance law made by section twenty of this act shall be subject to the expiration and reversion of such subparagraph pursuant to section 2 of chapter 91 of the laws of 2023, as amended, when upon such date the provisions of section twenty-one of this act shall take effect; provided further, that the amendments to section 139-j of the state finance law made by section twenty-four of this act shall not affect the repeal of such section and shall be deemed repealed therewith.