

# STATE OF NEW YORK

S. 3005--C

A. 3005--C

## SENATE - ASSEMBLY

January 22, 2025

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 chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws

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

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relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 55 of the laws of 2018, amending the criminal procedure law relating to the pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); to amend the public officers law, in relation to residency requirements for certain positions as a correction officer; to amend the retirement

and social security law, in relation to mandatory retirement for certain members or officers of the state police; to amend the executive law, in relation to eligibility for appointment as a sworn member of the state police; and to amend the civil service law, in relation to the requirements for appointment of police officers (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend the executive law, in relation to expanding support services for victims of financial abuse and homicide (Part G); to amend the executive law and the public health law, in relation to expanding protections and services to survivors of sexual assault (Part H); to amend the social services law, in relation to public assistance for survivors of gender-based violence; and to repeal subdivision 4 of section 349-a of the social services law relating thereto (Part I); to amend the state finance law and the executive law, in relation to a model gender-based violence and the workplace policy (Part J); intentionally omitted (Part K); to amend the penal law, in relation to artificial intelligence-generated child sexual abuse material (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); 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 Q); to amend the public authorities law, in relation to the bonding limit of the New York city transitional finance authority (Part R); to amend the real property tax law and the administrative code of the city of New York, in relation to the industrial and commercial abatement program (Part S); intentionally omitted (Part T); intentionally omitted (Part U); to amend the civil service law, in relation to extending the waiver of certain state civil service examination fees; and to amend part EE of chapter 55 of the laws of 2023, amending the civil service law relating to waiving state civil service examination fees between July 1, 2023 and December 31, 2025, in relation to the effectiveness thereof (Part V); to amend the state finance law, in relation to providing for an alternate payment election for certain employees; and providing for the repeal of certain provisions of such law relating thereto (Part W); intentionally omitted (Part X); to amend chapter 60 of the laws of 2015, constituting the infrastructure investment act, in relation to construction manager as constructor contracts (Part Y); intentionally omitted (Part Z); to amend the workers' compensation law, in relation to medical providers entitled to render emergency care and treatment in cases of a workers' compensation injury (Part AA); intentionally omitted (Part BB); to amend the workers' compensation law, in relation to temporary payment of compensation for medical treatment and care (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend the correction law, in relation to addressing accountability within the department of corrections and community supervision (Part GG); to amend the correction law, in relation to the functions, powers and duties of the state commission of correction (Part HH); intentionally omitted (Part II); to amend chapter 729 of the laws of 2023, constituting the New York State community commission on reparations remedies, in relation to extending the time the New York State community commission on reparations remedies has to submit a written report of its findings and recommendations to the legislature and the governor (Part JJ); enacting the "Oak Orchard wastewater project design-build act"; and provid-

ing for the repeal of such provisions upon expiration thereof (Part KK); to amend the judiciary law, in relation to increasing the amount of allowance that trial and grand jurors are entitled to in each court of the unified court system (Part LL); to amend the executive law, in relation to establishing the New York state office of gun violence prevention; and to repeal certain provisions of the public health law relating thereto (Part MM); to amend the New York city civil court act, in relation to additional judges in the civil court of the city of New York; and to amend the court of claims act, in relation to increasing the number of judges of the court of claims (Part NN); to amend the election law and the state finance law, in relation to public campaign financing; and to repeal section 11 of part ZZZ of chapter 58 of the laws of 2020 amending the election law relating to public financing for state office; amending the state finance law relating to establishing the New York state campaign finance fund; and amending the tax law relating to establishing the NYS campaign finance fund check-off, relating to the severability of the provisions thereof (Part OO); to amend the legislative law, in relation to delaying implementing certain restrictions on outside earned income by members of the legislature until January 1, 2027 (Part PP); to amend the election law, in relation to requiring that candidates for the offices of governor and lieutenant governor are designated and voted on jointly (Part QQ); to amend the executive law, in relation to civil enforcement actions initiated by the attorney general (Part RR); to amend the retirement and social security law, in relation to the restoration of 20 year service retirement for New York city police officers (Part SS); to amend the retirement and social security law, in relation to establishing a twenty-five year retirement plan for firefighters employed by the division of military and naval affairs (Part TT); to amend the retirement and social security law, in relation to removing eligibility or receipt of primary social security disability benefits as a condition for ordinary disability retirement for certain members (Part UU); 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 VV); to amend the criminal procedure law, the executive law and the mental hygiene law, in relation to virtual appearances in certain criminal proceedings; to repeal certain provisions of the criminal procedure law relating thereto; and providing for the repeal of such provisions upon expiration thereof (Part WW); to amend the administrative code of the city of New York, in relation to promotions of police detectives, sergeants, and lieutenants for retirement purposes (Part XX); to amend the retirement and social security law, in relation to establishing alternative twenty and twenty-five year plans for certain officers of state law enforcement (Part YY); to amend the correction law, in relation to lowering the minimum hiring age for correction officers (Part ZZ); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part AAA); and in relation to authorizing the department of corrections and community supervision to close up to three correctional facilities in the 2025--2026 state fiscal year; and providing for the repeal of such provisions upon expiration thereof (Part BBB)

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 2025-2026 state fiscal year. Each component is whol-  
4 ly contained within a Part identified as Parts A through BBB. 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. Section 2 of chapter 887 of the laws of 1983, amending the  
14 correction law relating to the psychological testing of candidates, as  
15 amended by section 1 of part A of chapter 55 of the laws of 2023, is  
16 amended to read as follows:

17 § 2. This act shall take effect on the one hundred eightieth day after  
18 it shall have become a law and shall remain in effect until September 1,  
19 [~~2025~~] 2027.

20 § 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-  
21 tive law and the criminal procedure law relating to expanding the  
22 geographic area of employment of certain police officers, as amended by  
23 section 2 of part A of chapter 55 of the laws of 2023, is amended to  
24 read as follows:

25 § 3. This act shall take effect on the first day of November next  
26 succeeding the date on which it shall have become a law, and shall  
27 remain in effect until the first day of September, [~~2025~~] 2027, when it  
28 shall expire and be deemed repealed.

29 § 3. Section 3 of chapter 886 of the laws of 1972, amending the  
30 correction law and the penal law relating to prisoner furloughs in  
31 certain cases and the crime of absconding therefrom, as amended by  
32 section 3 of part A of chapter 55 of the laws of 2023, is amended to  
33 read as follows:

34 § 3. This act shall take effect 60 days after it shall have become a  
35 law and shall remain in effect until September 1, [~~2025~~] 2027.

36 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters  
37 50, 53 and 54 of the laws of 1987, the correction law, the penal law and  
38 other chapters and laws relating to correctional facilities, as amended  
39 by section 4 of part A of chapter 55 of the laws of 2023, is amended to  
40 read as follows:

41 § 20. This act shall take effect immediately except that section thir-  
42 teen of this act shall expire and be of no further force or effect on  
43 and after September 1, [~~2025~~] 2027 and shall not apply to persons  
44 committed to the custody of the department after such date, and provided  
45 further that the commissioner of corrections and community supervision  
46 shall report each January first and July first during such time as the  
47 earned eligibility program is in effect, to the [~~chairmen~~] chairs of the  
48 senate crime victims, crime and correction committee, the senate codes  
49 committee, the assembly correction committee, and the assembly codes  
50 committee, the standards in effect for earned eligibility during the  
51 prior six-month period, the number of [~~inmates~~] incarcerated individuals

1 subject to the provisions of earned eligibility, the number who actually  
2 received certificates of earned eligibility during that period of time,  
3 the number of [~~inmates~~] incarcerated individuals with certificates who  
4 are granted parole upon their first consideration for parole, the number  
5 with certificates who are denied parole upon their first consideration,  
6 and the number of individuals granted and denied parole who did not have  
7 earned eligibility certificates.

8 § 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,  
9 amending the tax law and other laws relating to taxes, surcharges, fees  
10 and funding, as amended by section 5 of part A of chapter 55 of the laws  
11 of 2023, is amended to read as follows:

12 (q) the provisions of section two hundred eighty-four of this act  
13 shall remain in effect until September 1, [~~2025~~] 2027 and be applicable  
14 to all persons entering the program on or before August 31, [~~2025~~] 2027.

15 § 6. Section 10 of chapter 339 of the laws of 1972, amending the  
16 correction law and the penal law relating to inmate work release,  
17 furlough and leave, as amended by section 6 of part A of chapter 55 of  
18 the laws of 2023, is amended to read as follows:

19 § 10. This act shall take effect 30 days after it shall have become a  
20 law and shall remain in effect until September 1, [~~2025~~] 2027, and  
21 provided further that the commissioner of correctional services shall  
22 report each January first, and July first, to the [~~chairman~~] chairs of  
23 the senate crime victims, crime and correction committee, the senate  
24 codes committee, the assembly correction committee, and the assembly  
25 codes committee, the number of eligible [~~inmates~~] incarcerated individ-  
26 uals in each facility under the custody and control of the commissioner  
27 who have applied for participation in any program offered under the  
28 provisions of work release, furlough, or leave, and the number of such  
29 [~~inmates~~] incarcerated individuals who have been approved for partic-  
30 ipation.

31 § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994,  
32 relating to certain provisions which impact upon expenditure of certain  
33 appropriations made by chapter 50 of the laws of 1994, enacting the  
34 state operations budget, as amended by section 7 of part A of chapter 55  
35 of the laws of 2023, is amended to read as follows:

36 (c) sections forty-one and forty-two of this act shall expire Septem-  
37 ber 1, [~~2025~~] 2027; provided, that the provisions of section forty-two  
38 of this act shall apply to [~~inmates~~] incarcerated individuals entering  
39 the work release program on or after such effective date; and

40 § 8. Subdivision (aa) of section 427 of chapter 55 of the laws of  
41 1992, amending the tax law and other laws relating to taxes, surcharges,  
42 fees and funding, as amended by section 8 of part A of chapter 55 of the  
43 laws of 2023, is amended to read as follows:

44 (aa) the provisions of sections three hundred eighty-two, three  
45 hundred eighty-three and three hundred eighty-four of this act shall  
46 expire on September 1, [~~2025~~] 2027;

47 § 9. Section 12 of chapter 907 of the laws of 1984, amending the  
48 correction law, the New York city criminal court act and the executive  
49 law relating to prison and jail housing and alternatives to detention  
50 and incarceration programs, as amended by section 9 of part A of chapter  
51 55 of the laws of 2023, is amended to read as follows:

52 § 12. This act shall take effect immediately, except that the  
53 provisions of sections one through ten of this act shall remain in full  
54 force and effect until September 1, [~~2025~~] 2027 on which date those  
55 provisions shall be deemed to be repealed.

1 § 10. Subdivision (p) of section 406 of chapter 166 of the laws of  
2 1991, amending the tax law and other laws relating to taxes, as amended  
3 by section 10 of part A of chapter 55 of the laws of 2023, is amended to  
4 read as follows:

5 (p) The amendments to section 1809 of the vehicle and traffic law made  
6 by sections three hundred thirty-seven and three hundred thirty-eight of  
7 this act shall not apply to any offense committed prior to such effec-  
8 tive date; provided, further, that section three hundred forty-one of  
9 this act shall take effect immediately and shall expire November 1, 1993  
10 at which time it shall be deemed repealed; sections three hundred  
11 forty-five and three hundred forty-six of this act shall take effect  
12 July 1, 1991; sections three hundred fifty-five, three hundred fifty-  
13 six, three hundred fifty-seven and three hundred fifty-nine of this act  
14 shall take effect immediately and shall expire June 30, 1995 and shall  
15 revert to and be read as if this act had not been enacted; section three  
16 hundred fifty-eight of this act shall take effect immediately and shall  
17 expire June 30, 1998 and shall revert to and be read as if this act had  
18 not been enacted; section three hundred sixty-four through three hundred  
19 sixty-seven of this act shall apply to claims filed on or after such  
20 effective date; sections three hundred sixty-nine, three hundred seven-  
21 ty-two, three hundred seventy-three, three hundred seventy-four, three  
22 hundred seventy-five and three hundred seventy-six of this act shall  
23 remain in effect until September 1, [~~2025~~] 2027, at which time they  
24 shall be deemed repealed; provided, however, that the mandatory  
25 surcharge provided in section three hundred seventy-four of this act  
26 shall apply to parking violations occurring on or after said effective  
27 date; and provided further that the amendments made to section 235 of  
28 the vehicle and traffic law by section three hundred seventy-two of this  
29 act, the amendments made to section 1809 of the vehicle and traffic law  
30 by sections three hundred thirty-seven and three hundred thirty-eight of  
31 this act and the amendments made to section 215-a of the labor law by  
32 section three hundred seventy-five of this act shall expire on September  
33 1, [~~2025~~] 2027 and upon such date the provisions of such subdivisions  
34 and sections shall revert to and be read as if the provisions of this  
35 act had not been enacted; the amendments to subdivisions 2 and 3 of  
36 section 400.05 of the penal law made by sections three hundred seventy-  
37 seven and three hundred seventy-eight of this act shall expire on July  
38 1, 1992 and upon such date the provisions of such subdivisions shall  
39 revert and shall be read as if the provisions of this act had not been  
40 enacted; the state board of law examiners shall take such action as is  
41 necessary to assure that all applicants for examination for admission to  
42 practice as an attorney and counsellor at law shall pay the increased  
43 examination fee provided for by the amendment made to section 465 of the  
44 judiciary law by section three hundred eighty of this act for any exam-  
45 ination given on or after the effective date of this act notwithstanding  
46 that an applicant for such examination may have prepaid a lesser fee for  
47 such examination as required by the provisions of such section 465 as of  
48 the date prior to the effective date of this act; the provisions of  
49 section 306-a of the civil practice law and rules as added by section  
50 three hundred eighty-one of this act shall apply to all actions pending  
51 on or commenced on or after September 1, 1991, provided, however, that  
52 for the purposes of this section service of such summons made prior to  
53 such date shall be deemed to have been completed on September 1, 1991;  
54 the provisions of section three hundred eighty-three of this act shall  
55 apply to all money deposited in connection with a cash bail or a  
56 partially secured bail bond on or after such effective date; and the

1 provisions of sections three hundred eighty-four and three hundred  
2 eighty-five of this act shall apply only to jury service commenced  
3 during a judicial term beginning on or after the effective date of this  
4 act; provided, however, that nothing contained herein shall be deemed to  
5 affect the application, qualification, expiration or repeal of any  
6 provision of law amended by any section of this act and such provisions  
7 shall be applied or qualified or shall expire or be deemed repealed in  
8 the same manner, to the same extent and on the same date as the case may  
9 be as otherwise provided by law;

10 § 11. Subdivision 8 of section 1809 of the vehicle and traffic law, as  
11 amended by section 11 of part A of chapter 55 of the laws of 2023, is  
12 amended to read as follows:

13 8. The provisions of this section shall only apply to offenses commit-  
14 ted on or before September first, two thousand [~~twenty-five~~] twenty-sev-  
15 en.

16 § 12. Section 6 of chapter 713 of the laws of 1988, amending the vehi-  
17 cle and traffic law relating to the ignition interlock device program,  
18 as amended by section 12 of part A of chapter 55 of the laws of 2023, is  
19 amended to read as follows:

20 § 6. This act shall take effect on the first day of April next  
21 succeeding the date on which it shall have become a law; provided,  
22 however, that effective immediately, the addition, amendment or repeal  
23 of any rule or regulation necessary for the implementation of the fore-  
24 going sections of this act on their effective date is authorized and  
25 directed to be made and completed on or before such effective date and  
26 shall remain in full force and effect until the first day of September,  
27 [~~2025~~] 2027 when upon such date the provisions of this act shall be  
28 deemed repealed.

29 § 13. Paragraph a of subdivision 6 of section 76 of chapter 435 of the  
30 laws of 1997, amending the military law and other laws relating to vari-  
31 ous provisions, as amended by section 13 of part A of chapter 55 of the  
32 laws of 2023, is amended to read as follows:

33 a. sections forty-three through forty-five of this act shall expire  
34 and be deemed repealed on September 1, [~~2025~~] 2027;

35 § 14. Section 4 of part D of chapter 412 of the laws of 1999, amending  
36 the civil practice law and rules and the court of claims act relating to  
37 prisoner litigation reform, as amended by section 14 of part A of chap-  
38 ter 55 of the laws of 2023, is amended to read as follows:

39 § 4. This act shall take effect 120 days after it shall have become a  
40 law and shall remain in full force and effect until September 1, [~~2025~~]  
41 2027, when upon such date it shall expire.

42 § 15. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,  
43 constituting the family protection and domestic violence intervention  
44 act of 1994, as amended by section 15 of part A of chapter 55 of the  
45 laws of 2023, is amended to read as follows:

46 2. Subdivision 4 of section 140.10 of the criminal procedure law as  
47 added by section thirty-two of this act shall take effect January 1,  
48 1996 and shall expire and be deemed repealed on September 1, [~~2025~~]  
49 2027.

50 § 16. Section 5 of chapter 505 of the laws of 1985, amending the crim-  
51 inal procedure law relating to the use of closed-circuit television and  
52 other protective measures for certain child witnesses, as amended by  
53 section 16 of part A of chapter 55 of the laws of 2023, is amended to  
54 read as follows:

55 § 5. This act shall take effect immediately and shall apply to all  
56 criminal actions and proceedings commenced prior to the effective date

1 of this act but still pending on such date as well as all criminal  
2 actions and proceedings commenced on or after such effective date and  
3 its provisions shall expire on September 1, [~~2025~~] 2027, when upon such  
4 date the provisions of this act shall be deemed repealed.

5 § 17. Subdivision d of section 74 of chapter 3 of the laws of 1995,  
6 enacting the sentencing reform act of 1995, as amended by section 17 of  
7 part A of chapter 55 of the laws of 2023, is amended to read as follows:

8 d. Sections one-a through twenty, twenty-four through twenty-eight,  
9 thirty through thirty-nine, forty-two and forty-four of this act shall  
10 be deemed repealed on September 1, [~~2025~~] 2027;

11 § 18. Section 2 of chapter 689 of the laws of 1993, amending the crim-  
12 inal procedure law relating to electronic court appearance in certain  
13 counties, as amended by section 18 of part A of chapter 55 of the laws  
14 of 2023, is amended to read as follows:

15 § 2. This act shall take effect immediately, except that the  
16 provisions of this act shall be deemed to have been in full force and  
17 effect since July 1, 1992 and the provisions of this act shall expire  
18 September 1, [~~2025~~] 2027 when upon such date the provisions of this act  
19 shall be deemed repealed.

20 § 19. Section 3 of chapter 688 of the laws of 2003, amending the exec-  
21 utive law relating to enacting the interstate compact for adult offender  
22 supervision, as amended by section 19 of part A of chapter 55 of the  
23 laws of 2023, is amended to read as follows:

24 § 3. This act shall take effect immediately, except that section one  
25 of this act shall take effect on the first of January next succeeding  
26 the date on which it shall have become a law, and shall remain in effect  
27 until the first of September, [~~2025~~] 2027, upon which date this act  
28 shall be deemed repealed and have no further force and effect; provided  
29 that section one of this act shall only take effect with respect to any  
30 compacting state which has enacted an interstate compact entitled  
31 "Interstate compact for adult offender supervision" and having an iden-  
32 tical effect to that added by section one of this act and provided  
33 further that with respect to any such compacting state, upon the effec-  
34 tive date of section one of this act, section 259-m of the executive law  
35 is hereby deemed REPEALED and section 259-mm of the executive law, as  
36 added by section one of this act, shall take effect; and provided  
37 further that with respect to any state which has not enacted an inter-  
38 state compact entitled "Interstate compact for adult offender super-  
39 vision" and having an identical effect to that added by section one of  
40 this act, section 259-m of the executive law shall take effect and the  
41 provisions of section one of this act, with respect to any such state,  
42 shall have no force or effect until such time as such state shall adopt  
43 an interstate compact entitled "Interstate compact for adult offender  
44 supervision" and having an identical effect to that added by section one  
45 of this act in which case, with respect to such state, effective imme-  
46 diately, section 259-m of the executive law is deemed repealed and  
47 section 259-mm of the executive law, as added by section one of this  
48 act, shall take effect.

49 § 20. Section 8 of part H of chapter 56 of the laws of 2009, amending  
50 the correction law relating to limiting the closing of certain correc-  
51 tional facilities, providing for the custody by the department of  
52 correctional services of inmates serving definite sentences, providing  
53 for custody of federal prisoners and requiring the closing of certain  
54 correctional facilities, as amended by section 20 of part A of chapter  
55 of the laws of 2023, is amended to read as follows:

1 § 8. This act shall take effect immediately; provided, however that  
2 sections five and six of this act shall expire and be deemed repealed  
3 September 1, [~~2025~~] 2027.

4 § 21. Section 3 of part C of chapter 152 of the laws of 2001, amending  
5 the military law relating to military funds of the organized militia, as  
6 amended by section 21 of part A of chapter 55 of the laws of 2023, is  
7 amended to read as follows:

8 § 3. This act shall take effect immediately; provided however that the  
9 amendments made to subdivision 1 of section 221 of the military law by  
10 section two of this act shall expire and be deemed repealed September 1,  
11 [~~2025~~] 2027.

12 § 22. Section 5 of chapter 554 of the laws of 1986, amending the  
13 correction law and the penal law relating to providing for community  
14 treatment facilities and establishing the crime of absconding from the  
15 community treatment facility, as amended by section 22 of part A of  
16 chapter 55 of the laws of 2023, is amended to read as follows:

17 § 5. This act shall take effect immediately and shall remain in full  
18 force and effect until September 1, [~~2025~~] 2027, and provided further  
19 that the commissioner of correctional services shall report each January  
20 first and July first during such time as this legislation is in effect,  
21 to the [~~chairmen~~] chairs of the senate crime victims, crime and  
22 correction committee, the senate codes committee, the assembly  
23 correction committee, and the assembly codes committee, the number of  
24 individuals who are released to community treatment facilities during  
25 the previous six-month period, including the total number for each date  
26 at each facility who are not residing within the facility, but who are  
27 required to report to the facility on a daily or less frequent basis.

28 § 23. Section 2 of part F of chapter 55 of the laws of 2018, amending  
29 the criminal procedure law relating to pre-criminal proceeding settle-  
30 ments in the city of New York, as amended by section 23 of part A of  
31 chapter 55 of the laws of 2023, is amended to read as follows:

32 § 2. This act shall take effect immediately and shall remain in full  
33 force and effect until March 31, [~~2025~~] 2027, when it shall expire and  
34 be deemed repealed.

35 § 24. This act shall take effect immediately.

36 PART B

37 Intentionally Omitted

38 PART C

39 Section 1. Section 3 of the public officers law is amended by adding  
40 a new subdivision 9-a to read as follows:

41 9-a. The provisions of this section requiring a person to be a resi-  
42 dent of the state shall not apply to any person employed as a correction  
43 officer trainee or correction officer who is employed at a state correc-  
44 tional facility.

45 § 2. Subdivision e of section 381-b of the retirement and social  
46 security law, as amended by chapter 97 of the laws of 2008, is amended  
47 to read as follows:

48 e. Mandatory retirement. A member subject to the provisions of this  
49 section shall be retired on December thirty-first of the year in which  
50 [~~he or she~~] such member attains [~~sixty~~] sixty-three years of age.

1 Notwithstanding the foregoing, any member in service in the division  
2 on August fifteenth, two thousand seven, and who on that date was enti-  
3 tled to receive retirement benefits on the thirty-first day of December  
4 in the year in which [~~he or she~~] such member attained fifty-seven years  
5 of age as provided in paragraph three of subdivision b of this section,  
6 may elect to retain such entitlement, provided the member remains in  
7 service on the thirtieth day of December in the year in which [~~he or~~  
8 ~~she~~] such member attains fifty-seven years of age, and any member in  
9 service in the division on August thirty-first, two thousand twenty-  
10 five, and who on that date was entitled to receive retirement benefits  
11 on the thirty-first day of December in the year in which such member  
12 attained sixty years of age as provided in paragraph three of subdivi-  
13 sion b of this section, may elect to retain such entitlement, provided  
14 the member remains in service on the thirtieth day of December in the  
15 year in which such member attains sixty years of age. The provisions of  
16 this subdivision shall not apply to the superintendent.

17 § 3. Subdivision 3 of section 215 of the executive law, as amended by  
18 chapter 478 of the laws of 2004, is amended to read as follows:

19 3. The sworn members of the New York state police shall be appointed  
20 by the superintendent and permanent appointees may be removed by the  
21 superintendent only after a hearing. No person shall be appointed to the  
22 New York state police force as a sworn member unless [~~he or she~~] such  
23 person shall be a citizen of the United States, between the ages of  
24 twenty-one and [~~twenty-nine years except that in the superintendent's~~  
25 ~~discretion, the maximum age may be extended to thirty-five~~] forty-three  
26 years. Notwithstanding any other provision of law or any general or  
27 special law to the contrary the time spent on military duty, not exceed-  
28 ing a total of six years, shall be subtracted from the age of any appli-  
29 cant who has passed [~~his or her twenty-ninth~~] their forty-third birth-  
30 day, solely for the purpose of permitting qualification as to age and  
31 for no other purpose. Such limitations as to age however shall not apply  
32 to persons appointed to the positions of counsel, first assistant coun-  
33 sel, assistant counsel, and assistant deputy superintendent for employee  
34 relations nor to any person appointed to the bureau of criminal investi-  
35 gation pursuant to section two hundred sixteen of this article nor shall  
36 any person be appointed unless [~~he or she~~] such person has fitness and  
37 good moral character and shall have passed a physical and mental exam-  
38 ination based upon standards provided by the rules and regulations of  
39 the superintendent. Appointments shall be made for a probationary period  
40 which, in the case of appointees required to attend and complete a basic  
41 training program at the state police academy, shall include such time  
42 spent attending the basic school and terminate one year after successful  
43 completion thereof. All other sworn members shall be subject to a proba-  
44 tionary period of one year from the date of appointment. Following  
45 satisfactory completion of the probationary period the member shall be a  
46 permanent appointee. Voluntary resignation or withdrawal from the New  
47 York state police during such appointment shall be submitted to the  
48 superintendent for approval. Reasonable time shall be required to  
49 account for all equipment issued or for debts or obligations to the  
50 state to be satisfied. Resignation or withdrawal from the division  
51 during a time of emergency, so declared by the governor, shall not be  
52 approved if contrary to the best interest of the state and shall be a  
53 misdemeanor. No sworn member removed from the New York state police  
54 shall be eligible for reappointment. The superintendent shall make rules  
55 and regulations subject to approval by the governor for the discipline  
56 and control of the New York state police and for the examination and

1 qualifications of applicants for appointment as members thereto and such  
2 examinations shall be held and conducted by the superintendent subject  
3 to such rules and regulations. The superintendent is authorized to  
4 charge a fee of twenty dollars as an application fee for any person  
5 applying to take a competitive examination for the position of trooper,  
6 and a fee of five dollars for any competitive examination for a civilian  
7 position. The superintendent shall promulgate regulations subject to the  
8 approval of the director of the budget, to provide for a waiver of the  
9 application fee when the fee would cause an unreasonable hardship on the  
10 applicant and to establish a fee schedule and charge fees for the use of  
11 state police facilities.

12 § 4. Section 58 of the civil service law, as amended by chapter 560 of  
13 the laws of 1978, subdivisions 1 and 2 as amended by chapter 244 of the  
14 laws of 2013, paragraphs (c) and (d) of subdivision 1 as amended by  
15 section 16 and subdivision 5 as amended by section 17 of part BBB of  
16 chapter 59 of the laws of 2021, subdivision 1-b as added by chapter 1016  
17 of the laws of 1983, subdivision 1-c as added by chapter 840 of the laws  
18 of 1985, subdivision 3 as amended by chapter 561 of the laws of 2015,  
19 subdivision 4 as separately amended by chapters 375 and 397 of the laws  
20 of 1990, paragraphs (a) and (b) of subdivision 4 as amended by chapter  
21 561 of the laws of 2015, paragraph (c) of subdivision 4 as amended by  
22 chapter 190 of the laws of 2008, subparagraphs (ii) and (iv) of para-  
23 graph (c) of subdivision 4 as amended by section 58 of subpart B of part  
24 C of chapter 62 of the laws of 2011 and subdivision 6 as added by chap-  
25 ter 558 of the laws of 1979, is amended to read as follows:

26 § 58. Requirements for [~~provisional or permanent~~] appointment of  
27 certain police officers. 1. Notwithstanding any other provision of this  
28 law or any general, special or local law to the contrary, no person  
29 shall be eligible for [~~provisional or permanent~~] appointment [~~in the~~  
30 ~~competitive class of the civil service~~] as a police officer of the  
31 department of environmental conservation or of any police force or  
32 police department of any county, city, town, village, housing authority  
33 or police district unless [~~he or she~~] they shall satisfy the following  
34 basic requirements:

35 (a) [~~he or she is~~] they are not less than twenty years of age as of  
36 the date of appointment nor more than [~~thirty-five~~] forty-three years of  
37 age as of the date when the applicant takes the written examination,  
38 provided that the maximum age requirement of [~~thirty-five~~] forty-three  
39 years of age as set forth in this paragraph shall not apply to eligible  
40 lists finalized pursuant to an examination administered prior to May  
41 thirty-first, nineteen hundred ninety-nine or a police officer in the  
42 department of environmental conservation, provided, however, that:

43 (i) time spent on military duty or on terminal leave, not exceeding a  
44 total of six years, shall be subtracted from the age of any applicant  
45 who has passed [~~his or her thirty-fifth~~] their forty-third birthday as  
46 provided in subdivision ten-a of section two hundred forty-three of the  
47 military law;

48 (ii) such maximum age requirement of [~~thirty-five~~] forty-three years  
49 shall not apply to any police officer as defined in subdivision thirty-  
50 four of section 1.20 of the criminal procedure law, who was continuously  
51 employed by the Buffalo municipal housing authority between January  
52 first, two thousand five and June thirtieth, two thousand five and who  
53 takes the next written exam offered after the effective date of this  
54 subparagraph by the city of Buffalo civil service commission for employ-  
55 ment as a police officer in the city of Buffalo police department, or  
56 June thirtieth, two thousand six, whichever is later; and

1 (iii) such maximum age requirement of [~~thirty-five~~ forty-three years  
2 shall not apply to any police officer of any county, town, city or  
3 village police force not otherwise provided for in this section if the  
4 eligible list has been exhausted and there are no other eligible candi-  
5 dates; provided, however, the police officer themselves are on the  
6 eligible list of such county, town, city or village and meet all other  
7 requirements of merit and fitness set forth by this chapter and do not  
8 exceed the maximum age of [~~thirty-nine~~ forty-three;

9 (b) [~~he or she is~~ they are a high school graduate or a holder of a  
10 high school equivalency diploma issued by an education department of any  
11 of the states of the United States or a holder of a comparable diploma  
12 issued by any commonwealth, territory or possession of the United States  
13 or by the Canal Zone or a holder of a report from the United States  
14 armed forces certifying [~~his or her~~ their successful completion of the  
15 tests of general educational development, high school level;

16 (c) [~~he or she satisfies~~ they satisfy the height, weight, physical  
17 and psychological fitness requirements prescribed by the municipal  
18 police training council pursuant to the provisions of section eight  
19 hundred forty of the executive law; and

20 (d) [~~he or she is~~ they are of good moral character as determined in  
21 accordance with the background investigation standards of the municipal  
22 police training council pursuant to the provisions of section eight  
23 hundred forty of the executive law.

24 1-b. Notwithstanding the provisions of any other section of law,  
25 general, special or local, in political subdivisions maintaining a  
26 police department serving a population of one hundred fifty thousand or  
27 less, no person shall be eligible for appointment nor shall [~~he or she~~  
28 they be appointed to any rank above the rank of police officer unless  
29 [~~he or she has~~ they have been appointed a police officer from an eligi-  
30 ble list established according to merit and fitness as provided by  
31 section six of article five of the constitution of the state of New York  
32 or has previously served as a member of the New York state police.

33 1-c. Notwithstanding the provisions of any other section of law,  
34 general, special or local, any political subdivision maintaining a  
35 police department serving a population of one hundred fifty thousand or  
36 less and with positions for more than four full-time police officers,  
37 shall maintain the office of chief of police.

38 2. The provisions of this section shall not prevent any county, city,  
39 town, village, housing authority, transit authority, police district or  
40 the department of environmental conservation from setting more restric-  
41 tive requirements of eligibility for its police officers[~~, except the~~  
42 ~~maximum age to be a police officer as provided in paragraph (a) of~~  
43 ~~subdivision one of this section~~].

44 3. As used in this section, the term "police officer" means a police  
45 officer in the department of environmental conservation, the state  
46 university police, a member of the regional state park police or a  
47 police force, police department, or other organization of a county,  
48 city, town, village, housing authority, transit authority or police  
49 district, who is responsible for the prevention and detection of crime  
50 and the enforcement of the general criminal laws of the state, but shall  
51 not include any person serving as such solely by virtue of [~~his or her~~  
52 occupying any other office or position, nor shall such term include a  
53 sheriff, under-sheriff, commissioner of police, deputy or assistant  
54 commissioner of police, chief of police, deputy or assistant chief of  
55 police or any person having an equivalent title who is appointed or  
56 employed to exercise equivalent supervisory authority.

1 4. (a) [~~Any person who has received provisional or permanent appoint-~~  
2 ~~ment in the competitive class of the civil service as a police officer~~  
3 ~~of the regional state park police, the state university of New York~~  
4 ~~police, the department of environmental conservation or any police force~~  
5 ~~or police department of any county, city, town, village, housing author-~~  
6 ~~ity, transit authority or police district shall be eligible to resign~~  
7 ~~from any police force or police department, and to be appointed as a~~  
8 ~~police officer in the same or any other police force or police depart-~~  
9 ~~ment without satisfying the age requirements set forth in paragraph (a)~~  
10 ~~of subdivision one of this section at the time of such second or subse-~~  
11 ~~quent appointment, provided such second or subsequent appointment occurs~~  
12 ~~within thirty days of the date of resignation.~~

13 (b) Any person who has received permanent appointment in the compet-  
14 itive class of the civil service as a police officer of the regional  
15 state park police, the state university of New York police, the depart-  
16 ment of environmental conservation or any police force or police depart-  
17 ment of any county, city, town, village, housing authority, transit  
18 authority or police district shall be eligible to resign from any police  
19 force or police department and, subject to such civil service rules as  
20 may be applicable, shall be eligible for reinstatement in the same  
21 police force or police department or in any other police force or police  
22 department to which [~~he or she was~~] they were eligible for transfer,  
23 without satisfying the age requirements set forth in paragraph (a) of  
24 subdivision one of this section at the time of such reinstatement,  
25 provided such reinstatement occurs within one year of the date of resig-  
26 nation.

27 [(e)] (b) (i) Legislative findings and declaration. The legislature  
28 hereby finds and declares that it is frequently impracticable to ascer-  
29 tain fitness for the positions of detective and investigator within  
30 various police or sheriffs departments around the state by means of a  
31 competitive examination due to the unique nature of the duties assigned  
32 and the intangible personal qualities needed to perform such duties. The  
33 legislature further finds that competitive examination has never been  
34 employed in many police, correction or sheriffs departments, to ascer-  
35 tain fitness for the positions of detective and investigator within such  
36 police, correction or sheriffs departments; such fitness has always been  
37 determined by evaluation of the capabilities of an individual (who has  
38 in any case received permanent appointment to the position of police  
39 officer, correction officer of any rank or deputy sheriff) by superviso-  
40 ry personnel. The legislature further finds that an individual who  
41 performs in an investigatory position in a manner sufficiently satisfac-  
42 tory to the appropriate supervisors to hold such an assignment for a  
43 period of eighteen months, has demonstrated fitness for the position of  
44 detective or investigator within such police, correction or sheriffs  
45 department at least as sufficiently as could be ascertained by means of  
46 a competitive examination.

47 (ii) Notwithstanding any other provision of law, in any jurisdiction,  
48 other than a city with a population of one million or more or the state  
49 department of corrections and community supervision, which does not  
50 administer examinations for designation to detective or investigator,  
51 any person who has received permanent appointment to the position of  
52 police officer, correction officer of any rank or deputy sheriff and is  
53 temporarily assigned to perform the duties of detective or investigator  
54 shall, whenever such assignment to the duties of a detective or investi-  
55 gator exceeds eighteen months, be permanently designated as a detective

1 or investigator and receive the compensation ordinarily paid to persons  
2 in such designation.

3 (iii) Nothing contained in subparagraph (ii) of this paragraph shall  
4 be construed to limit any jurisdiction's ability to administer examina-  
5 tions for appointment to the positions of detective and investigator,  
6 provided however that any person temporarily assigned to perform the  
7 duties of detective or investigator within the period commencing Septem-  
8 ber twenty-third, nineteen hundred ninety-three through and including  
9 the date upon which this paragraph shall have become a law and who has  
10 not been designated as a detective or investigator and who has not been  
11 subject to an examination for which there is a certified eligible list,  
12 shall be permanently designated as a detective or investigator whenever  
13 such assignment to the duties of detective or investigator exceeds eigh-  
14 teen months.

15 (iv) Detectives and investigators designated since September twenty-  
16 third, nineteen hundred ninety and prior to February twenty-fourth,  
17 nineteen hundred ninety-five by any state, county, town, village or city  
18 (other than a city with a population of one million or more or the state  
19 department of corrections and community supervision) police, correction  
20 or sheriffs department, pursuant to the provisions of this paragraph in  
21 effect during such period, who continue to serve in such positions,  
22 shall retain their detective or investigator status without any right to  
23 retroactive financial entitlement.

24 5. The provisions of this section shall not apply to the investigatory  
25 personnel of the office of the district attorney in any county, includ-  
26 ing any county within the city of New York.

27 6. The provisions of this section shall not apply to any individual  
28 holding the position of deputy sheriff in Westchester county prior to  
29 July first, nineteen hundred seventy-nine upon the transfer of such  
30 individual to service in the Westchester county department of public  
31 safety services.

32 § 5. This act shall take effect September 1, 2025.

33 PART D

34 Intentionally Omitted

35 PART E

36 Intentionally Omitted

37 PART F

38 Intentionally Omitted

39 PART G

40 Section 1. Paragraphs (i), (j) and (k) of subdivision 1 of section 624  
41 of the executive law, paragraph (i) as amended by section 9 of part A-1  
42 of chapter 56 of the laws of 2010, paragraph (j) as amended by chapter  
43 427 of the laws of 1999, paragraph (k) as amended by chapter 117 of the  
44 laws of 2017, are amended and a new paragraph (l) is added to read as  
45 follows:

1 (i) a surviving spouse of a crime victim who died from causes not  
2 directly related to the crime when such victim died prior to filing a  
3 claim with the office or subsequent to filing a claim but prior to the  
4 rendering of a decision by the office. Such award shall be limited to  
5 out-of-pocket loss incurred as a direct result of the crime; [~~and~~]

6 (j) a spouse, child or stepchild of a victim of a crime who has  
7 sustained personal physical injury as a direct result of a crime[~~+~~];

8 (k) a surviving spouse, grandparent, parent, stepparent, guardian,  
9 [~~brother, sister, stepbrother, stepsister,~~] sibling, stepsibling, child,  
10 stepchild, or grandchild of a victim of a crime who died as a direct  
11 result of such crime and where such crime occurred in the residence  
12 shared by such family member or members and the victim[~~+~~]; and

13 (l) any person not otherwise eligible under this subdivision who has  
14 paid for or incurred the crime scene cleanup expenses, provided that  
15 such person shall only be eligible to receive an award under this arti-  
16 cle for crime scene cleanup.

17 § 2. Subdivisions 2, 5, 9 and 18 of section 631 of the executive law,  
18 subdivision 2 as amended by chapter 233 of the laws of 2020, subdivision  
19 5 as amended by section 22 of part A-1 of chapter 56 of the laws of  
20 2010, paragraph (e) of subdivision 5 as amended by chapter 70 of the  
21 laws of 2020, paragraph (f) of subdivision 5 as added by section 5 of  
22 part H of chapter 55 of the laws of 2017, paragraph (g) of subdivision 5  
23 as added by chapter 494 of the laws of 2018, subdivision 9 as amended by  
24 section 1 of part I of chapter 55 of the laws of 2022, and subdivision  
25 18 as added by chapter 119 of the laws of 2013, are amended to read as  
26 follows:

27 2. Any award made pursuant to this article shall be in an amount not  
28 exceeding out-of-pocket expenses, including indebtedness reasonably  
29 incurred for medical or other services necessary as a result of the  
30 injury upon which the claim is based; loss of earnings or support  
31 resulting from such injury not to exceed thirty thousand dollars; loss  
32 of savings not to exceed thirty thousand dollars; burial expenses not  
33 exceeding [~~six~~] twelve thousand dollars of a victim who died on or after  
34 November first, nineteen ninety-six as a direct result of a crime; the  
35 costs of crime scene cleanup and securing of a crime scene not exceeding  
36 twenty-five hundred dollars; reasonable relocation expenses not exceed-  
37 ing twenty-five hundred dollars; reasonable employment-related transpor-  
38 tation expenses, not exceeding twenty-five hundred dollars and the unre-  
39 imburSED cost of repair or replacement of articles of essential personal  
40 property lost, damaged or destroyed as a direct result of the crime. An  
41 award for loss of earnings shall include earnings lost by a parent or  
42 guardian as a result of the hospitalization of a child victim under age  
43 eighteen for injuries sustained as a direct result of a crime. In addi-  
44 tion to the medical or other services necessary as a result of the inju-  
45 ry upon which the claim is based, an award may be made for rehabilita-  
46 tive occupational training for the purpose of job retraining or similar  
47 employment-oriented rehabilitative services based upon the claimant's  
48 medical and employment history. For the purpose of this subdivision,  
49 rehabilitative occupational training shall include but not be limited to  
50 educational training and expenses. An award for rehabilitative occupa-  
51 tional training may be made to a victim, or to a family member of a  
52 victim where necessary as a direct result of a crime. An award for  
53 employment-related transportation expenses shall be limited to the time  
54 period necessary due to the personal physical injuries sustained as a  
55 direct result of the crime upon which the claim is based, as determined

1 by the medical information collected during the investigation of the  
2 claim.

3 5. (a) [~~In~~] Except as provided in paragraph (g) of this subdivision,  
4 in determining the amount of an award, the office shall determine wheth-  
5 er, because of [~~his~~] such victim's conduct, the victim of such crime  
6 contributed to the infliction of [~~his~~] such victim's injury, and the  
7 office shall reduce the amount of the award or reject the claim alto-  
8 gether, in accordance with such determination.

9 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
10 sion, the office shall disregard for this purpose the responsibility of  
11 the victim for [~~his~~] such victim's own injury where the record shows  
12 that the person injured was acting as a good samaritan, as defined in  
13 this article.

14 (c) Notwithstanding any inconsistent provision of this article, where  
15 the person injured acted as a good samaritan, the office may, without  
16 regard to the financial difficulty of the claimant, make an award for  
17 out-of-pocket losses. Such award may also include compensation for any  
18 loss of property up to five thousand dollars suffered by the victim  
19 during the course of [~~his~~] such victim's actions as a good samaritan.

20 (d) Notwithstanding any inconsistent provision of this article, where  
21 a person acted as a good samaritan, and was killed as a direct result of  
22 the crime, the office may, without regard to the financial difficulty of  
23 the claimant, make a lump sum award to such claimant for actual loss of  
24 support not to exceed thirty thousand dollars.

25 (e) Notwithstanding any inconsistent provision of this article, where  
26 a police officer or firefighter, both paid and volunteer, dies from  
27 injuries received in the line of duty as a direct result of a crime, the  
28 office may, without regard to the financial difficulty of the claimant,  
29 make an award for the unreimbursed counseling expenses of the eligible  
30 spouse, domestic partner, parents, [~~brothers, sisters~~] siblings or chil-  
31 dren of such victim, and/or the reasonable burial expenses incurred by  
32 the claimant.

33 (f) Notwithstanding the provisions of paragraph (a) of this subdivi-  
34 sion, the office shall disregard for this purpose the responsibility of  
35 the victim for [~~his or her~~] such victim's own loss of savings.

36 (g) Notwithstanding the provisions of paragraph (a) of this subdivi-  
37 sion, when determining a claim made by a person eligible under paragraph  
38 (b), (c) or (d) of subdivision one of section six hundred twenty-four of  
39 this article, if the crime upon which the claim is based resulted in the  
40 death of the victim, the office shall [~~determine~~] not consider whether,  
41 because of [~~his or her~~] their conduct, the victim of such crime contrib-  
42 uted to [~~the infliction of his or her injury, and the office may reduce~~  
43 ~~the amount of the award by no more than fifty percent, in accordance~~  
44 ~~with such determination~~] their death.

45 9. (a) Any award made for the cost of repair or replacement of essen-  
46 tial personal property, including cash losses of essential personal  
47 property, shall be limited to an amount of twenty-five hundred dollars,  
48 except that all cash losses of essential personal property shall be  
49 limited to the amount of one hundred dollars. In the case of medically  
50 necessary life-sustaining equipment which was lost or damaged as the  
51 direct result of a crime, the award shall be limited to the amount of  
52 ten thousand dollars.

53 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
54 sion, in the case of cash losses which were the result of an act or  
55 series of acts of larceny as defined in article one hundred fifty-five  
56 of the penal law, perpetrated by the same actor indicated by a report or

1 reports obtained from a criminal justice agency as defined in subdivi-  
2 sion one of this section, and a receipt, receipts or similar documenta-  
3 tion is provided showing such cash loss or losses, a single claim may be  
4 filed and an award may be made for cash losses of essential personal  
5 property for each act up to a cumulative amount of no more than twenty-  
6 five hundred dollars.

7 18. Notwithstanding any inconsistent provision of this article and  
8 subject to any applicable maximum award limitations contained in this  
9 section, where a victim has died as a direct result of the crime upon  
10 which the claim is based and the crime occurred in the residence of a  
11 person eligible pursuant to ~~[paragraph]~~ paragraphs (k) and (l) of subdivi-  
12 sion one of section six hundred twenty-four of this article, the  
13 office may make no more than one award for crime scene clean-up related  
14 to such residence.

15 § 3. Subdivision 10 of section 621 of the executive law, as added by  
16 chapter 688 of the laws of 1985, is amended to read as follows:

17 10. "Disabled victim" shall mean a person who has ~~[(a)]~~ a physical,  
18 mental or medical impairment ~~[from anatomical, physiological or neuro-~~  
19 ~~logical conditions], as evidenced by medical records,~~ which prevents the  
20 exercise of a normal bodily function ~~[or is demonstrable by medically~~  
21 ~~accepted clinical or laboratory diagnostic techniques or (b) a record of~~  
22 ~~such an impairment or (c) a condition regarded by others as such an~~  
23 ~~impairment] at the time of the crime.~~

24 § 4. Subdivision 2 of section 630 of the executive law, as amended by  
25 chapter 494 of the laws of 2018, is amended to read as follows:

26 2. Notwithstanding the provisions of subdivision one of this section,  
27 if the crime upon which the claim is based resulted in the death of the  
28 victim, and it appears to the office that such claim is one with respect  
29 to which an award probably will be made, and undue hardship will result  
30 to the claimant if immediate payment is not made, the office may make  
31 one or more emergency awards to the claimant for reasonable burial  
32 expenses pending a final decision of the office or payment of an award  
33 in the case; provided, however, that the total amount of an emergency  
34 award or awards for reasonable burial expenses shall not exceed [~~three~~]  
35 six thousand dollars. The amount of such emergency award or awards shall  
36 be deducted from any final award made to the claimant, and the excess of  
37 the amount of any such award or awards over the amount of the final  
38 award, of the full amount of an emergency award or awards if no final  
39 award is made, shall be repaid by the claimant to the office.

40 § 5. This act shall take effect on the one hundred eightieth day after  
41 it shall have become a law and shall apply to all claims filed on or  
42 after such effective date.

43 PART H

44 Section 1. Subdivision 13 of section 631 of the executive law, as  
45 amended by section 3 of subpart S of part XX of chapter 55 of the laws  
46 of 2020, is amended to read as follows:

47 13. (a) Notwithstanding any other provision of law, rule, or regu-  
48 lation to the contrary, when any New York state accredited hospital,  
49 accredited sexual assault examiner program, or licensed health care  
50 provider furnishes services to any sexual assault survivor, including  
51 but not limited to a health care forensic examination in accordance with  
52 the sex offense evidence collection protocol and standards established  
53 by the department of health, such hospital, sexual assault examiner  
54 program, or licensed healthcare provider shall provide such services to

1 the person without charge and shall bill the office directly. The  
2 office, in consultation with the department of health, shall define the  
3 specific services to be covered by the sexual assault forensic exam  
4 reimbursement fee, which must include at a minimum forensic examiner  
5 services, hospital or healthcare facility services related to the exam,  
6 and any necessary related laboratory tests or pharmaceuticals based upon  
7 the department of health's Medicaid reimbursement rates; including but  
8 not limited to HIV post-exposure prophylaxis provided by a hospital  
9 emergency room at the time of the forensic rape examination pursuant to  
10 paragraph (c) of subdivision one of section twenty-eight hundred five-i  
11 of the public health law. [~~For a person eighteen years of age or older,~~  
12 ~~follow-up HIV post-exposure prophylaxis costs shall continue to be reim-~~  
13 ~~bursed according to established office procedure.~~] The office, in  
14 consultation with the department of health, shall also generate the  
15 necessary [~~regulations and~~] forms for the direct reimbursement procedure  
16 and regulations setting the usual and customary rates for the itemized  
17 charges related to an exam of a sexual assault survivor.

18 (b) The rate for reimbursement shall be the amount of itemized charg-  
19 es, to be reimbursed at the [~~Medicaid rate and~~] usual and customary  
20 rates as established pursuant to this subdivision and which shall  
21 cumulatively not exceed (1) eight hundred dollars for an exam of a sexu-  
22 al assault survivor where no sexual offense evidence collection kit is  
23 used; (2) one thousand two hundred dollars for an exam of a sexual  
24 assault survivor where a sexual offense evidence collection kit is used;  
25 and (3) [~~one thousand five hundred dollars for an exam of a sexual~~  
26 ~~assault survivor who is eighteen years of age or older, with or without~~  
27 ~~the use of a sexual offense evidence collection kit, and with the~~  
28 ~~provision of a necessary HIV post-exposure prophylaxis seven day starter~~  
29 ~~pack, and (4)] two thousand five hundred dollars for an exam of a sexual  
30 assault survivor [~~who is less than eighteen years of age~~], with or with-  
31 out the use of a sexual offense evidence collection kit, and with the  
32 provision of the full regimen of necessary HIV post-exposure prophylax-  
33 is. The hospital, sexual assault examiner program, or licensed health  
34 care provider must accept this fee as payment in full for these speci-  
35 fied services. No additional billing of the survivor for said services  
36 is permissible. A sexual assault survivor may voluntarily assign any  
37 private insurance benefits to which [~~she or he is~~] they are entitled for  
38 the healthcare forensic examination, in which case the hospital or  
39 healthcare provider may not charge the office; provided, however, in the  
40 event the sexual assault survivor assigns any private health insurance  
41 benefit, such coverage shall not be subject to annual deductibles or  
42 coinsurance or balance billing by the hospital, sexual assault examiner  
43 program or licensed health care provider. A hospital, sexual assault  
44 examiner program or licensed health care provider shall, at the time of  
45 the initial visit, request assignment of any private health insurance  
46 benefits to which the sexual assault survivor is entitled on a form  
47 prescribed by the office; provided, however, such sexual assault survi-  
48 vor shall be advised orally and in writing that [~~he or she~~] they may  
49 decline to provide such information regarding private health insurance  
50 benefits if [~~he or she believes~~] they believe that the provision of such  
51 information would substantially interfere with [~~his or her~~] their  
52 personal privacy or safety and in such event, the sexual assault foren-  
53 sic exam fee shall be paid by the office. Such sexual assault survivor  
54 shall also be advised that providing such information may provide addi-  
55 tional resources to pay for services to other sexual assault victims.  
56 Such sexual assault survivor shall also be advised that the direct~~

1 reimbursement program established by this subdivision does not automat-  
2 ically make them eligible for any other compensation benefits available  
3 from the office including, but not limited to, reimbursement for mental  
4 health counseling expenses, relocation expenses, and loss of earnings,  
5 and that such compensation benefits may only be made available to them  
6 should the sexual assault survivor or other person eligible to file  
7 pursuant to section six hundred twenty-four of this article, file a  
8 compensation application with the office. If [~~he or she~~] such sexual  
9 assault survivor declines to provide such health insurance information,  
10 [~~he or she~~] they shall indicate such decision on the form provided by  
11 the hospital, sexual assault examiner program or licensed health care  
12 provider, which form shall be prescribed by the office.

13 § 2. Paragraph (c) of subdivision 1 of section 2805-i of the public  
14 health law, as amended by section 1 of subpart S of part XX of chapter  
15 55 of the laws of 2020, is amended to read as follows:

16 (c) offering and making available appropriate HIV post-exposure treat-  
17 ment therapies; including [~~a seven day starter pack of HIV post-exposure~~  
18 ~~prophylaxis for a person eighteen years of age or older, or~~] the full  
19 regimen of HIV post-exposure prophylaxis [~~for a person less than eigh-~~  
20 ~~teen years of age,~~] in cases where it has been determined, in accordance  
21 with guidelines issued by the commissioner, that a significant exposure  
22 to HIV has occurred, and informing the victim that payment assistance  
23 for such therapies and other crime related expenses may be available  
24 from the office of victim services pursuant to the provisions of article  
25 twenty-two of the executive law. With the consent of the victim of a  
26 sexual assault, the hospital emergency room department shall provide or  
27 arrange for an appointment for medical follow-up related to HIV post-ex-  
28 posure prophylaxis and other care as appropriate; and

29 § 3. This act shall take effect on the two hundred seventieth day  
30 after it shall have become a law and apply to all exams performed on or  
31 after such effective date. Effective immediately, the addition, amend-  
32 ment and/or repeal of any rule or regulation necessary for the implemen-  
33 tation of this act on its effective date are authorized to be made and  
34 completed on or before such effective date.

35

## PART I

36 Section 1. Subdivision 4 of section 349-a of the social services law  
37 is REPEALED.

38 § 2. Subdivision 5 of section 349-a of the social services law, as  
39 added by section 36 of part B of chapter 436 of the laws of 1997, is  
40 amended to read as follows:

41 [~~5. Upon a determination that the individual's allegation is credible~~]  
42 4. Following referral to a domestic violence liaison, (a) the individual  
43 shall be informed by the domestic violence liaison of services, which  
44 shall be available on a voluntary basis; and (b) the domestic violence  
45 liaison shall conduct an assessment to determine if and to what extent  
46 domestic violence is a barrier to the individual's compliance with  
47 public assistance requirements or to employment and such assessment  
48 shall be based upon an attestation or the relevant information and  
49 corroborating evidence provided by the individual alleging such abuse;  
50 and (c) the domestic violence liaison shall [~~assess the need for~~] grant  
51 any appropriate waivers of such program requirements based on such  
52 assessment. Such waivers shall, to the extent permitted by federal law,  
53 include, but not be limited to, residency requirements, child support  
54 cooperation requirements and employment and training requirements;

1 provided, however, that exemptions from the sixty month limit on receipt  
2 of benefits under the federal temporary assistance to needy families  
3 block grant program shall be available only when the individual would  
4 not be required to participate in work or training activities because of  
5 an independently verified physical or mental impairment resulting from  
6 domestic violence, anticipated to last for three months or longer, or if  
7 the individual is unable to work because of the need to care for a  
8 dependent child who is disabled as a result of domestic violence.  
9 Provided, however, that pursuant to section one hundred forty-two of the  
10 welfare reform act of 1997 victims of domestic violence may be exempted  
11 from the application of subdivision two of section three hundred forty-  
12 nine of this article on the basis of hardship.

13 § 3. Subdivisions 6 and 7 of section 349-a of the social services law  
14 are renumbered subdivisions 5 and 6 and a new subdivision 7 is added to  
15 read as follows:

16 7. When used in this section, the term statewide domestic violence  
17 advocacy groups shall mean an organization designated by the federal  
18 department of health and human services to coordinate statewide improve-  
19 ments within local communities, social services systems, and programming  
20 regarding the prevention and intervention of domestic violence in New  
21 York state.

22 § 4. This act shall take effect on the two hundred seventieth day  
23 after it shall have become a law.

24

## PART J

25 Section 1. The state finance law is amended by adding a new section  
26 139-m to read as follows:

27 § 139-m. Statement on gender-based violence and the workplace, in  
28 bids. 1. (a) Every bid hereafter made to the state or any public depart-  
29 ment or agency thereof, where competitive bidding is required by stat-  
30 ute, rule or regulation, for work or services performed or to be  
31 performed or goods sold or to be sold, shall contain the following  
32 statement subscribed by the bidder and affirmed by such bidder as true  
33 under the penalty of perjury:

34 "By submission of this bid, each bidder and each person signing on  
35 behalf of any bidder certifies, and in the case of a joint bid each  
36 party thereto certifies as to its own organization, under penalty of  
37 perjury, that the bidder has and has implemented a written policy  
38 addressing gender-based violence and the workplace and has provided such  
39 policy to all of its employees, directors and board members. Such policy  
40 shall, at a minimum, meet the requirements of subdivision 11 of section  
41 five hundred seventy-five of the executive law."

42 (b) Every bid hereafter made to the state or any public department or  
43 agency thereof, where competitive bidding is not required by statute,  
44 rule or regulation, for work or services performed or to be performed or  
45 goods sold or to be sold, may contain, at the discretion of the depart-  
46 ment, agency or official, the certification required pursuant to para-  
47 graph (a) of this subdivision.

48 2. Notwithstanding the foregoing, the statement required by paragraph  
49 (a) of subdivision one of this section may be submitted electronically  
50 in accordance with the provisions of subdivision seven of section one  
51 hundred sixty-three of this chapter.

52 3. A bid shall not be considered for award, nor shall any award be  
53 made to a bidder who has not complied with subdivision one of this  
54 section; provided, however, that if the bidder cannot make the foregoing

1 certification, such bidder shall so state and shall furnish with the bid  
2 a signed statement which sets forth in detail the reasons therefor.

3 4. Any bid hereafter made to the state or any public department, agen-  
4 cy or official thereof, by a corporate bidder for work or services  
5 performed or to be performed or goods sold or to be sold, where such bid  
6 contains the statement required by subdivision one of this section,  
7 shall be deemed to have been authorized by the board of directors of  
8 such bidder, and such authorization shall be deemed to include the sign-  
9 ing and submission of such bid and the inclusion therein of such state-  
10 ment as the act and deed of the corporation.

11 § 2. Subdivisions 7 and 7-a of section 163 of the state finance law,  
12 subdivision 7 as amended by section 1 and subdivision 7-a as added by  
13 section 3 of part R of chapter 55 of the laws of 2023, are amended to  
14 read as follows:

15 7. Method of procurement. Consistent with the requirements of subdivi-  
16 sions three and four of this section, state agencies shall select among  
17 permissible methods of procurement including, but not limited to, an  
18 invitation for bid, request for proposals or other means of solicitation  
19 pursuant to guidelines issued by the state procurement council. State  
20 agencies may accept bids electronically including submission of the  
21 statement of non-collusion required by section one hundred thirty-nine-d  
22 of this chapter, and the statement of certification required by section  
23 one hundred thirty-nine-l and section one hundred thirty-nine-m of this  
24 chapter. Except where otherwise provided by law, procurements shall be  
25 competitive, and state agencies shall conduct formal competitive  
26 procurements to the maximum extent practicable. State agencies shall  
27 document the determination of the method of procurement and the basis of  
28 award in the procurement record. Where the basis for award is the best  
29 value offer, the state agency shall document, in the procurement record  
30 and in advance of the initial receipt of offers, the determination of  
31 the evaluation criteria, which whenever possible, shall be quantifiable,  
32 and the process to be used in the determination of best value and the  
33 manner in which the evaluation process and selection shall be conducted.

34 7-a. Notwithstanding the electronic bid provisions set forth in subdivi-  
35 sion seven of this section, starting April first, two thousand twenty-  
36 three, and ending March thirty-first, two thousand twenty-seven,  
37 state agencies may require electronic submission as the sole method for  
38 the submission of bids for commodity, service and technology contracts,  
39 including submission of the statement of non-collusion required by  
40 section one hundred thirty-nine-d of this chapter, and the statement of  
41 certification required by section one hundred thirty-nine-l and section  
42 one hundred thirty-nine-m of this chapter, and may require electronic  
43 signatures on all documents required for submission of a bid, any  
44 resulting contracts, and required submissions during the term of any  
45 contract. Prior to requiring the electronic submission of bids, the  
46 agency shall make a determination, which shall be documented in the  
47 procurement record, that electronic submission affords a fair and equal  
48 opportunity for offerers to submit responsive offers, and that the elec-  
49 tronic signature complies with the provisions of article three of the  
50 state technology law.

51 § 3. The executive law is amended by adding a new section 170-i to  
52 read as follows:

53 § 170-i. Gender-based violence and the workplace. 1. Each state agen-  
54 cy shall formulate and issue a gender-based violence and the workplace  
55 policy for such agency. In formulating such policy, the state agency  
56 shall refer to the model gender-based violence and the workplace policy

1 distributed by the office for the prevention of domestic violence pursu-  
2 ant to subdivision eleven of section five hundred seventy-five of this  
3 chapter, and adopt its provisions as appropriate.

4 2. Each state agency shall designate at least one domestic violence  
5 agency liaison who shall ensure agency compliance with the domestic  
6 violence provisions of the gender-based violence and the workplace poli-  
7 cy, be trained to assist victimized employees, and serve as the primary  
8 contact for the policy distributed by the agency.

9 3. Each state agency, in formulating or revising its gender-based  
10 violence and the workplace policy, shall give due regard to the impor-  
11 tance of increasing awareness of gender-based violence and informing  
12 employees of available resources for assistance; clearly specifying how  
13 to reach the domestic violence agency liaison; ensuring that personnel  
14 policies and procedures are fair to domestic and gender-based violence  
15 victims and survivors, and responsive to their needs; developing work-  
16 place safety response plans; complying with state and federal law  
17 including restrictions of possession of firearms by a person convicted  
18 of a domestic violence related crime or subject to an order of  
19 protection; encouraging and promoting gender-based violence education  
20 and training for employees; and holding accountable employees who misuse  
21 state resources or authority or violate their job duties in committing  
22 an act of gender-based violence. Each state agency, when it issues its  
23 gender-based violence and the workplace policy, shall provide a copy of  
24 that policy and the information for its designated domestic violence  
25 agency liaison to the office for the prevention of domestic violence,  
26 and shall notify the office of any subsequent modifications of the poli-  
27 cy or the contact information for the domestic violence agency liaison.

28 4. (a) Every covered employee shall participate in a gender-based  
29 violence and the workplace training developed by the office for the  
30 prevention of domestic violence and made available on the statewide  
31 learning management system annually.

32 (b) As used in this subdivision, "covered employee" shall mean all  
33 officers and employees working in the executive chamber in the office of  
34 the governor and New York State agencies who supervise other officers  
35 and employees, who serve as the domestic violence agency liaison, or who  
36 are employed in a human resources position. "Officers and employees"  
37 shall have the meaning given to "state officer or employee" in section  
38 seventy-three of the public officers law.

39 5. Each state agency shall cooperate with the office for the  
40 prevention of domestic violence and furnish such information, reporting,  
41 and assistance as the office determines is reasonably necessary to  
42 accomplish the purposes of this section.

43 § 4. Section 575 of the executive law is amended by adding a new  
44 subdivision 11 to read as follows:

45 11. Gender-based violence and the workplace policies. The office shall  
46 consult with the division of human rights, department of labor, an  
47 organization designated by the federal department of health and human  
48 services to coordinate statewide improvements within local communities,  
49 social services systems, and programming regarding the prevention and  
50 intervention of domestic violence in New York state, and an organization  
51 designated by the federal department of justice to provide direct  
52 support to member rape and crisis centers in New York state through  
53 funding, training and technical assistance, public awareness, and public  
54 policy advocacy to create and publish a model gender-based violence and  
55 the workplace policy that employers may utilize in their adoption of a  
56 gender-based violence and the workplace policy required by section one

1 hundred thirty-nine-m of the state finance law. The office shall also  
 2 publish a model gender-based violence and the workplace policy for exec-  
 3 utive agencies that such agencies may utilize in their adoption of a  
 4 gender-based violence and the workplace policy required by section one  
 5 hundred seventy-i of this chapter. Such model gender-based violence and  
 6 the workplace policy shall be publicly available and posted on the  
 7 websites of the office, the department of labor and the division of  
 8 human rights.

9 § 5. This act shall take effect on the one hundred eightieth day after  
 10 it shall have become a law; provided, however, that the amendments to  
 11 section 163 of the state finance law made by section two of this act  
 12 shall not affect the repeal of such section and shall be deemed repealed  
 13 therewith.

14 PART K

15 Intentionally Omitted

16 PART L

17 Section 1. Section 263.10 of the penal law, as amended by chapter 1 of  
 18 the laws of 2000, is amended to read as follows:

19 § 263.10 Promoting an obscene sexual performance by a child.

20 A person is guilty of promoting an obscene sexual performance by a  
 21 child when, knowing the character and content thereof, [~~he~~] such person  
 22 produces, directs or promotes any obscene performance which includes  
 23 sexual conduct by a child less than seventeen years of age, including a  
 24 performance created or altered by digitization as defined in section  
 25 245.15 of this part.

26 Promoting an obscene sexual performance by a child is a class D felo-  
 27 ny.

28 § 2. Section 263.11 of the penal law, as amended by chapter 456 of the  
 29 laws of 2012, is amended to read as follows:

30 § 263.11 Possessing an obscene sexual performance by a child.

31 A person is guilty of possessing an obscene sexual performance by a  
 32 child when, knowing the character and content thereof, [~~he~~] such person  
 33 knowingly has in [~~his~~] such person's possession or control, or knowingly  
 34 accesses with intent to view, any obscene performance which includes  
 35 sexual conduct by a child less than sixteen years of age, including a  
 36 performance created or altered by digitization as defined in section  
 37 245.15 of this part.

38 Possessing an obscene sexual performance by a child is a class E felo-  
 39 ny.

40 § 3. Section 263.15 of the penal law, as amended by chapter 1 of the  
 41 laws of 2000, is amended to read as follows:

42 § 263.15 Promoting a sexual performance by a child.

43 A person is guilty of promoting a sexual performance by a child when,  
 44 knowing the character and content thereof, [~~he~~] such person produces,  
 45 directs or promotes any performance which includes sexual conduct by a  
 46 child less than seventeen years of age, including a performance created  
 47 or altered by digitization as defined in section 245.15 of this part.

48 Promoting a sexual performance by a child is a class D felony.

49 § 4. Section 263.16 of the penal law, as amended by chapter 456 of the  
 50 laws of 2012, is amended to read as follows:

51 § 263.16 Possessing a sexual performance by a child.

1 A person is guilty of possessing a sexual performance by a child when,  
 2 knowing the character and content thereof, [~~he~~] such person knowingly  
 3 has in [~~his~~] such person's possession or control, or knowingly accesses  
 4 with intent to view, any performance which includes sexual conduct by a  
 5 child less than sixteen years of age, including a performance created or  
 6 altered by digitization as defined in section 245.15 of this part.

7 Possessing a sexual performance by a child is a class E felony.  
 8 § 5. This act shall take effect on the sixtieth day after it shall  
 9 have become a law.

10 PART M  
 11 Intentionally Omitted

12 PART N  
 13 Intentionally Omitted

14 PART O  
 15 Intentionally Omitted

16 PART P  
 17 Intentionally Omitted

18 PART Q  
 19 Section 1. Section 5 of chapter 396 of the laws of 2010 amending the  
 20 alcoholic beverage control law relating to liquidator's permits and  
 21 temporary retail permits, as amended by section 1 of part K of chapter  
 22 55 of the laws of 2024, is amended to read as follows:

23 § 5. This act shall take effect on the sixtieth day after it shall  
 24 have become a law, provided that paragraph (b) of subdivision 1 of  
 25 section 97-a of the alcoholic beverage control law as added by section  
 26 two of this act shall expire and be deemed repealed October 12, [~~2025~~]  
 27 2026.

28 § 2. This act shall take effect immediately.

29 PART R  
 30 Section 1. Subdivision 1 of section 2799-gg of the public authorities  
 31 law, as amended by section 1 of part TT of chapter 56 of the laws of  
 32 2024, is amended to read as follows:

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

1 The aggregate principal amount of such bonds, notes or other obli-  
2 gations outstanding shall not exceed, beginning July first, two thousand  
3 twenty-four, twenty-one billion five hundred million dollars  
4 (\$21,500,000,000) and beginning July first, two thousand twenty-five,  
5 [~~twenty-seven~~] thirty billion five hundred million dollars  
6 [~~(\$27,500,000,000)~~] (\$30,500,000,000), excluding bonds, notes or other  
7 obligations issued pursuant to sections twenty-seven hundred ninety-  
8 nine-ss and twenty-seven hundred ninety-nine-tt of this title; provided,  
9 however, that upon any refunding or repayment of bonds (which term shall  
10 not, for this purpose, include bond anticipation notes), the total  
11 aggregate principal amount of outstanding bonds, notes or other obli-  
12 gations may be greater than, beginning July first, two thousand twenty-  
13 four, twenty-one billion five hundred million dollars (\$21,500,000,000),  
14 and beginning July first, two thousand twenty-five, [~~twenty-seven~~] thir-  
15 ty billion five hundred million dollars [~~(\$27,500,000,000)~~]  
16 (\$30,500,000,000), only if the refunding or repayment bonds, notes or  
17 other obligations were issued in accordance with the provisions of  
18 subparagraph (a) of subdivision two of paragraph b of section 90.10 of  
19 the local finance law, as amended from time to time. Notwithstanding the  
20 foregoing, bonds, notes or other obligations issued by the authority may  
21 be outstanding in an amount greater than the amount permitted by the  
22 preceding sentence, provided that such additional amount at issuance,  
23 together with the amount of indebtedness contracted by the city of New  
24 York, shall not exceed the limit prescribed by section 104.00 of the  
25 local finance law. The authority shall have the power from time to time  
26 to refund any bonds of the authority by the issuance of new bonds wheth-  
27 er the bonds to be refunded have or have not matured, and may issue  
28 bonds partly to refund bonds of the authority then outstanding and part-  
29 ly to pay the cost of any project pursuant to section twenty-seven  
30 hundred ninety-nine-ff of this title. Bonds issued by the authority  
31 shall be payable solely out of particular revenues or other moneys of  
32 the authority as may be designated in the proceedings of the authority  
33 under which the bonds shall be authorized to be issued, subject to any  
34 agreements entered into between the authority and the city, and subject  
35 to any agreements with the holders of outstanding bonds pledging any  
36 particular revenues or moneys.

37 § 2. This act shall take effect immediately and shall be deemed to  
38 have been in full force and effect on and after April 1, 2025.

39 PART S

40 Section 1. Subdivision 3 of section 489-cccccc of the real property  
41 tax law is amended by adding two new paragraphs (e) and (f) to read as  
42 follows:

43 (e) Parking facility. No benefits shall be granted pursuant to this  
44 title for construction work on real property where any portion of such  
45 property is to be used as a parking facility, except where a parking  
46 facility is associated with residential construction work on a separate  
47 tax lot, as described in rules of the commissioner, and such residential  
48 construction work is subject to financial assistance from the local  
49 housing agency of a city that has enacted a local law pursuant to this  
50 title. For the purposes of this paragraph, the term "financial assist-  
51 ance" means loans, grants, tax credits, tax exemptions, tax abatements,  
52 subsidies, mortgages, debt forgiveness, and land conveyances for less  
53 than appraised value provided in accordance with a regulatory agreement  
54 entered into with such local housing agency, except that "financial

1 assistance" shall not include as-of-right assistance or benefits. For  
2 the purposes of this title, "parking facility" means any real property  
3 or portion thereof in a city on which exists a facility operated in a  
4 manner that requires a license for the operation of a garage or parking  
5 lot issued by the consumer and worker protection agency of such city.

6 (f) Storage warehouse. No benefits shall be granted pursuant to this  
7 title for construction work on real property where any portion of such  
8 property is to be used as a storage warehouse. For the purposes of this  
9 title, "storage warehouse" means any real property or portion thereof in  
10 a city on which exists a building or structure which a consumer's house-  
11 hold goods are received for storage for compensation, except ware- hous-  
12 es in which such goods are stored by or on behalf of a merchant for  
13 resale or other use in the course of the merchant's business, operated  
14 in a manner that requires a license for the operation of a storage ware-  
15 house issued by the consumer and worker protection agency of such city.

16 § 2. Subdivision 3 of section 489-ddddd of the real property tax law,  
17 as amended by chapter 332 of the laws of 2024, is amended to read as  
18 follows:

19 3. (a) No benefits authorized pursuant to this title shall be granted  
20 for construction work performed pursuant to a building permit issued  
21 after April first, two thousand twenty-nine.

22 (b) If no building permit was required, then no benefits authorized  
23 pursuant to this title shall be granted for construction work that is  
24 commenced after April first, two thousand twenty-nine.

25 § 3. Subdivision 2 of section 489-gggggg of the real property tax law  
26 is amended by adding a new paragraph (a-1) to read as follows:

27 (a-1) Notwithstanding any provision of law to the contrary, beginning  
28 January first, two thousand twenty-six, Governor's Island shall be  
29 designated a special commercial abatement area for the purposes of this  
30 title, provided that such designation may be modified in whole or in  
31 part in accordance with the procedures set forth in this subdivision.

32 § 4. Paragraph (e) of subdivision 2 of section 489-gggggg of the real  
33 property tax law, as added by chapter 119 of the laws of 2008, is  
34 amended to read as follows:

35 (e) In the city of New York, the commission may designate any area  
36 other than the area lying south of the center line of 96th Street in the  
37 borough of Manhattan not including Governor's Island, to be a special  
38 commercial abatement area if it determines that market conditions in the  
39 area are such that the availability of a special abatement is required  
40 in order to encourage commercial construction work in such area. In  
41 making such determination, the commission shall consider, among other  
42 factors, the existence in such area of a special need for commercial and  
43 job development, high unemployment, economic distress or unusually large  
44 numbers of vacant, underutilized, unsuitable or substandard structures,  
45 or other substandard, unsanitary, deteriorated or deteriorating condi-  
46 tions, with or without tangible blight; provided that, however, in  
47 making such determination with respect to Governor's Island, the commis-  
48 sion shall consider, among other factors, the density of existing devel-  
49 opments and the nature and purpose of planned developments on Governor's  
50 Island, and the development of emerging industries in the city.

51 § 5. Paragraph (c) of subdivision 3 of section 489-gggggg of the real  
52 property tax law, as added by chapter 119 of the laws of 2008, is  
53 amended to read as follows:

54 (c) the area in the borough of Manhattan south of the center line of  
55 59th street, other than: (i) the areas designated renovation areas by

1 paragraphs (a) and (b) of this subdivision, or (ii) as of January first,  
2 two thousand twenty-six, Governor's Island.

3 § 6. Subdivision 4 of section 489-gggggg of the real property tax law,  
4 as added by chapter 119 of the laws of 2008, is amended to read as  
5 follows:

6 4. Commercial exclusion area. Except as provided in paragraph (f) of  
7 subdivision three of section four hundred eighty-nine-bbbbbb of this  
8 title, any area in the borough of Manhattan lying south of the center  
9 line of 96th Street, other than: (a) the areas designated renovation  
10 areas by subdivision three of this section and (b) as of January first,  
11 two thousand twenty-six, Governor's Island, shall be a commercial exclu-  
12 sion area. Commercial construction projects in the commercial exclu-  
13 sion area shall not be eligible to receive tax abatements pursuant to this  
14 title.

15 § 7. Section 11-268 of the administrative code of the city of New York  
16 is amended by adding four new subdivisions f-1, k-1, o-1, and o-2 to  
17 read as follows:

18 f-1. "Financial assistance" means loans, grants, tax credits, tax  
19 exemptions, tax abatements, subsidies, mortgages, debt forgiveness and  
20 land conveyances for less than appraised value provided in accordance  
21 with a regulatory agreement entered into with the department of housing  
22 preservation and development, except that "financial assistance" shall  
23 not include as-of-right assistance or benefits.

24 k-1. "Parking facility" means any real property or portion thereof on  
25 which exists a facility operated in a manner that requires a license for  
26 the operation of a garage or parking lot issued by the department of  
27 consumer and worker protection.

28 o-1. "Self-storage facility" shall mean any real property or a portion  
29 thereof that is designed and used for the purpose of occupying storage  
30 space by occupants who are to have access thereto for the purpose of  
31 storing and removing personal property, pursuant to subdivision one of  
32 section one hundred eighty-two of the lien law.

33 o-2. "Storage warehouse" means any real property or portion thereof on  
34 which exists a building or structure in which a consumer's household  
35 goods are received for storage for compensation operated in a manner  
36 that requires a license for the operation of a storage warehouse issued  
37 by the department of consumer and worker protection.

38 § 8. Subdivision c of section 11-270 of the administrative code of the  
39 city of New York is amended by adding three new paragraphs 4, 5, and 6  
40 to read as follows:

41 (4) Self-storage facilities. No benefits shall be granted pursuant to  
42 this part for construction work on real property where any portion of  
43 such property is to be used as a self-storage facility.

44 (5) Parking facility. No benefits shall be granted pursuant to this  
45 part for construction work on real property where any portion of such  
46 property is to be used as a parking facility, except where a parking  
47 facility is associated with residential construction work on a separate  
48 tax lot, as described in rules of the commissioner, and such residential  
49 construction work is subject to financial assistance from the department  
50 of housing preservation and development.

51 (6) Storage warehouse. No benefits shall be granted pursuant to this  
52 part for construction work on real property where any portion of such  
53 property is to be used as a storage warehouse.

54 § 9. Subdivision c of section 11-271 of the administrative code of the  
55 city of New York, as amended by chapter 332 of the laws of 2024, is  
56 amended to read as follows:

1 c. (1) No benefits authorized pursuant to this part shall be granted  
2 for construction work performed pursuant to a building permit issued  
3 after April first, two thousand twenty-nine.

4 (2) If no building permit was required, then no benefits authorized  
5 pursuant to this part shall be granted for construction work that is  
6 commenced after April first, two thousand twenty-nine.

7 § 10. Subdivision b of section 11-274 of the administrative code of  
8 the city of New York is amended by adding a new paragraph 1-a to read as  
9 follows:

10 (1-a) Notwithstanding any provision of law to the contrary, beginning  
11 January first, two thousand twenty-six, Governor's Island shall be  
12 designated a special commercial abatement area for the purposes of this  
13 part, provided that such designation may be modified in whole or in part  
14 in accordance with the procedures set forth in this subdivision.

15 § 11. Paragraph 5 of subdivision b of section 11-274 of the adminis-  
16 trative code of the city of New York, as added by local law number 47 of  
17 the city of New York for the year 2008, is amended to read as follows:

18 (5) The commission may designate any area other than the area lying  
19 south of the center line of 96th Street in the borough of Manhattan not  
20 including Governor's Island, to be a special commercial abatement area  
21 if it determines that market conditions in the area are such that the  
22 availability of a special abatement is required in order to encourage  
23 commercial construction work in such area. In making such determination,  
24 the commission shall consider, among other factors, the existence in  
25 such area of a special need for commercial and job development, high  
26 unemployment, economic distress or unusually large numbers of vacant,  
27 underutilized, unsuitable or substandard structures, or other substand-  
28 ard, unsanitary, deteriorated or deteriorating conditions, with or with-  
29 out tangible blight; provided that, however, in making such determi-  
30 nation with respect to Governor's Island, the temporary commercial  
31 incentive area boundary commission shall only be required to consider,  
32 among other factors, whether such designation continues to be necessary  
33 to adequately promote commercial activity on Governor's Island the  
34 density of existing developments and the nature and purpose of planned  
35 developments on Governor's Island, and the development of emerging  
36 industries in the city.

37 § 12. Paragraph 3 of subdivision c of section 11-274 of the adminis-  
38 trative code of the city of New York, as added by local law number 47 of  
39 the city of New York for the year 2008, is amended to read as follows:

40 (3) the area in the borough of Manhattan south of the center line of  
41 59th street, other than the areas: (i) designated renovation areas by  
42 paragraphs (1) and (2) of this subdivision, or (ii) as of January first,  
43 two thousand twenty-six, Governor's Island.

44 § 13. Subdivision d of section 11-274 of the administrative code of  
45 the city of New York, as added by local law number 47 of the city of New  
46 York for the year 2008, is amended to read as follows:

47 d. Commercial exclusion area. Except as provided in paragraph (6) of  
48 subdivision c of section 11-269 of this part, any area in the borough of  
49 Manhattan lying south of the center line of 96th Street, other than: (1)  
50 the areas designated renovation areas by subdivision c of this section  
51 and (2) as of January first, two thousand twenty-six, Governor's Island,  
52 shall be a commercial exclusion area. Commercial construction projects  
53 in the commercial exclusion area shall not be eligible to receive tax  
54 abatements pursuant to this part.

55 § 14. This act shall take effect immediately, provided that: (i) para-  
56 graph 4 of subdivision c of section 11-270 of the administrative code of

1 the city of New York, as added by section eight of this act shall be  
2 deemed to have been in full force and effect as of July 1, 2020, and  
3 shall apply to projects for which the first building permit is issued  
4 after July 1, 2020 or if no permit is required, for which construction  
5 commences after July 1, 2020; and (ii) paragraphs (e) and (f) of subdivi-  
6 sion 3 of section 489-cccccc of the real property tax law, as added by  
7 section one of this act, and paragraphs 5 and 6 of subdivision c of  
8 section 11-270 of the administrative code of the city of New York, as  
9 added by section eight of this act, shall only apply to a project for  
10 which the first building permit is issued on or after 90 days after this  
11 act takes effect, or if no permit is required, for which construction  
12 commences on or after such date, except that such paragraph (e) and such  
13 paragraph 5 shall not apply to any project located in a zoning district  
14 for which an action amending the designation of such district was filed  
15 with the mayor of the city of New York pursuant to section 197-d of the  
16 New York city charter within one year prior to the effective date of  
17 this act.

18 PART T

19 Intentionally Omitted

20 PART U

21 Intentionally Omitted

22 PART V

23 Section 1. Paragraph (b) of subdivision 5 of section 50 of the civil  
24 service law, as amended by section 1 of part EE of chapter 55 of the  
25 laws of 2023, is amended to read as follows:

26 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
27 sion, the state civil service department, subject to the approval of the  
28 director of the budget, a municipal commission, subject to the approval  
29 of the governing board or body of the city or county, as the case may  
30 be, or a regional commission or personnel officer, pursuant to govern-  
31 mental agreement, may elect to waive application fees, or to abolish  
32 fees for specific classes of positions or types of examinations or  
33 candidates, or to establish a uniform schedule of reasonable fees  
34 different from those prescribed in paragraph (a) of this subdivision,  
35 specifying in such schedule the classes of positions or types of exam-  
36 inations or candidates to which such fees shall apply; provided, howev-  
37 er, that fees shall be waived for candidates who certify to the state  
38 civil service department, a municipal commission or a regional commis-  
39 sion that they are unemployed and primarily responsible for the support  
40 of a household, or are receiving public assistance. Provided further,  
41 the state civil service department shall waive the state application fee  
42 for examinations for original appointment for all veterans. Provided  
43 further, the state civil service department shall, and a municipal  
44 commission may, subject to the approval of the governing board or body  
45 of the city or county, as the case may be, or a regional commission or  
46 personnel officer, pursuant to governmental agreement, waive application  
47 fees for all examinations held between July first, two thousand twenty-  
48 three and December thirty-first, two thousand [~~twenty-five~~]

1 ~~twenty-seven~~. Notwithstanding any other provision of law, for purposes  
2 of this section, the term "veteran" shall mean a person who has served  
3 in the armed forces of the United States or the reserves thereof, or in  
4 the army national guard, air national guard, New York guard, or the New  
5 York naval militia, and who (1) has been honorably discharged or  
6 released from such service under honorable conditions, or (2) has a  
7 qualifying condition, as defined in section one of the veterans'  
8 services law, and has received a discharge other than bad conduct or  
9 dishonorable from such service, or (3) is a discharged LGBT veteran, as  
10 defined in section one of the veterans' services law, and has received a  
11 discharge other than bad conduct or dishonorable from such service. The  
12 term "armed forces" shall mean the army, navy, air force, marine corps,  
13 and coast guard.

14 § 2. Section 2 of part EE of chapter 55 of the laws of 2023, amending  
15 the civil service law relating to waiving state civil service examina-  
16 tion fees between July 1, 2023 and December 31, 2025, is amended to read  
17 as follows:

18 § 2. This act shall take effect immediately and shall expire and be  
19 deemed repealed on December 31, [~~2025~~] ~~2027~~; provided that this act  
20 shall be deemed to have been in full force and effect on and after April  
21 1, 2023.

22 § 3. This act shall take effect immediately; provided, however, that  
23 the amendments to paragraph (b) of subdivision 5 of section 50 of the  
24 civil service law made by section one of this act shall not affect the  
25 expiration of such paragraph and shall expire and be deemed repealed  
26 therewith.

27

## PART W

28 Section 1. Subdivision 2 of section 200 of the state finance law, as  
29 amended by section 1 of part Q of chapter 55 of the laws of 2024, is  
30 amended to read as follows:

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

1 two thousand [~~twenty-five~~] thirty, if the temporary president of the  
2 senate so elects; (iii) employees of the assembly hired on or after July  
3 first, two thousand [~~twenty-five~~] thirty, if the speaker of the assembly  
4 so elects; and (iv) employees of joint legislative employers hired on or  
5 after July first, two thousand [~~twenty-five~~] thirty, if the temporary  
6 president of the senate and the speaker of the assembly mutually so  
7 elect for all such joint legislative employers. Any election made pursu-  
8 ant to paragraph (i), (ii), (iii), or (iv) of this subdivision shall be  
9 in writing and filed with the state comptroller not later than thirty  
10 days after the enactment of this legislation.

11 § 2. The state finance law is amended by adding a new section 210 to  
12 read as follows:

13 § 210. Optional payment election. Notwithstanding any other provision  
14 of law to the contrary, where the state and an employee organization  
15 representing officers and employees in the executive branch who are in  
16 positions which are in collective negotiating units established pursuant  
17 to article fourteen of the civil service law enter into an agreement, or  
18 where the director of employee relations shall authorize for officers  
19 and employees in the executive branch who are in positions which are not  
20 in collective negotiating units, new employees hired on or after July  
21 first, two thousand twenty-six, may elect to receive an optional  
22 payment, which shall be in an amount determined by such agreement or for  
23 officers and employees in the executive branch who are in positions  
24 which are not in collective negotiating units, at a rate to be deter-  
25 mined by the director of the division of the budget. Such payment shall  
26 not be considered basic annual salary and shall not be included as  
27 compensation for retirement purposes. Such payment shall be recovered to  
28 the state within the first fourteen pay periods after such payment. The  
29 payment specified herein shall also be implemented for: (a)  
30 nonjudicial officers and employees of the unified court system hired on  
31 or after July first, two thousand twenty-six, if the chief adminis-  
32 trator of the courts so elects; (b) employees of the senate hired on or  
33 after July first, two thousand twenty-six, if the temporary presi-  
34 dent of the senate so elects; (c) employees of the assembly hired on  
35 or after July first, two thousand twenty-six, if the speaker of the  
36 assembly so elects; and (d) employees of joint legislative employ-  
37 ers hired on or after July first, two thousand twenty-six, if the  
38 temporary president of the senate and the speaker of the assembly mutu-  
39 ally so elect for all such joint legislative employers. Any election  
40 made pursuant to subdivision (a), (b), (c), or (d) of this section shall  
41 be in writing and filed with the state comptroller no later than Septem-  
42 ber thirtieth, two thousand twenty-five.

43 § 3. This act shall take effect July 1, 2025; provided however, that  
44 section one of this act shall take effect on the same date and in the  
45 same manner as section 1 of part Q of chapter 55 of the laws of 2024;  
46 takes effect; provided, further, that section two of this act shall  
47 expire and be deemed repealed upon implementation of terminating the  
48 alternate procedure set forth in section one of this act; provided that  
49 the director of employee relations shall notify the legislative bill  
50 drafting commission provided for in section two of this act in order  
51 that the commission may maintain an accurate and timely effective data  
52 base of the official text of the laws of the state of New York in furth-  
53 erance of effectuating the provisions of section 44 of the legislative  
54 law and section 70-b of the public officers law.

1 Intentionally Omitted

2 PART Y

3 Section 1. Section 2 of part F of chapter 60 of the laws of 2015,  
4 constituting the infrastructure investment act, subdivision (a) as  
5 amended and subdivision (g) as added by section 1 of part AA of chapter  
6 58 of the laws of 2022, is amended to read as follows:

7 § 2. For the purposes of this act: (a) (i) "authorized state entity"  
8 shall mean the New York state thruway authority, the department of  
9 transportation, the office of parks, recreation and historic preserva-  
10 tion, the department of environmental conservation, the New York state  
11 bridge authority, the office of general services, the dormitory authori-  
12 ty, the urban development corporation, the state university construction  
13 fund, the New York state Olympic regional development authority and the  
14 battery park city authority.

15 (ii) Notwithstanding the provisions of subdivision 26 of section 1678  
16 of the public authorities law, section 8 of the public buildings law,  
17 sections 8 and 9 of section 1 of chapter 359 of the laws of 1968 as  
18 amended, section 103 of the general municipal law, and the provisions of  
19 any other law to the contrary, the term "authorized state entity" shall  
20 also refer to only those agencies or authorities identified below solely  
21 in connection with the following authorized projects, provided that such  
22 an authorized state entity may utilize the alternative delivery [~~method~~]  
23 methods referred to as design-build contracts where the total cost of  
24 each such project is not less than five million dollars (\$5,000,000), or  
25 construction manager as constructor contracts where the total cost of  
26 each such project is not less than twenty million dollars (\$20,000,000)  
27 solely in connection with the following authorized projects [~~should the~~  
28 ~~total cost of each such project not be less than five million~~  
29 ~~dollars(\$5,000,000)]:~~

30 Authorized Projects	Authorized State Entity
31 1. Frontier Town	Urban Development Corporation
32 2. Life Sciences Laboratory	Dormitory Authority & Urban 33 Development Corporation
34 3. Whiteface Transformative Projects	New York State Olympic Regional 35 Development Authority
36 4. Gore Transformative Projects	New York State Olympic Regional 37 Development Authority
38 5. Belleayre Transformative Projects	New York State Olympic Regional 39 Development Authority
40 6. Mt. Van Hoevenberg Transformative 41 Projects	New York State Olympic Regional Development Authority
42 7. Olympic Training Center	New York State Olympic Regional 43 Development Authority
44 8. Olympic Arena and Convention 45 Center Complex	New York State Olympic Regional Development Authority
46 9. State Fair Revitalization 47 Projects	Office of General Services
48 10. State Police Forensic	Office of General



1 6. The contractor's ability to prepare appropriate project plans;  
2 7. The contractor's technical capacities;  
3 8. The individual qualifications of the contractor's key personnel;  
4 9. The contractor's ability to assess and manage risk and minimize  
5 risk impact; and  
6 10. The contractor's past record of compliance with article 15-A of  
7 the executive law.

8 Such basis shall reflect, wherever possible, objective and quantifi-  
9 able analysis.

10 (c) "capital project" shall have the same meaning as such term is  
11 defined by subdivision 2-a of section 2 of the state finance law.

12 "construction manager as constructor contract" means a contract  
13 implementing a project delivery method whereby a construction manager:

14 (i) is retained by the owner at the time of the design phase and is  
15 responsible for working collaboratively as part of a team in conjunction  
16 with the owner and owner's separately retained design firm;

17 (ii) is responsible for developing and providing the owner with a  
18 proposed guaranteed maximum price to construct the project in accordance  
19 with the design and pursuant to subdivision (a) of section thirteen of  
20 this part;

21 (iii) during the construction phase, is responsible for the services  
22 of the construction manager and general contractor for agreed upon  
23 compensation as set forth in the construction manager as constructor  
24 contract; and

25 (iv) assumes the responsibility for construction, the period of time  
26 for performance, and the costs exceeding an amount specified in the  
27 construction manager as constructor contract.

28 (e) "cost plus" shall mean compensating a contractor for the cost to  
29 complete a contract by reimbursing actual costs for labor, equipment and  
30 materials plus an additional amount for overhead and profit.

31 [~~e~~] (f) "design-build contract" shall mean a contract for the design  
32 and construction of a capital project with a single entity, which may be  
33 a team comprised of separate entities.

34 [~~f~~] (g) "procurement record" means documentation of the decisions  
35 made and the approach taken in the procurement process.

36 [~~g~~] (h) "project labor agreement" shall have the meaning set forth  
37 in subdivision 1 of section 222 of the labor law. A project labor agree-  
38 ment shall require participation in apprentice training programs.

39 § 2. Section 3 of part F of chapter 60 of the laws of 2015, constitut-  
40 ing the infrastructure investment act, as amended by section 2 of part  
41 AA of chapter 58 of the laws of 2022, is amended to read as follows:

42 § 3. Notwithstanding the provisions of section 38 of the highway law,  
43 section 136-a of the state finance law, sections 359, 1678, 1680 and  
44 1680-a of the public authorities law, sections 376, 407-a, 6281 and 7210  
45 of the education law, sections 8 and 9 of the public buildings law,  
46 section 103 of the general municipal law, and the provisions of any  
47 other law to the contrary, and in conformity with the requirements of  
48 this act, an authorized state entity may utilize the alternative deliv-  
49 ery [~~method~~] methods referred to as design-build or construction manager  
50 as constructor contracts, in consultation with relevant local labor  
51 organizations and construction industry, unless otherwise provided  
52 below, for capital projects located in the state related to physical  
53 infrastructure, including, but not limited to, highways, bridges, build-  
54 ings and appurtenant structures, dams, flood control projects, canals,  
55 and parks, including, but not limited to, to repair damage caused by  
56 natural disaster, to correct health and safety defects, to comply with

1 federal and state laws, standards, and regulations, to extend the useful  
2 life of or replace highways, bridges, buildings and appurtenant struc-  
3 tures, dams, flood control projects, canals, and parks or to improve or  
4 add to highways, bridges, buildings and appurtenant structures, dams,  
5 flood control projects, canals, and parks; provided that for the  
6 contracts executed by the department of transportation, the office of  
7 parks, recreation and historic preservation, or the department of envi-  
8 ronmental conservation, the total cost of each such project shall not be  
9 less than ten million dollars (\$10,000,000), provided that the total  
10 cost of each such project utilizing construction manager as constructor  
11 shall not be less than twenty million dollars (\$20,000,000). Provided  
12 further that authorized state entities may only utilize the alternative  
13 delivery [~~method~~] methods referred to as design-build or construction  
14 manager as constructor contracts on projects with a total construction  
15 cost of not less than twenty-five million dollars (\$25,000,000) if  
16 undertaken pursuant to a project labor agreement in accordance with  
17 section 222 of the labor law. If a project labor agreement is not  
18 performed on [~~the~~] such project, the authorized state entity shall not  
19 utilize a design-build or construction manager as constructor contract  
20 for such project. The use of a project labor agreement on a federal aid  
21 project shall not be required where the federal government prohibits or  
22 disapproves of the use of a project labor agreement on such a federal  
23 aided project. Prior to utilizing the alternative delivery [~~method~~]  
24 methods referred to as design-build or construction manager as construc-  
25 tor contracts for projects with a total construction cost of less than  
26 twenty-five million dollars (\$25,000,000), authorized state entities  
27 shall conduct a feasibility study in accordance with section 222 of the  
28 labor law.

29 § 3. Section 4 of part F of chapter 60 of the laws of 2015, constitut-  
30 ing the infrastructure investment act, as amended by section 4 of part  
31 RRR of chapter 59 of the laws of 2017, the opening paragraph and subdivi-  
32 sion (a) as amended by section 2 of part DD of chapter 58 of the laws  
33 of 2020, is amended to read as follows:

34 § 4. An entity selected by an authorized state entity to enter into a  
35 design-build or construction manager as constructor contract shall be  
36 selected through a one or two-step method, as follows:

37 (a) Step one. Generation of a list of entities that have demonstrated  
38 the general capability to perform the design-build or construction  
39 manager as constructor contract. Such list shall consist of a specified  
40 number of entities, as determined by an authorized state entity, and  
41 shall be generated based upon the authorized state entity's review of  
42 responses to a publicly advertised request for qualifications. The  
43 authorized state entity's request for qualifications shall include a  
44 general description of the project, the maximum number of entities to be  
45 included on the list, the selection criteria to be used and the relative  
46 weight of each criteria in generating the list. Such selection criteria  
47 shall include the qualifications and experience, as applicable, of the  
48 construction management, design [~~and~~] and/or construction [~~team~~] teams,  
49 organization, demonstrated responsibility, ability of the team or of a  
50 member or members of the team to comply with applicable requirements,  
51 including the provisions of articles 145, 147 and 148 of the education  
52 law, past record of compliance with the labor law, and such other quali-  
53 fications the authorized state entity deems appropriate which may  
54 include but are not limited to project understanding, financial capabil-  
55 ity and record of past performance. The authorized state entity shall  
56 evaluate and rate all entities responding to the request for qualifica-

1 tions. Based upon such ratings, the authorized state entity shall list  
2 the entities that shall receive a request for proposals in accordance  
3 with subdivision (b) of this section. To the extent consistent with  
4 applicable federal law, the authorized state entity shall consider, when  
5 awarding any contract pursuant to this section, the participation of:  
6 (i) firms certified pursuant to article 15-A of the executive law as  
7 minority or women-owned businesses and the ability of other businesses  
8 under consideration to work with minority and women-owned businesses so  
9 as to promote and assist participation by such businesses; (ii) small  
10 business concerns identified pursuant to subdivision (b) of section  
11 139-g of the state finance law; and (iii) firms certified pursuant to  
12 article 17-B of the executive law as service-disabled veteran-owned  
13 businesses and the ability of other businesses under consideration to  
14 work with service-disabled veteran-owned businesses so as to promote and  
15 assist participation by such businesses.

16 (b) Step two. Selection of the proposal which is the best value to the  
17 authorized state entity. The authorized state entity shall issue a  
18 request for proposals to the entities listed pursuant to subdivision (a)  
19 of this section. If such an entity consists of a team of separate enti-  
20 ties, the entities that comprise such a team must remain unchanged from  
21 the entity as listed pursuant to subdivision (a) of this section unless  
22 otherwise approved by the authorized state entity. The request for  
23 proposals shall set forth the project's scope of work, and other  
24 requirements, as determined by the authorized state entity. The request  
25 for proposals shall specify the criteria to be used to evaluate the  
26 responses and the relative weight of each such criteria. Such criteria  
27 shall include, as applicable, the proposal's cost, the quality of the  
28 proposal's solution, the qualifications and experience of the design-  
29 build or construction manager as constructor entity, and other factors  
30 deemed pertinent by the authorized state entity, which may include, but  
31 shall not be limited to, the proposal's project implementation, ability  
32 to complete the work in a timely and satisfactory manner, maintenance  
33 costs of the completed project, maintenance of traffic approach, and  
34 community impact. Any contract awarded pursuant to this act shall be  
35 awarded to a responsive and responsible entity that submits the  
36 proposal, which, in consideration of these and other specified criteria  
37 deemed pertinent to the project, offers the best value to the authorized  
38 state entity, as determined by the authorized state entity. The request  
39 for proposals shall include a statement that entities shall designate in  
40 writing those portions of the proposal that contain trade secrets or  
41 other proprietary information that are to remain confidential; that the  
42 material designated as confidential shall be readily separable from the  
43 entity's proposal. Nothing herein shall be construed to prohibit the  
44 authorized entity from negotiating final contract terms and conditions  
45 including cost. All proposals submitted shall be scored according to the  
46 criteria listed in the request for proposals and such final scores shall  
47 be published on the authorized state entity's website.

48 (c) Notwithstanding any general, special, or local law, rule, or regu-  
49 lation to the contrary, an entity selected by an authorized state entity  
50 to enter into a construction manager as constructor contract pursuant to  
51 this section may only be selected through the two-step method described  
52 in this section.

53 § 4. Section 11 of part F of chapter 60 of the laws of 2015, consti-  
54 tuting the infrastructure investment act, is amended to read as follows:

55 § 11. The submission of a proposal or responses or the execution of a  
56 design-build or construction manager as constructor contract pursuant to

1 this act shall not be construed to be a violation of section 6512 of the  
2 education law.

3 § 5. Subdivision (a) of section 13 of part F of chapter 60 of the laws  
4 of 2015, constituting the infrastructure investment act, as amended by  
5 section 11 of part RRR of chapter 59 of the laws of 2017 and paragraph 3  
6 as amended by section 4 of part DD of chapter 58 of the laws of 2020, is  
7 amended to read as follows:

8 (a) Notwithstanding the provisions of any other law to the contrary,  
9 the authorized state entity may award a [~~construction~~] contract[+]

10 ~~1. To~~ to the design-build contractor or construction manager as  
11 constructor contractor [~~offering~~]:

12 1. Offering the best value; or

13 2. Utilizing a cost-plus not to exceed guaranteed maximum price form  
14 of contract in which the authorized state entity shall be entitled to  
15 monitor and audit all project costs. In establishing the schedule and  
16 process for determining a guaranteed maximum price, the contract between  
17 the authorized state entity and the design-build contractor or  
18 construction manager as constructor contractor shall:

19 (i) describe the scope of the work and the cost of performing such  
20 work;

21 (ii) include a detailed line item cost breakdown;

22 (iii) include a list of all drawings, specifications and other infor-  
23 mation on which the guaranteed maximum price is based;

24 (iv) include the dates for substantial and final completion on which  
25 the guaranteed maximum price is based; and

26 (v) include a schedule of unit prices; or

27 3. [~~(i)~~] Utilizing a lump sum contract in which the design-build  
28 contractor or construction manager as constructor contractor agrees to  
29 accept a set dollar amount for a contract which comprises a single bid  
30 without providing a cost breakdown for all costs such as for equipment,  
31 labor, materials, as well as such contractor's profit for completing all  
32 items of work comprising the project, which lump sum price may be nego-  
33 tiated and established by the authorized state entity based on a  
34 proposed guaranteed maximum price[+]; or

35 [~~(ii) The design-build contract may include~~] 4. utilizing a contract  
36 that includes both lump sum elements and cost-plus not to exceed guaran-  
37 teed maximum price elements [~~and~~], which contract may also provide for  
38 professional services on a fee-for-service basis.

39 § 6. Section 14 of part F of chapter 60 of the laws of 2015, consti-  
40 tuting the infrastructure investment act, is amended to read as follows:

41 § 14. Prequalified contractors. (a) Notwithstanding any other  
42 provision of law, the authorized state entity may maintain a public list  
43 of prequalified contractors who are eligible to submit a proposal demon-  
44 strating the general capability to perform a contract pursuant to this  
45 act [~~and~~] for which entry into such list shall be continuously  
46 available, and when awarding any low bid contract for public work the  
47 authorized state entity may establish guidelines governing the quali-  
48 fications of responsible and responsive contractors seeking to competi-  
49 tively bid, propose or enter into a low bid contract. [~~Prospective~~] All  
50 prospective contractors may be prequalified as contractors to provide  
51 particular types of construction, in accordance with general criteria  
52 established and published by the authorized state entity which may  
53 include, but shall not be limited to, the experience, past performance,  
54 ability to undertake the type and complexity of work, financial capabil-  
55 ity, responsibility, compliance with equal employment opportunity  
56 requirements and anti-discrimination laws, and reliability. [~~Such~~] All

1 ~~such~~ [~~prequalification~~] prequalifications may be by categories designed  
2 by size, value, geography, and other factors. If the authorized state  
3 entity maintains an appropriate list of qualified contractors other than  
4 a list to perform contracts pursuant to this act, the contract shall be  
5 awarded to the lowest bidder consistent with guidelines established by  
6 the authorized state entity and relevant laws and regulations.

7 (b) The authorized state entity shall, not less than annually, publish  
8 in a newspaper of general circulation or post in the New York State  
9 Contract Reporter an advertisement requesting prospective contractors to  
10 submit qualification statements. Lists of pre-qualified contractors may  
11 be established on a project-specific basis. Pre-qualified lists shall  
12 include all contractors that qualify; provided, however, that any such  
13 list shall have no less than five bidders. A contractor who is denied  
14 prequalification or whose prequalification is revoked or suspended by  
15 the authorized state entity may appeal such decision to the authorized  
16 state entity. If such a suspension extends for more than three months,  
17 it shall be deemed a revocation of the prequalification. The authorized  
18 state entity may proceed with the contract award during any appeal.

19 § 7. Section 15-b of part F of chapter 60 of the laws of 2015, consti-  
20 tuting the infrastructure investment act, as added by section 5 of part  
21 DD of chapter 58 of the laws of 2020, is amended to read as follows:

22 § 15-b. Public employees as defined by paragraph (a) of subdivision 7  
23 of section 201 of the civil service law and who are employed by author-  
24 ized entities as defined in paragraph (i) of subdivision (a) of section  
25 two of this act shall examine and review certifications provided by  
26 contractors for conformance with material source testing, certifications  
27 testing, surveying, monitoring of environmental compliance, independent  
28 quality control testing and inspection and quality assurance audits.  
29 Performance by authorized entities of any review described in this  
30 subdivision shall not be construed to modify or limit contractors' obli-  
31 gations to perform work in strict accordance with the applicable  
32 design-build or construction manager as constructor contracts or the  
33 contractors' or any subcontractors' obligations or liabilities under any  
34 law.

35 § 8. Section 16 of part F of chapter 60 of the laws of 2015, consti-  
36 tuting the infrastructure investment act, as amended by section 6 of  
37 part DD of chapter 58 of the laws of 2020, is amended to read as  
38 follows:

39 § 16. A report shall be submitted on or no later than June 30, 2021  
40 and annually thereafter, to the governor, the temporary president of the  
41 senate and the speaker of the assembly by the New York state office of  
42 general services on behalf of authorized entities defined in paragraph  
43 (i) of subdivision (a) of section two of this act containing information  
44 on each authorized state entity that has entered into a design-build or  
45 construction manager as constructor contract pursuant to this act, which  
46 shall include, but not be limited to, a description of each such  
47 design-build or construction manager as constructor contract, informa-  
48 tion regarding the procurement process for each such design-build or  
49 construction manager as constructor project, including the list of qual-  
50 ified bidders, the total cost of each design-build or construction  
51 manager as constructor project, an explanation of the estimated cost and  
52 schedule savings of each project, an explanation of how the savings were  
53 determined, the participation rate and total dollar value of minority-  
54 and women-owned business enterprises and service-disabled veteran-owned  
55 businesses, and whether a project labor agreement was used, and if  
56 applicable, the justification for using a project labor agreement. Such

1 report shall also be posted on the website of the New York state office  
2 of general services for public review.

3 § 9. This act shall take effect immediately; provided, however, that  
4 the amendments to part F of chapter 60 of the laws of 2015 made by  
5 sections one, two, three, four, five, six, seven and eight of this act  
6 shall not affect the repeal of such part and shall be deemed repealed  
7 therewith.

8 PART Z

9 Intentionally Omitted

10 PART AA

11 Section 1. Subdivision 2 of section 13-b of the workers' compensation  
12 law is amended by adding a new paragraph (b-2) to read as follows:

13 (b-2) Under the supervision of any authorized provider, any resident  
14 or fellow who may practice medicine as an exempt person as provided for  
15 in title eight of the education law, may render medical care under this  
16 chapter so long as the supervisory requirements of the education law are  
17 met and neither the supervising provider nor resident or fellow have  
18 been prohibited from treating workers' compensation claimants pursuant  
19 to section thirteen-d of this article.

20 § 2. This act shall take effect immediately.

21 PART BB

22 Intentionally Omitted

23 PART CC

24 Section 1. Subdivisions 1, 2 and 3 of section 21-a of the workers'  
25 compensation law, as amended by chapter 6 of the laws of 2007, are  
26 amended to read as follows:

27 1. Notwithstanding any other provision of this chapter to the contra-  
28 ry, in any instance in which an employer is unsure of the extent of its  
29 liability for a claim for compensation by an injured employee pursuant  
30 to this chapter, such employer may initiate compensation payments and  
31 payments for medical treatment and care, including prescribed medicine  
32 and continue such payments for one year, without prejudice and without  
33 admitting liability, in accordance with a notice of temporary payment of  
34 compensation, on a form prescribed by the board.

35 2. The notice of temporary payment of compensation authorized by  
36 subdivision one of this section shall be delivered to the injured  
37 employee and the board. Such notice shall notify the injured employee  
38 that the temporary payment of compensation and medical treatment and  
39 care, including prescribed medicine shall not be deemed to be an admis-  
40 sion of liability by the employer for the injury or injuries to the  
41 employee. The board, upon receipt of a notice of temporary payment of  
42 compensation, shall send a notice to the injured employee stating that:

43 (a) the board has received a notice of temporary payment of compen-  
44 sation relating to such injured employee;

45 (b) the payment of temporary compensation and medical treatment and  
46 care, including prescribed medicine and the injured employee's accept-

1 ance of such temporary compensation and medical treatment and care,  
2 including prescribed medicine shall not be an admission of liability by  
3 the employer, nor prejudice the claim of the injured employee;

4 (c) the payment of temporary compensation and medical treatment and  
5 care, including prescribed medicine shall terminate on the elapse of:  
6 one year, or the employer's contesting of the injured employee's claim  
7 for compensation and medical treatment and care, including prescribed  
8 medicine, or the board determination of the injured employee's claim,  
9 whichever is first; and

10 (d) the injured employee may be required to enter into an agreement  
11 with the employer to ensure the continuation of payments of temporary  
12 compensation and medical treatment and care, including prescribed medi-  
13 cine.

14 3. An employer may cease making temporary payments of compensation and  
15 medical treatment and care, including prescribed medicine if such  
16 employer delivers within five days after the last payment, to the  
17 injured employee and the board, a notice of termination of temporary  
18 payments of compensation on a form prescribed by the board. Such notice  
19 shall inform the injured employee that the employer is ceasing temporary  
20 payment of compensation and medical treatment and care, including  
21 prescribed medicine. Upon the cessation of temporary payments of compen-  
22 sation and medical treatment and care, including prescribed medicine,  
23 all parties to any action pursuant to this chapter shall retain all  
24 rights, defenses and obligations they would otherwise have pursuant to  
25 this chapter without regard for the temporary payment of compensation  
26 and medical treatment and care, including prescribed medicine.

27 § 2. This act shall take effect January 1, 2027.

28 PART DD

29 Intentionally Omitted

30 PART EE

31 Intentionally Omitted

32 PART FF

33 Intentionally Omitted

34 PART GG

35 Section 1. The correction law is amended by adding a new section 135  
36 to read as follows:

37 § 135. New York state department of corrections and community super-  
38 vision body-worn cameras program. 1. There is hereby created within the  
39 department a body-worn cameras program. The purpose of such program is  
40 to increase accountability and evidence for departmental and law  
41 enforcement purposes, department staff, residents of the state, and  
42 those under the department's care by providing body-worn cameras to all  
43 correction officers, security supervisors, and any civilian staff as  
44 identified by the commissioner.

1 2. The department shall provide body-worn cameras that will be powered  
2 on and worn by correction officers and security supervisors at all  
3 times, while on duty. Incidents and activities that require staff to  
4 manually activate their body-worn cameras, regardless of the presence of  
5 fixed cameras, include but are not limited to:

6 (a) during any interaction with an incarcerated individual or visitor,  
7 in any location. This paragraph shall not apply when the office of  
8 special investigations or crisis intervention unit is conducting an  
9 interview with an incarcerated individual providing confidential infor-  
10 mation where a record of interview is completed;

11 (b) when staff observe unauthorized activity by an incarcerated indi-  
12 vidual, a department employee or any other person in the facility;

13 (c) during general movement of incarcerated individuals;

14 (d) when staff is responding to an emergency call for assistance;

15 (e) during all incarcerated individual escorts;

16 (f) during incarcerated individual transports, as directed by the  
17 facility watch commander or higher-ranking supervisor. When an employee  
18 enters a non-department facility, the employee will comply with the  
19 facility local policy on wearing the camera and recording. If a local  
20 policy does not exist, the employee shall default to department policy;

21 (g) when a firearm, oleoresin capsicum spray, or a baton is removed  
22 from its holster or holder;

23 (h) any instance where department staff feels there is an imminent  
24 threat or the need to document their time on duty;

25 (i) during all uses of force, including any physical aggression or use  
26 of a non-lethal or lethal weapon;

27 (j) during a disciplinary hearing when fixed video monitoring systems  
28 are not available where the disciplinary hearing is conducted. Such  
29 recordings will be securely preserved as part of the official hearing  
30 record for all Tier II and Tier III hearings pursuant to section 270.3  
31 of the New York codes, rules and regulations. Audio recordings of all  
32 hearings will continue to be made regardless of whether the video moni-  
33 toring system captures audio;

34 (k) as directed by the deputy commissioner or chief of investigations  
35 for the office of special investigations, or such deputy commissioner's  
36 or chief of investigations' designee, office of special investigations  
37 investigators may utilize body-worn camera systems pursuant to the  
38 office of special investigations policy. The use of such cameras by the  
39 office of special investigations investigators may include but is not  
40 limited to absconder/fugitive operations, facility inspections, monitor-  
41 ing of frisks, canine operations, high-risk in-state transports of  
42 incarcerated individuals or releasees, and investigative activities  
43 which are deemed appropriate to record;

44 (l) in congregate shower areas; provided, however, that staff shall  
45 provide a verbal announcement that a body-worn camera is in use and  
46 avoid intentional recording of an incarcerated individual in a state of  
47 undress unless they are required to do so as part of the performance of  
48 their duties;

49 (m) during all correctional emergency response team activations; and

50 (n) during a strip search or strip frisk; provided, however, that  
51 incarcerated individuals shall be given verbal notice that they are  
52 being recorded, and the following rules apply:

53 (i) The wearer of the body-worn camera shall be of the same gender as  
54 the gender designation of the facility. Video recordings of strip frisks  
55 or strip searches shall not be viewed by anyone, except as expressly  
56 authorized in writing by the facility's deputy superintendent for secu-

1 rity or higher authority. If the recording is approved for review, the  
2 deputy superintendent for security shall assure this fact is documented  
3 to include date, time, authorization, reviewer name, explanation of why  
4 the review is necessary, and the result of such review.

5 (ii) A body-worn camera recording of any strip search or strip frisk  
6 shall immediately be turned over to an officer assigned to upload,  
7 charge, and issue such cameras to assigned staff for uploading and stor-  
8 age.

9 (iii) The video footage of a strip frisk or other incident depicting  
10 an incarcerated individual in a state of complete undress shall only be  
11 viewed by department staff who are of the same gender as the gender  
12 designation of the facility.

13 3. The commissioner shall have the authority to require civilian staff  
14 assigned to a correctional facility to wear body-worn cameras while on  
15 duty where the civilian employee has direct supervision of an incarcer-  
16 ated individual with only intermittent security supervision. In  
17 instances where the commissioner has required a civilian to wear a body-  
18 worn camera while on duty, such cameras shall be activated and shall  
19 record:

20 (a) while interacting with an incarcerated individual, regardless of  
21 the existence of fixed-video monitoring; and

22 (b) while such employee is in the area of a use of force incident,  
23 including any physical aggression or use of a non-lethal or lethal weap-  
24 on.

25 4. The department shall preserve recordings of such body-worn cameras  
26 for at least ninety days.

27 5. The department shall perform all necessary maintenance on the  
28 equipment used in such body-worn camera program established pursuant to  
29 this section.

30 6. The commissioner of the department shall solely determine the  
31 timing and appropriateness of any review or provision of body-worn  
32 camera footage to an employee prior to that employee being required to  
33 answer questions subject to paragraph (g) of subdivision one of section  
34 two hundred nine-a of the civil service law, or prior to an employment  
35 disciplinary hearing regarding the potential misconduct of such employ-  
36 ee.

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

42 PART HH

43 Section 1. Subdivision 1 of section 41 of the correction law, as added  
44 by chapter 865 of the laws of 1975, is amended to read as follows:

45 1. There shall be within the executive department a state commission  
46 of correction. It shall consist of three persons to be appointed by the  
47 governor, by and with the advice and consent of the senate. The governor  
48 shall designate one of the appointed members as [~~chairman~~] chair to  
49 serve as such at the pleasure of the governor. The members shall devote  
50 full time to their duties and shall hold no other salaried public posi-  
51 tion.

52 § 2. Paragraph 3 of subdivision (a) of section 42 of the correction  
53 law, as added by chapter 865 of the laws of 1975, is amended to read as  
54 follows:

1 3. Any member chosen to fill in a vacancy created other than by expi-  
2 ration of term shall be appointed for the unexpired term of the  
3 succeeded member [~~whom he is to succeed~~]. Vacancies caused by the expi-  
4 ration of term or otherwise shall be filled in the same manner as  
5 original appointments.

6 § 3. Paragraph 4 of subdivision (a) of section 42 of the correction  
7 law, as amended by chapter 55 of the laws of 1992, is amended to read as  
8 follows:

9 4. The members of the council other than the [~~chairman~~] chair shall  
10 receive no compensation for their services but each member other than  
11 the [~~chairman~~] chair shall be entitled to receive [~~his or her~~] actual  
12 and necessary expenses incurred in the performance of [~~his or her~~] coun-  
13 cil duties.

14 § 4. Paragraph 5 of subdivision (a) of section 42 of the correction  
15 law, as amended by section 14 of subpart A of part C of chapter 62 of  
16 the laws of 2011, is amended to read as follows:

17 5. No appointed member of the council shall qualify or enter upon the  
18 duties of [~~his~~] office, or remain therein, while [~~he is~~] an officer or  
19 employee of the department of corrections and community supervision or  
20 any correctional facility or is in a position [~~where he exercises~~] to  
21 exercise administrative supervision over any correctional facility. The  
22 council shall have such staff as shall be necessary to assist it in the  
23 performance of its duties within the amount of the appropriation there-  
24 for as determined by the [~~chairman~~] chair of the commission.

25 § 5. Paragraph 1 of subdivision (c) of section 42 of the correction  
26 law, as added by chapter 865 of the laws of 1975, is amended to read as  
27 follows:

28 1. Advise and assist the commission in developing policies, plans and  
29 programs for improving the commission's performance of its duties and  
30 for coordinating the efforts of the commission and of correctional offi-  
31 cials to improve conditions of care, treatment, safety, supervision,  
32 rehabilitation, recreation, training and education in correctional  
33 facilities. Such advice and assistance shall minimally consist of an  
34 annual report of the council to the commission;

35 § 6. Paragraph 3 of subdivision (c) of section 42 of the correction  
36 law, as added by chapter 865 of the laws of 1975, is amended to read as  
37 follows:

38 3. Meet at least once per calendar month at a time and place desig-  
39 nated by the [~~chairman~~] chair of the council.

40 § 7. Subdivision 1 of section 43 of the correction law, as amended by  
41 chapter 379 of the laws of 1988, is amended to read as follows:

42 1. There shall be within the commission a correction medical review  
43 board. It shall consist of six persons to be appointed by the governor  
44 by and with the advice and consent of the senate. In addition, the  
45 governor shall designate one of the full-time members other than the  
46 [~~chairman~~] chair of the commission and the [~~chairman~~] chair of the coun-  
47 cil as [~~chairman~~] chair of the board to serve as such at the pleasure of  
48 the governor. Of the appointed members of the board one shall be a  
49 physician duly licensed to practice in this state; one shall be a physi-  
50 cian duly licensed to practice in this state and a board certified  
51 forensic pathologist; one shall be a physician duly licensed to practice  
52 in this state and shall be a board certified forensic psychiatrist; one  
53 shall be an attorney admitted to practice in this state; two shall be  
54 members appointed at large.

55 § 8. Subdivision 3 of section 43 of the correction law, as added by  
56 chapter 865 of the laws of 1975, is amended to read as follows:

1 3. Any member chosen to fill a vacancy created other than by expira-  
2 tion of term shall be appointed for the unexpired term of the succeeded  
3 member [~~whom he is to succeed~~]. Vacancies caused by expiration of term  
4 or otherwise shall be filled in the same manner as original appoint-  
5 ments.

6 § 9. Section 44 of the correction law, as added by chapter 865 of the  
7 laws of 1975, is amended to read as follows:

8 § 44. [~~Chairman~~] Chair of commission. 1. The [~~chairman~~] chair shall be  
9 the executive officer of the commission, the board and the council, and  
10 may serve as the chair of the board or council at any time necessitated  
11 by a commission member vacancy.

12 2. The [~~chairman~~] chair may appoint such assistants, officers and  
13 employees, committees and consultants for the board and the council as  
14 [~~he may determine~~] necessary, prescribe their powers and duties, fix  
15 their compensation and provide for reimbursement of their expenses with-  
16 in amounts appropriated therefor.

17 3. The [~~chairman~~] chair may, from time to time, create, abolish,  
18 transfer and consolidate bureaus and other units within the commission,  
19 the board and the council not expressly established by law as [~~he may~~  
20 ~~determine~~] necessary for the efficient operation of the commission, the  
21 board and the council, subject to the approval of the director of the  
22 budget.

23 4. The [~~chairman~~] chair may request and receive from any department,  
24 division, board, bureau, commission or other agency of the state or any  
25 political subdivision thereof or any public authority such assistance,  
26 information and data as will enable the commission, the board and the  
27 council properly to carry out its functions, powers and duties.

28 § 10. Subdivision 3 of section 45 of the correction law, as amended by  
29 chapter 322 of the laws of 2021, is amended to read as follows:

30 3. [~~Except in circumstances involving health, safety or alleged~~  
31 ~~violations of established standards of the commission, visit~~] Visit,  
32 [~~and~~] inspect [~~correctional facilities consistent with a schedule deter-~~  
33 ~~mined by the chairman of the commission, taking into consideration~~  
34 ~~available resources, workload and staffing,~~] and appraise the management  
35 of [~~such~~] correctional facilities with specific attention to matters  
36 such as safety, security, health of incarcerated individuals, sanitary  
37 conditions, rehabilitative programs, disturbance and fire prevention and  
38 control preparedness, and adherence to laws and regulations governing  
39 the rights of incarcerated individuals. Such visits, inspections and  
40 appraisals shall occur, at a minimum, annually for jails, specialized  
41 secure juvenile detention facilities for older youth, facilities oper-  
42 ated by the department, and secure facilities operated by the office of  
43 children and family services.

44 § 11. Subdivision 4 of section 45 of the correction law, as amended by  
45 chapter 322 of the laws of 2021, is amended to read as follows:

46 4. Establish procedures to assure effective investigation of griev-  
47 ances of, and conditions affecting, incarcerated individuals of local  
48 correctional facilities. Such procedures shall include but not be limit-  
49 ed to receipt of written complaints, interviews of persons, and on-site  
50 monitoring of conditions. In addition, the commission shall establish  
51 procedures for the speedy and impartial review of grievances referred to  
52 it by the commissioner [~~of the department of corrections and community~~  
53 ~~supervision~~]. The commission shall maintain a website that allows for  
54 the submission of written complaints regarding any correctional facili-  
55 ty, and provides the commission's address for the receipt of complaints  
56 by mail. The commission shall promulgate rules and regulations requiring

1 correctional facilities to provide incarcerated individuals, in writing,  
2 the commission's website and mailing address.

3 § 12. Subdivision 17 of section 45 of the correction law, as amended  
4 by chapter 322 of the laws of 2021, is amended to read as follows:

5 17. Make an annual report to the governor, the [~~chairman~~] chair of the  
6 assembly committee on correction and the [~~chairman~~] chair of the senate  
7 committee on crime victims, crime and correction concerning incarcerated  
8 individuals confined in local correctional facilities pursuant to an  
9 agreement authorized by section five hundred-o of this chapter. Such  
10 report shall include but not be limited to the number of counties main-  
11 taining such agreements and the number of incarcerated individuals  
12 confined pursuant to such agreements.

13 § 13. Subdivision 1 of section 46 of the correction law, as amended by  
14 chapter 322 of the laws of 2021, is amended to read as follows:

15 1. The commission, any member or any employee designated by the  
16 commission must be granted access at any and all times to any correc-  
17 tional facility or part thereof and to all books, records, medical and  
18 substance use disorder treatment and transition services records of  
19 incarcerated individuals and data pertaining to any correctional facili-  
20 ty deemed necessary for carrying out the commission's functions, powers  
21 and duties. The commission, any member or any employee designated by the  
22 [~~chairman~~] chair may require from the officers or employees of a correc-  
23 tional facility any information deemed necessary for the purpose of  
24 carrying out the commission's functions, powers and duties. Commission  
25 members and employees may conduct private interviews of correctional  
26 facility officers and employees, who may be accompanied by counsel or a  
27 union representative acting on such officer or employee's behalf.  
28 Commission members and employees may also conduct private interviews of  
29 incarcerated individuals, provided that participation in such interviews  
30 shall be voluntary and the incarcerated individual may be accompanied by  
31 counsel.

32 § 14. Paragraph (d) of subdivision 1 of section 47 of the correction  
33 law, as amended by chapter 322 of the laws of 2021, is amended to read  
34 as follows:

35 (d) Upon review of the cause of death and circumstances surrounding  
36 the death of any incarcerated individual, the board shall submit its  
37 report thereon to the commission and to the governor, the [~~chairman~~]  
38 chair of the assembly committee on correction and the [~~chairman~~] chair  
39 of the senate committee on crime victims, crime and correction and,  
40 where appropriate, make recommendations to prevent the recurrence of  
41 such deaths to the commission and the administrator of the appropriate  
42 correctional facility. The report provided to the governor, the [~~chair-~~  
43 ~~man~~] chair of the assembly committee on correction and the [~~chairman~~]  
44 chair of the senate committee on crime victims, crime and correction  
45 shall not be redacted except as otherwise required to protect confiden-  
46 tial medical records and behavioral health records in accordance with  
47 state and federal laws, rules, and regulations.

48 § 15. Subparagraph (i) of paragraph (e) of subdivision 1 of section 47  
49 of the correction law, as amended by chapter 322 of the laws of 2021, is  
50 amended to read as follows:

51 (i) Investigate and report to the commission on the condition of  
52 systems for the delivery of medical care to incarcerated individuals of  
53 correctional facilities and where appropriate recommend such changes as  
54 it shall deem necessary and proper to improve the quality and availabil-  
55 ity of such medical care. Such report and recommendation shall minimally  
56 consist of an annual report of the board to the commission.

1 § 16. This act shall take effect one year after it shall have become a  
2 law; provided, however, that the amendments to subdivision 17 of section  
3 45 of the correction law made by section twelve of this act shall not  
4 affect the repeal of such subdivision and shall expire and be deemed  
5 repealed therewith.

6 PART II

7 Intentionally Omitted

8 PART JJ

9 Section 1. Subdivision c of section 3 of chapter 729 of the laws of  
10 2023, constituting the New York State community commission on repara-  
11 tions remedies, is amended to read as follows:

12 c. Report to the legislature. The commission shall submit a written  
13 report of its findings and recommendations to the temporary president of  
14 the senate, the speaker of the assembly, the minority leaders of the  
15 senate and the assembly and the governor not later than [~~one-year~~] thir-  
16 ty months after the date of the first meeting of the commission held  
17 pursuant to subdivision c of section four of this act.

18 § 2. This act shall take effect immediately; provided, however, that  
19 the amendments to chapter 729 of the laws of 2023 made by section one of  
20 this act shall not affect the expiration of such chapter and shall  
21 expire and be deemed repealed therewith.

22 PART KK

23 Section 1. This act shall be known and may be cited as the "Oak  
24 Orchard wastewater project design-build act".

25 § 2. For purposes of this act, the following terms shall have the  
26 following meanings:

27 1. (a) "Authorized entity" shall mean the county of Onondaga.

28 (b) If otherwise applicable, authorized projects undertaken by the  
29 authorized entity shall be subject to section 101 of the general munici-  
30 pal law; provided, however, that an authorized entity may fulfill its  
31 obligations under section 101 of the general municipal law by requiring  
32 the contractor to prepare separate specifications in accordance with  
33 section 101 of the general municipal law, as the case may be.

34 2. "Authorized project" shall mean, in conformity with the require-  
35 ments of this act, any installation, construction, demolition, recon-  
36 struction, excavation, rehabilitation, repair, and renovation in  
37 connection with a wastewater treatment plant known as the "Oak Orchard  
38 wastewater treatment plant" located at 4300 Oak Orchard Road in the town  
39 of Clay, Onondaga county, SBL No. 031.-01-03.0, including any other  
40 necessary improvements or expansions to the county wastewater treatment  
41 and collection system within five miles of the perimeter of the plant.

42 3. "Best value" shall mean the basis for awarding contracts for  
43 services to the bidder that optimizes quality, cost and efficiency,  
44 price and performance criteria, which may include, but is not limited  
45 to:

46 (a) the quality of the contractor's performance on previous projects;

47 (b) the timeliness of the contractor's performance on previous  
48 projects;

1 (c) the level of customer satisfaction with the contractor's perform-  
2 ance on previous projects;

3 (d) the contractor's record of performing previous projects on budget  
4 and ability to minimize cost overruns;

5 (e) the contractor's ability to limit change orders;

6 (f) the contractor's ability to prepare appropriate project plans;

7 (g) the contractor's technical capacities;

8 (h) the individual qualifications of the contractor's key personnel;

9 (i) the contractor's ability to assess and manage risk and minimize  
10 risk impact;

11 (j) the contractor's financial capability;

12 (k) the contractor's ability to comply with applicable requirements,  
13 including the provisions of articles 145, 147 and 148 of the education  
14 law;

15 (l) the contractor's past record of compliance with federal, state and  
16 local laws, rules, licensing requirements, where applicable, and execu-  
17 tive orders, including but not limited to compliance with the labor law  
18 and other applicable labor and prevailing wage laws, article 15-A of the  
19 executive law, and any other applicable laws concerning minority- and  
20 women-owned business enterprise participation;

21 (m) the contractor's record of complying with existing labor stand-  
22 ards, maintaining harmonious labor relations, and protecting the health  
23 and safety of workers and payment of wages above any locally-defined  
24 living wage; and

25 (n) a quantitative factor to be used in evaluation of bids or offers  
26 for awarding of contracts for bidders or offerers that are certified as  
27 minority- or women-owned business enterprises pursuant to article 15-A  
28 of the executive law, or certified pursuant to local law as minority- or  
29 women-owned business enterprises. Where the authorized entity identifies  
30 a quantitative factor pursuant to this paragraph, the authorized entity  
31 must specify that businesses certified as minority- or women-owned busi-  
32 ness enterprises pursuant to article 15-A of the executive law as well  
33 as those certified as minority- or women-owned business enterprises  
34 pursuant to local law are eligible to qualify for such factor. Nothing  
35 in this paragraph shall be construed as a requirement that such busi-  
36 nesses be concurrently certified as minority- or women-owned business  
37 enterprises under article 15-A of the executive law to qualify for such  
38 quantitative factors. Such basis shall reflect, wherever possible,  
39 objective and quantifiable analysis.

40 4. "Cost plus" shall mean compensating a contractor for the cost to  
41 complete a contract by reimbursing actual costs for labor, equipment and  
42 materials plus an additional amount for overhead and profit.

43 5. "Design-build contract" shall mean a contract for the design and  
44 construction of the authorized project with a single entity, which may  
45 be a team comprised of separate entities.

46 6. "Project labor agreement" shall have the same meaning as such term  
47 is defined pursuant to subdivision 1 of section 222 of the labor law. A  
48 project labor agreement shall require participation in apprentice train-  
49 ing programs in accordance with paragraph (e) of subdivision 2 of such  
50 section.

51 § 3. Notwithstanding any general, special or local law, rule or regu-  
52 lation to the contrary, including but not limited to article 5-A of the  
53 general municipal law, in conformity with the requirements of this act,  
54 and only when a project labor agreement is performed in accordance with  
55 section 222 of the labor law, an authorized entity may use the alterna-

1 tive delivery method referred to as a design-build contract for the  
2 authorized project in accordance with this act.

3 § 4. 1. A contractor selected by the authorized entity to enter into a  
4 design-build contract shall be selected through a two-step method, as  
5 follows:

6 (a) Step one. Generation of a list of responding entities that have  
7 demonstrated the general capability to perform the design-build  
8 contract. Such list shall consist of a specified number of responding  
9 entities, as determined by an authorized entity, and shall be generated  
10 based upon the authorized entity's review of responses to a publicly  
11 advertised request for qualifications. The authorized entity's request  
12 for qualifications shall include a general description of the public  
13 work, the maximum number of responding entities to be included on the  
14 list, the selection criteria to be used and the relative weight of each  
15 criteria in generating the list. Such selection criteria shall include  
16 the qualifications and experience of the design and construction team,  
17 organization, demonstrated responsibility, ability of the team or of a  
18 member or members of the team to comply with applicable requirements,  
19 including the provisions of articles 145, 147 and 148 of the education  
20 law, past record of compliance with the labor law, and such other quali-  
21 fications the authorized entity deems appropriate, which may include but  
22 are not limited to project understanding, financial capability and  
23 record of past performance. The authorized entity shall evaluate and  
24 rate all responding entities to the request for qualifications. Based  
25 upon such ratings, the authorized entity shall list the responding enti-  
26 ties that shall receive a request for proposals in accordance with para-  
27 graph two of this subdivision. To the extent consistent with applicable  
28 federal law, the authorized entity shall consider, when awarding any  
29 contract pursuant to this section, the participation of: (i) responding  
30 entities that are certified as minority- or women-owned business enter-  
31 prises pursuant to article 15-A of the executive law, or certified  
32 pursuant to local law as minority- or women-owned business enterprises;  
33 and (ii) small business concerns identified pursuant to subdivision (b)  
34 of section 139-g of the state finance law.

35 (b) Step two. Selection of the proposal which is the best value to the  
36 authorized entity. The authorized entity shall issue a request for  
37 proposals to the responding entities listed pursuant to subdivision one  
38 of this section. If such a responding entity consists of a team of sepa-  
39 rate entities, the entities that comprise such a team must remain  
40 unchanged from the responding entity as listed pursuant to subdivision  
41 one of this section unless otherwise approved by the authorized entity.  
42 The request for proposals shall set forth the public work's scope of  
43 work, and other requirements, as determined by the authorized entity,  
44 which may include separate goals for work under the contract to be  
45 performed by businesses certified as minority- or women-owned business  
46 enterprises pursuant to article 15-A of the executive law, or certified  
47 pursuant to local law as minority- or women-owned business enterprises.  
48 The request for proposals shall also specify the criteria to be used to  
49 evaluate the responses and the relative weight of each of such criteria.  
50 Such criteria shall include the proposal's cost, the quality of the  
51 proposal's solution, the qualifications and experience of the proposer,  
52 and other factors deemed pertinent by the authorized entity, which may  
53 include, but shall not be limited to, the proposal's manner and schedule  
54 of project implementation, the contractor's ability to complete the work  
55 in a timely and satisfactory manner, maintenance costs of the completed  
56 public work, maintenance of traffic approach, and community impact. Any

1 contract awarded pursuant to this act shall be awarded to a responsive  
2 and responsible proposer, which, in consideration of these and other  
3 specified criteria deemed pertinent, offers the best value, as deter-  
4 mined by the authorized entity. The request for proposals shall include  
5 a statement that proposers shall designate in writing those portions of  
6 the proposal that contain trade secrets or other proprietary information  
7 that are to remain confidential; that the material designated as confi-  
8 dential shall be readily separable from the proposal. Nothing in this  
9 subdivision shall be construed to prohibit the authorized entity from  
10 negotiating final contract terms and conditions including cost. All  
11 proposals submitted shall be scored according to the criteria listed in  
12 the request for proposals and such final scores shall be published on  
13 the authorized entity's website.

14 2. The authorized entity awarding a design-build contract to a  
15 contractor offering the best value may but shall not be required to use  
16 the following types of contracts:

17 (a) a cost-plus not to exceed guaranteed maximum price form of  
18 contract in which the authorized entity shall be entitled to monitor and  
19 audit all costs. In establishing the schedule and process for determin-  
20 ing a guaranteed maximum price, the contract between the authorized  
21 entity and the contractor shall:

22 (i) describe the scope of the work and the cost of performing such  
23 work;

24 (ii) include a detailed line-item cost breakdown;

25 (iii) include a list of all drawings, specifications and other infor-  
26 mation on which the guaranteed maximum price is based;

27 (iv) include the dates of substantial and final completion on which  
28 the guaranteed maximum price is based; and

29 (v) include a schedule of unit prices; or

30 (b) a lump sum contract in which the contractor agrees to accept a set  
31 dollar amount for a contract which comprises a single bid without  
32 providing a cost breakdown for all costs such as for equipment, labor,  
33 materials, as well as such contractor's profit for completing all items  
34 of work comprising the public work.

35 § 5. Any contract entered into pursuant to this act shall include a  
36 clause requiring that any professional services regulated by articles  
37 145, 147 and 148 of the education law shall be performed and stamped and  
38 sealed, where appropriate, by a professional licensed in accordance with  
39 the appropriate articles of the education law.

40 § 6. Construction with respect to any contract entered into by an  
41 authorized entity pursuant to this act shall be deemed a "public work"  
42 to be performed in accordance with the provisions of article 8 of the  
43 labor law, as well as subject to sections 200, 240, 241 and 242 of such  
44 law and enforcement of prevailing wage requirements pursuant to applica-  
45 ble law or, for projects or public works receiving federal aid, applica-  
46 ble federal requirements for prevailing wage. Any contract entered into  
47 pursuant to this act shall include a clause requiring the selected  
48 contractor to obligate every tier of contractor working on the public  
49 work to comply with the project labor agreement referenced in section  
50 four of this act, and shall include project labor agreement compliance  
51 monitoring and enforcement provisions consistent with the applicable  
52 project labor agreement.

53 § 7. Any contract entered into by an authorized entity pursuant to  
54 this act shall comply with the objectives and goals with regard to  
55 minority- and women-owned business enterprises and, for projects or  
56 public works receiving federal aid, applicable federal requirements for

1 disadvantaged business enterprises or minority- and women-owned business  
2 enterprises.

3 § 8. Any authorized project undertaken by an authorized entity pursu-  
4 ant to this act shall be subject to the requirements of article 8 of the  
5 environmental conservation law, and, where applicable, the requirements  
6 of the national environmental policy act.

7 § 9. 1. Notwithstanding any provision of law to the contrary, all  
8 rights or benefits, including terms and conditions of employment, and  
9 protection of civil service and collective bargaining status of all  
10 employees of authorized entities solely in connection with the public  
11 works identified in subdivision six of section two of this act, shall be  
12 preserved and protected.

13 2. Nothing in this act shall result in the: (a) displacement of any  
14 currently employed worker or loss of position, including partial  
15 displacement such as a reduction in the hours of non-overtime work,  
16 wages or employment benefits, or result in the impairment of existing  
17 collective bargaining agreements, (b) transfer of existing duties and  
18 functions related to maintenance and operations currently performed by  
19 existing employees of authorized entities to a contractor, or (c) trans-  
20 fer of future duties and functions ordinarily performed by employees of  
21 the authorized entities to the contracting entity.

22 3. Employees of authorized entities using design-build contracts serv-  
23 ing in positions in newly created titles shall be assigned to the appro-  
24 priate bargaining unit. Nothing contained in this act shall be construed  
25 to affect: (a) the existing rights of employees of such entities pursu-  
26 ant to an existing collective bargaining agreement, (b) the existing  
27 representational relationships among employee organizations representing  
28 county employees of such entities, or (c) the bargaining relationships  
29 between such entities and such employee organizations.

30 4. Without limiting contractors' obligations under design-build  
31 contracts to issue their own initial certifications of substantial  
32 completion and final completion, public employees of the county shall  
33 review and determine whether the work performed by contractors is  
34 acceptable and has been performed in accordance with the applicable  
35 design-build contracts, and if such public employees so determine, such  
36 public employees shall accept contractors' substantial or final  
37 completion of the public works as applicable. Performance by the county  
38 of any review described in this subdivision shall not be construed to  
39 modify or limit contractors' obligations to perform the work in strict  
40 accordance with the applicable design-build contracts or the contrac-  
41 tors' or any subcontractors' obligations or liabilities under any law.

42 § 10. The submission of a proposal or responses or the execution of a  
43 design-build contract pursuant to this act shall not be construed to be  
44 a violation of section 6512 of the education law.

45 § 11. Nothing contained in this act shall limit the right or obli-  
46 gation of any authorized entity to comply with the provisions of any  
47 existing contract or to award contracts as otherwise provided by law.

48 § 12. This act shall take effect immediately and shall expire and be  
49 deemed repealed three years after such date; provided, however, that  
50 public works with requests for qualifications issued for phases one and  
51 two of the project authorized pursuant to this act shall be permitted to  
52 continue under this act notwithstanding such repeal.

1 Section 1. Subdivision (a) of section 521 of the judiciary law, as  
2 amended by chapter 302 of the laws of 2002, is amended to read as  
3 follows:

4 (a) Except as provided in subdivision (b) of this section, trial and  
5 grand jurors in each court of the unified court system shall be entitled  
6 to an allowance equal to the sum of [~~forty~~] seventy-two dollars per day  
7 for each and every day of physical attendance wherein the court  
8 convenes, except that no person who is employed shall be entitled to  
9 receive such allowance if, pursuant to section five hundred nineteen of  
10 this article, [~~his or her~~] their employer is prohibited from withholding  
11 the first [~~forty~~] seventy-two dollars of wages of such person during  
12 such period and such person's daily wages equal or exceed [~~forty~~] seven-  
13 ty-two dollars. If such person's daily wages are less than [~~forty~~]  
14 seventy-two dollars, [~~he or she~~] such person shall be entitled to  
15 receive an allowance hereunder equal to the difference between [~~forty~~]  
16 seventy-two dollars and the amount of [~~his or her~~] their daily wages.  
17 Such fees and those expenses actually and necessarily incurred in  
18 providing food and lodging for jurors shall be a state charge payable  
19 out of funds appropriated to the office of court administration for that  
20 purpose.

21 § 2. Section 519 of the judiciary law, as added by chapter 85 of the  
22 laws of 1995, is amended to read as follows:

23 § 519. Right of juror to be absent from employment. Any person who is  
24 summoned to serve as a juror under the provisions of this article and  
25 who notifies [~~his or her~~] their employer to that effect prior to the  
26 commencement of a term of service shall not, on account of absence from  
27 employment by reason of such jury service, be subject to discharge or  
28 penalty. An employer may, however, withhold wages of any such employee  
29 serving as a juror during the period of such service; provided that an  
30 employer who employs more than ten employees shall not withhold the  
31 first [~~forty~~] seventy-two dollars of such juror's daily wages during the  
32 first three days of jury service. Withholding of wages in accordance  
33 with this section shall not be deemed a penalty. Violation of this  
34 section shall constitute a criminal contempt of court punishable pursu-  
35 ant to section seven hundred fifty of this chapter.

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

38 PART MM

39 Section 1. The executive law is amended by adding a new section 837-y  
40 to read as follows:

41 § 837-y. New York state office of gun violence prevention. 1. Estab-  
42 lishment and organization. There is hereby established within the divi-  
43 sion of criminal justice services an office of gun violence prevention,  
44 hereinafter "office".

45 2. Duties and responsibilities. The office shall have the following  
46 duties and responsibilities:

47 (a) Advance efforts to prevent, reduce, and address gun violence and  
48 its causes and consequences. "Gun violence" shall include, but is not  
49 limited to, any attempted crime, crime, attempted suicide, suicide,  
50 intentional or unintentional injury, or death involving a firearm,  
51 rifle, or shotgun as defined in section 265.00 of the penal law.

52 (b) Identify funding opportunities and other resources available  
53 related to gun violence prevention and reduction, and increase public  
54 awareness of such funding opportunities.

1 (c) Support efforts to improve the state's health and social service  
2 system capacity and capabilities to prevent and respond to gun violence  
3 including, but not limited to, state hospital-based violence prevention  
4 and intervention initiatives, in consultation with the department of  
5 health.

6 (d) Coordinate and strengthen timely, accurate, and complete data  
7 collection and research regarding firearm-related injuries, fatalities,  
8 and incidents by focusing on surveillance, prevention, and intervention  
9 of gun violence statewide.

10 (e) Increase public awareness of gun violence causes and consequences  
11 and gun violence prevention efforts through public education campaigns  
12 or other educational efforts. Such campaigns and education efforts shall  
13 include but not be limited to adoption of best practices related to gun  
14 violence prevention, the impacts of various types of gun violence on  
15 individuals, families, and communities, and resources available to indi-  
16 viduals at risk of gun violence and individuals impacted by gun  
17 violence.

18 (f) Collaborate with, and where practicable, facilitate, and assist  
19 political subdivisions of the state and not-for-profit organizations in  
20 the development of local programs, services, and interventions to  
21 prevent, reduce, and address gun violence.

22 (g) On or before September first, two thousand twenty-five, develop  
23 and implement a public awareness campaign to educate the public on the  
24 safe storage of firearms, rifles and shotguns and child access and  
25 prevention. The public awareness campaign shall include, but not be  
26 limited to, educational materials, resources and information related to  
27 New York state child access prevention laws and laws relating to the  
28 safe storage and transport of firearms, rifles and shotguns including  
29 sections 265.45, 265.46, and 400.00 of the penal law, available methods  
30 for the safe storage of firearms, rifles and shotguns designed to  
31 prevent child access, firearm violence prevention resources, and county  
32 and local specific laws and regulations related to child access  
33 prevention and storage of firearms, rifles and shotguns.

34 3. Annual report. The office shall issue an annual report including,  
35 but not limited to, information on the status of gun violence in the  
36 state, recommendations for policy and programmatic initiatives to  
37 prevent and reduce gun violence in the state, and a description of the  
38 efforts of the office to carry out the duties and objectives of the  
39 office under this section. Such report shall be posted on the division's  
40 website no later than one year after the effective date of this section,  
41 and annually thereafter.

42 4. Assistance to the office. Other state agencies and authorities  
43 shall provide cooperation and assistance, pursuant to subdivision five  
44 of section eight hundred thirty-six of this article, to the office in  
45 the effective performance of its duties.

46 § 2. Section 837 of the executive law is amended by adding a new  
47 subdivision 24 to read as follows:

48 24. In furtherance of the responsibilities of the office of gun  
49 violence prevention set forth in section eight hundred thirty-seven-y of  
50 this article, the division shall:

51 (a) create and disseminate resources and training materials on gun  
52 violence intervention and prevention strategies and best practices; and  
53 may, if practicable, provide technical assistance, additional resources,  
54 and direct training to professionals focused on gun violence inter-  
55 vention and prevention strategies.

1 (b) where appropriate, facilitate response activities among political  
2 subdivisions of the state and not-for-profit organizations to assist  
3 communities that are impacted by incidents of mass gun violence. For the  
4 purposes of this section, mass gun violence shall include a "mass shoot-  
5 ing" as defined in subdivision eleven of section eight hundred thirty-  
6 five of this article; a single shooting incident that results in injury  
7 to three or more people; or multiple related shooting incidents result-  
8 ing in injuries to three or more individuals, occurring within a commu-  
9 nity over a period of up to seven calendar days.

10 § 3. Subdivision 32 of section 206 of the public health law is  
11 REPEALED.

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

14 PART NN

15 Section 1. Section 102-a of the New York city civil court act is  
16 amended by adding a new subdivision 2-c to read as follows:

17 2-c. Ten additional judges of the civil court of the city of New York  
18 shall be elected in and from the residences of the following counties in  
19 the indicated numbers:

20 From the county of Bronx, two, one to be elected from the first munic-  
21 ipal court district and one to be elected from the second municipal  
22 court district;

23 From the county of Kings, three, one to be elected from the fourth  
24 municipal court district, one to be elected from the sixth municipal  
25 court district and one to be elected from the seventh municipal court  
26 district;

27 From the county of New York, two, one to be elected from the third  
28 municipal court district and one to be elected from the seventh muni-  
29 ipal court district;

30 From the county of Queens, two, one to be elected from the second  
31 municipal court district and one to be elected from the fourth municipal  
32 court district; and

33 From the county of Richmond, one, to be elected from the first munici-  
34 pal court district.

35 § 2. Paragraph (d) of subdivision 2 of section 2 of the court of  
36 claims act, as amended by chapter 240 of the laws of 2005, is amended to  
37 read as follows:

38 (d) such number of additional judges not exceeding [~~thirty-two~~] thir-  
39 ty-seven as shall be appointed by the governor, by and with the advice  
40 and consent of the senate;

41 § 3. The positions created by section one of this act shall be filled  
42 by election at the November 4, 2025 election, for a term to commence on  
43 the first day of January, 2026, as if such vacancies occurred on the  
44 effective date of this act. Party nominations shall be made as provided  
45 for in sections 6-116 and 6-158 of the election law, and the independent  
46 nominations shall be made as provided for by subdivision 10 of section  
47 6-158 of the election law.

48 § 4. This act shall take effect May 15, 2025.

49 PART OO

50 Section 1. Subdivisions 11 and 19 of section 14-200-a of the election  
51 law, as added by section 4 of part ZZZ of chapter 58 of the laws of  
52 2020, are amended to read as follows:

1 11. (a) "matchable contribution" means a contribution not less than  
2 five dollars and not more than two hundred fifty dollars per each  
3 covered election, for a candidate for public office to be voted on by  
4 the voters of the entire state or for nomination to any such office, a  
5 contribution for any covered elections held in the same election cycle,  
6 made by a natural person who is a resident in the state of New York to a  
7 participating candidate, and for a candidate for election to the state  
8 assembly or state senate or for nomination to any such office, a  
9 contribution for any covered elections held in the same election cycle,  
10 made by a natural person who is also a resident of such state assembly  
11 or state senate district from which such candidate is seeking nomination  
12 or election, that has been reported in full to the PCFB in accordance  
13 with sections 14-102 and 14-104 of this article by the candidate's  
14 authorized committee and has been contributed on or before the day of  
15 the applicable primary, general, runoff, or special election. Any  
16 contribution, contributions, or a portion of a contribution determined  
17 to be invalid for matching funds by the PCFB may not be treated as a  
18 matchable contribution for any purpose.

19 (b) The following contributions are not matchable:

- 20 (i) loans;
- 21 (ii) in-kind contributions of property, goods, or services;
- 22 (iii) contributions in the form of the purchase price paid for an item  
23 with significant intrinsic and enduring value;
- 24 (iv) transfers from a party or constituted committee;
- 25 (v) anonymous contributions;
- 26 (vi) contributions whose source is not itemized as required by these  
27 recommendations;
- 28 (vii) contributions gathered during a previous election cycle;
- 29 (viii) illegal contributions;
- 30 (ix) contributions from minors;
- 31 (x) contributions from vendors for campaigns hired by the candidate  
32 for such election cycle;
- 33 (xi) contributions from lobbyists registered pursuant to subdivision  
34 (a) of section one-c of the legislative law; and
- 35 (xii) ~~[any] the~~ portion of a contribution ~~[when the aggregate contribu-~~  
36 ~~utions are]~~ which is in excess of two hundred fifty dollars, as a single  
37 contribution or in the aggregate, from any one contributor to such  
38 participating candidate for nomination or election. Provided, however,  
39 that any portion of a contribution totaling over one thousand fifty  
40 dollars as a single contribution or in the aggregate shall not be match-  
41 able in any amount.

42 19. "surplus" means those funds where the total sum of contributions  
43 received and public matchable funds received by a participating candi-  
44 date and ~~[his or her]~~ their authorized committee exceeds the total  
45 campaign expenditures of such candidate and authorized committee for all  
46 covered elections held in the same calendar year or for a special  
47 election to fill a vacancy. For the purposes of this subdivision, total  
48 campaign expenditures shall include transfers, contributions out and all  
49 other lawful liabilities incurred.

50 § 2. Subdivision 1 of section 14-200-a of the election law, as added  
51 by section 4 of part ZZZ of chapter 58 of the laws of 2020, is  
52 amended to read as follows:

53 1. "authorized committee" means the ~~[single]~~ political committee  
54 designated by a candidate pursuant to ~~[these recommendations]~~ this title  
55 to receive contributions and make expenditures in support of the candi-  
56 date's campaign for such election.

1 § 3. Subdivision 2 of section 14-201 of the election law, as added by  
2 section 4 of part ZZZ of chapter 58 of the laws of 2020, is amended to  
3 read as follows:

4 2. Only one authorized committee per candidate per elective office  
5 sought. Before receiving any contribution or making any expenditure for  
6 a covered election, each candidate shall notify the PCFB as to the  
7 existence of [~~his or her~~] their authorized committee that has been  
8 approved by such candidate. Candidates may designate an existing author-  
9 ized political committee that is associated with and approved by such  
10 candidate for the elective office sought, including an authorized poli-  
11 tical committee from a previous election cycle, and shall not be  
12 required to establish a new authorized committee for each election  
13 cycle. Each candidate shall have one and only one authorized committee  
14 per elective office sought. Each authorized committee shall have a trea-  
15 surer.

16 § 4. Section 14-203 of the election law, as added by section 4 of part  
17 ZZZ of chapter 58 of the laws of 2020, is amended to read as follows:

18 § 14-203. Eligibility. 1. Terms and conditions. To be eligible for  
19 [~~voluntary public financing~~] public matching funds under this title, a  
20 candidate must:

- 21 (a) be a candidate in a covered election;
- 22 (b) meet all the requirements of law to have [~~his or her~~] their name  
23 on the ballot, subject to the requirements of subdivision three of  
24 section 1-104 and subdivision one of section 6-142 of this chapter;
- 25 (c) in the case of a covered general or special election, be opposed  
26 by another candidate on the ballot who is not a write-in candidate;
- 27 (d) submit a certification in the form of an affidavit, in such form  
28 as may be prescribed by the PCFB, that sets forth [~~his or her~~] their  
29 acceptance of and agreement to comply with the terms and conditions for  
30 the provision of such funds in each covered election and such certifi-  
31 cation shall be submitted at least four months before a primary  
32 election, or in the case of a substitution, no later than one week after  
33 a certificate of substitution is filed for the designation or nomination  
34 of such candidate, and on the last day in which a certification of nomi-  
35 nation is filed in a special election pursuant to a schedule promulgated  
36 by the PCFB;
- 37 (e) be certified as a participating candidate by the PCFB;
- 38 (f) not make, and not have made, expenditures from or use [~~his or her~~]  
39 their personal funds or property or the personal funds or property  
40 jointly held with [~~his or her~~] their spouse, or unemancipated children  
41 in connection with [~~his or her~~] their nomination for election or  
42 election to a covered office, but may make a contribution to [~~his or~~  
43 ~~her~~] their authorized committee in an amount that does not exceed three  
44 times the applicable contribution limit from an individual contributor  
45 to candidates for the office that [~~he or she~~] such candidate is seeking;
- 46 (g) meet the threshold for eligibility set forth in subdivision two of  
47 this section;
- 48 (g-1) not owe any payments, repayments, or civil penalties pursuant to  
49 this title or any regulations promulgated thereunder, or any similar  
50 payments, repayments, or civil penalties under any local public campaign  
51 finance program within the previous ten years;
- 52 (h) continue to abide by all requirements during the post-election  
53 period; and
- 54 (i) not have accepted contributions in amounts exceeding the contrib-  
55 ution limits set forth for candidates in paragraphs a and b of subdivi-

1 sion one of section 14-114 of this article during the election cycle for  
2 which the candidate seeks certification;

3 (i) Provided however, that, if a candidate accepted contributions  
4 exceeding such limits, such acceptance shall not prevent the candidate  
5 from being certified by the PCFB if the candidate in a reasonable time,  
6 as determined by rule, pays to the fund or returns to the contributor  
7 the portion of any contribution that exceeded the applicable contribu-  
8 tion limit.

9 (ii) If the candidate is unable to return such funds in a reasonable  
10 time, as determined by rule, because they have already been spent,  
11 acceptance of contributions exceeding the limits shall not prevent the  
12 candidate from being certified by the PCFB if the candidate submits an  
13 affidavit agreeing to pay to the fund all portions of any contributions  
14 that exceeded the limit no later than thirty days before the general  
15 election. If a candidate provides the PCFB with such an affidavit, any  
16 disbursement of public funds to the candidate shall be reduced by no  
17 more than twenty-five percent until the total amount owed by the candi-  
18 date is repaid.

19 (iii) Nothing in this section shall be interpreted to require a candi-  
20 date who retains funds raised during any previous election cycle to  
21 forfeit such funds. Funds raised during a previous election cycle may be  
22 retained and used by the candidate for the candidate's campaign in the  
23 next election cycle but funds shall not qualify for satisfying the  
24 threshold for participating in the public campaign finance program  
25 established in this title nor shall they be eligible to be matched. The  
26 PCFB shall adopt regulations to ensure that contributions that would  
27 satisfy the applicable contribution limits authorized in this title  
28 shall be transferred into the appropriate campaign account.

29 (iv) Contributions received and expenditures made by the candidate or  
30 an authorized committee of the candidate prior to the effective date of  
31 this title shall not constitute a violation of this title. [~~Unexpended  
32 contributions shall be treated the same as campaign surpluses under  
33 subparagraph (iii) of this paragraph.~~] Nothing in this recommendation  
34 shall be construed to limit, in any way, any candidate or public offi-  
35 cial from expending any portion of pre-existing campaign funds for any  
36 lawful purpose other than those related to [~~his or her~~] their campaign.

37 (v) A candidate who has raised matchable contributions but, in the  
38 case of a covered primary, general or special election, is not opposed  
39 by another candidate on the ballot who is not a write-in candidate, or  
40 who chooses not to accept matchable funds, may retain such contributions  
41 and apply them in accord with this title to the candidate's next  
42 campaign, should there be one, in the next election cycle.

43 (vi) The total amount of public matching funds available to a partic-  
44 ipating candidate and their authorized committee for a covered general  
45 election pursuant to subdivision two of section 14-204 of this title  
46 shall be reduced by any unexpended public matching funds received by  
47 such candidate and their authorized committee for a covered primary  
48 election.

49 2. Threshold for eligibility. (a) The threshold for eligibility for  
50 public funding for participating candidates shall be in the case of:

51 (i) governor and lieutenant governor (combined), not less than five  
52 hundred thousand dollars in contributions including at least five thou-  
53 sand matchable contributions shall be counted toward this qualifying  
54 threshold;

55 (ii) [~~lieutenant governor,~~] attorney general and comptroller, not less  
56 than one hundred thousand dollars in contributions including at least

1 one thousand matchable contributions shall be counted toward this quali-  
2 fying threshold;

3 (iii) state senator, except as otherwise provided in paragraph (c) of  
4 this subdivision, not less than twelve thousand dollars in contributions  
5 including at least one hundred fifty matchable contributions shall be  
6 counted toward this qualifying threshold; and

7 (iv) member of the assembly, except as otherwise provided in paragraph  
8 (c) of this subdivision, not less than six thousand dollars in contrib-  
9 utions including at least seventy-five matchable contributions shall be  
10 counted toward this qualifying threshold.

11 (b) [~~However, solely for~~] For purposes of achieving the monetary  
12 thresholds and the contributor thresholds in paragraph (a) of this  
13 subdivision, the first two hundred fifty dollars of any contribution of  
14 more than two hundred fifty dollars to a candidate or a candidate's  
15 committee [~~which would otherwise be matchable except that it comes from~~  
16 ~~a contributor who has contributed more than two hundred fifty dollars to~~  
17 ~~such candidate or candidate's committee, is~~] is deemed to be a matchable  
18 contribution and shall count toward satisfying such [~~monetary threshold~~  
19 ~~but shall not otherwise be considered a matchable contribution~~] thresh-  
20 olds.

21 (b-1) The first two hundred fifty dollars of any contribution or  
22 contributions totaling up to a maximum of one thousand fifty dollars in  
23 the aggregate to a candidate or candidate's committee shall be consid-  
24 ered a matchable contribution provided that such contribution is other-  
25 wise determined to be valid for public matching funds by the PCFB;  
26 provided, however, that only the portion of any such contribution which  
27 is in excess of two hundred fifty dollars in the aggregate shall not be  
28 deemed matchable; and provided further, that any contributions totaling  
29 over one thousand fifty dollars in the aggregate shall not be matchable  
30 in any amount.

31 (c) With respect to the minimum dollar threshold for participating  
32 candidates for state senate and state assembly, in such districts where  
33 average median income ("AMI") is below the AMI as determined by the  
34 United States Census Bureau three years before such election for which  
35 public funds are sought, such minimum dollar threshold for eligibility  
36 shall be reduced by one-third. The PCFB shall make public which  
37 districts are subject to such reduction no later than two years before  
38 the first primary election for which funding is sought.

39 (d) Any participating candidate meeting the threshold for eligibility  
40 in a primary election for one of the foregoing offices shall be applied  
41 to satisfy the threshold for eligibility for such office in any other  
42 subsequent election held in the same calendar year. Any participating  
43 candidate who is nominated in a primary election and has participated in  
44 the public financing program set forth in this title, [~~must~~] shall not  
45 be required to participate in the public financing program for the  
46 general election for such office should they choose to run in the gener-  
47 al election.

48 § 5. Subdivisions 1, 2 and 5 of section 14-204 of the election law, as  
49 added by section 4 of part ZZZ of chapter 58 of the laws of 2020, are  
50 amended to read as follows:

51 1. In any primary election, receipt of public funds by participating  
52 candidates and by their participating committees shall not exceed:

- |  |             |
|--|-------------|
| 53 (a) for Governor <u>and Lieutenant Governor (combined)</u>      | \$3,500,000 |
| 54 (b) for [ <del>Lieutenant Governor,</del> ] Attorney General or |             |
| 55 Comptroller   | \$3,500,000 |
| 56 (c) for State Senator   | \$375,000   |

1	(d) for Member of the Assembly	\$175,000
2	2. In any general or special election, receipt of public funds by a	
3	participating candidate's authorized committees shall not exceed:	
4	(a) for Governor and Lieutenant Governor (combined)	\$3,500,000
5	(b) for Attorney General	\$3,500,000
6	(c) for Comptroller	\$3,500,000
7	(d) for State Senator	\$375,000
8	(e) for Member of the Assembly	\$175,000

9 5. A candidate only on the ballot in one or more primary elections in  
10 which the number of persons eligible to vote for party nominees in each  
11 such election totals fewer than one thousand shall not receive public  
12 funds in excess of five thousand dollars for qualified campaign expendi-  
13 tures in such election or elections; provided, however, such candidate  
14 may receive up to five thousand dollars per each additional one thousand  
15 voters over the first one thousand voters but shall not receive public  
16 funds in excess of fifteen thousand dollars total for qualified campaign  
17 expenditures in such election or elections. For the purposes of this  
18 section, the number of persons eligible to vote for party nominees in a  
19 primary election shall be as determined by the state board of elections  
20 for the calendar year of the primary election. A candidate for office on  
21 the ballot in more than one primary for such office, shall be deemed,  
22 for purposes of this recommendation, to be a single candidate.

23 § 6. Subdivisions 3 and 4 of section 14-205 of the election law, as  
24 added by section 4 of part ZZZ of chapter 58 of the laws of 2020, are  
25 amended to read as follows:

26 3. Timing of payment. (a) The PCFB shall make any payment of public  
27 matching funds to participating candidates as soon as is practicable.  
28 But in all cases, it shall verify eligibility for public matching funds  
29 within four days, excluding weekends and holidays, of receiving a  
30 campaign contribution report filed in compliance with section 14-104 of  
31 this article. Within two days of determining that a candidate for a  
32 covered office is eligible for public matching funds, it shall authorize  
33 payment of the applicable matching funds owed to the candidate. [~~The~~  
34 ~~PCFB shall schedule at least three payment dates in the thirty days~~  
35 ~~prior to a covered primary, general, or special election. If any of such~~  
36 ~~payments would require payment on a weekend or federal holiday, payment~~  
37 ~~shall be made on the next business day.~~]

38 (b) The PCFB shall schedule payment dates as follows: for the primary  
39 election period, one payment no later than one week after the deadline  
40 to accept or decline designations for the primary election, and at least  
41 four payments prior to the primary date; for the general election peri-  
42 od, one payment no later than July first, at least one additional  
43 payment in July, at least one payment in August, at least two payments  
44 in September, at least two payments in October, at least one payment in  
45 November, and at least one payment in December; and for any other  
46 covered election, a minimum of three payment days within the thirty days  
47 prior to such covered election. If any of such payments would require  
48 payment on a weekend or federal holiday, payment shall be made on the  
49 next business day. A certification pursuant to paragraph (d) of subdivi-  
50 sion one of section 14-203 of this title shall be required to have been  
51 filed with the PCFB no later than fifteen business days prior to the  
52 payment date on which a participating candidate is eligible to receive  
53 public funds pursuant to this subdivision. For purposes of such payment  
54 dates, the PCFB shall provide each candidate with a written determi-  
55 nation specifying the basis for any non-payment and a report of all  
56 contributions accepted and matched with public funds.

1 4. Notwithstanding any provision of this section to the contrary, the  
2 amount of public funds payable to a participating candidate on the  
3 ballot in any covered election shall not exceed one-quarter of the maxi-  
4 mum public funds payment otherwise applicable and no participating  
5 candidate shall be eligible to receive a disbursement of public funds  
6 prior to two weeks after the last day to file designating petitions for  
7 a primary election unless the participating candidate is opposed by a  
8 competitive candidate. [~~The PCFB shall, by regulation, set forth objec-~~  
9 ~~tive standards to determine whether a candidate is competitive and the~~  
10 ~~procedures for qualifying for the payment of public funds.~~] A partic-  
11 ipating candidate shall be considered opposed by a competitive candidate  
12 when at least one of the following conditions are met:

13 (a) For a covered general election only if the margin of victory was  
14 twenty points or less in a contest involving an opposing major party  
15 candidate in an election for public office in an area encompassing all  
16 or part of the area that is the subject of the current election in the  
17 last eight years preceding the election of the covered office sought.

18 (b) The opposing candidate has received the endorsement of a current  
19 or former statewide elected official, or a current or former federal  
20 elected official representing all or a portion of the area represented  
21 by the covered office sought, or a current or former United States  
22 senator, or in the case of a district that encompasses a portion of New  
23 York city, a current or former citywide elected official.

24 (c) The opposing candidate has received three or more endorsements  
25 from other current or former state, county, city, town, or village  
26 elected officials who represent all or a part of the area covered by the  
27 election.

28 (d) In the past ten years, the opposing candidate's spouse, domestic  
29 partner, sibling, parent, or child holds or has held elective office in  
30 an area encompassing all or part of the district represented by the  
31 covered office sought.

32 (e) The opposing candidate has been deemed eligible to receive public  
33 funds payment for the covered election.

34 (f) The general election in that district was within a twenty-point  
35 margin within the last six years.

36 (g) The opposing candidate is self-funding in an amount equal to the  
37 minimum dollar thresholds for eligibility set forth in paragraph (a) or  
38 (c) of subdivision two of section 14-203 of this title.

39 (h) The opposing candidate previously held elected office.

40 (i) The opposing candidate has received endorsement of one or more  
41 membership organizations with a membership of over one hundred fifty  
42 members; provided however, that the participating candidate must provide  
43 a description of the organization endorsing such opposing candidate and  
44 attach any available evidence of such endorsement.

45 (j) Within the last eight years, the opposing candidate has received  
46 twenty-five percent or more of the vote in an election for public office  
47 in an area encompassing all or part of the district represented by the  
48 covered office sought.

49 § 7. Subdivision 1 of section 14-207 of the election law, as added by  
50 section 4 of part ZZZ of chapter 58 of the laws of 2020, is amended  
51 to read as follows:

52 1. There shall be a public campaign finance board within the state  
53 board of elections that shall be comprised of the following commission-  
54 ers: the four state board of elections commissioners and three addi-  
55 tional commissioners, one jointly appointed by the legislative leaders  
56 of one major political party in each house of the legislature, one

1 jointly appointed by the legislative leaders of the other major poli-  
2 tical party in each house of the legislature, and one of whom shall be  
3 appointed by the governor. Each commissioner must be a New York state  
4 resident and registered voter, and may not currently be, or within the  
5 previous five years have been, an officer of a political party or poli-  
6 tical committee as defined in the election law, or a registered lobby-  
7 ist. The chair of the PCFB shall be designated by the PCFB from among  
8 the three additional commissioners. Each of the three additional commis-  
9 sioners shall receive a per diem of three hundred fifty dollars for work  
10 actually performed not to exceed twenty-five thousand dollars in any one  
11 calendar year. They shall be considered public officers for purposes of  
12 sections seventy-three-a and seventy-four of the public officers law.  
13 The three commissioners so appointed pursuant to this recommendation  
14 will be appointed for a term of five years to commence on July first,  
15 two thousand twenty and may be removed by [~~his or her~~] **their** appointing  
16 authority solely for substantial neglect of duty, gross misconduct in  
17 office, inability to discharge the power or duties of office, after  
18 written notice and opportunity to be heard. During the period of [~~his or~~  
19 ~~her~~] **their** term as a commissioner appointed hereunder, each such commis-  
20 sioner is barred from making, or soliciting from other persons, any  
21 contributions to candidates for election to the offices of governor[7]  
22 **and** lieutenant governor, attorney general, comptroller, member of the  
23 assembly, or state senator. Any vacancy occurring on the PCFB shall be  
24 filled within thirty days of its occurrence in the same manner as the  
25 member whose vacancy is being filled was appointed. A person appointed  
26 to fill a vacancy occurring other than by expiration of a term of office  
27 shall be appointed for the unexpired term of the member [~~he or she~~  
28 ~~succeeds~~] **they succeed**. Four members of the PCFB shall constitute a  
29 quorum, and the PCFB shall have the power to act by majority vote of the  
30 total number of members of the commission without vacancy. All members  
31 of the PCFB shall be appointed no later than the first day of July, two  
32 thousand twenty and the PCFB shall promulgate such regulations as are  
33 needed no later than the first day of July, two thousand twenty-one.

34 § 8. Section 14-207 of the election law is amended by adding a new  
35 subdivision 3-a to read as follows:

36 3-a. The PCFB shall develop and administer in person and online train-  
37 ing for individuals to become certified as compliance officers under  
38 this title. Such training shall include information concerning compli-  
39 ance with the rules of the public campaign finance program, disclosure  
40 and record keeping requirements, obligations of the program, and other  
41 relevant information as determined by the PCFB. The PCFB shall promul-  
42 gate regulations for the certification of compliance officers pursuant  
43 to this subdivision and shall publish a list of certified compliance  
44 officers on its website which shall be updated every thirty days.

45 § 9. Paragraphs (a), (b) and (c) of subdivision 1 of section 14-208 of  
46 the election law, as added by section 4 of part ZZZ of chapter 58 of the  
47 laws of 2020, are amended to read as follows:

48 (a) The PCFB shall audit and examine all matters relating to the prop-  
49 er administration of this title and shall complete all such audits no  
50 later than one and one-half years after the election in question. This  
51 deadline shall not apply in cases involving potential campaign-related  
52 fraud, knowing and willful violations of this article, or criminal  
53 activity; provided, however, the PCFB may at any time audit any partic-  
54 ipating candidate for which it receives credible reports involving  
55 potential campaign-related fraud, knowing and willful violations of this

1 article, or criminal activity, if such reports are related to the  
2 receipt or use of program funds.

3 (b) Every participating candidate for statewide office who receives  
4 public funds as provided in this title, and every candidate for any  
5 other office who receives five hundred thousand dollars or greater in  
6 public funds as provided in this title, shall be audited by the PCFB  
7 along with all other candidates in each such race. Such audits shall be  
8 completed within one and one-half years of the election in question.  
9 Participating candidates who do not receive public matching funds as  
10 provided in this title shall not be audited by the PCFB pursuant to this  
11 paragraph.

12 (c) Except as provided in paragraph (b) of this subdivision, the PCFB  
13 shall select not more than one-third of all participating candidates in  
14 covered elections for audit through a lottery which shall be completed  
15 within one year of the election in question. A separate lottery shall be  
16 conducted for each office. The PCFB shall select senate and assembly  
17 districts to be audited, auditing every candidate in each selected  
18 district, while ensuring that the number of audited candidates within  
19 those districts does not exceed fifty percent of all participating  
20 candidates for the relevant office. The lottery for senate and assembly  
21 elections shall be weighted to increase the likelihood that a district  
22 for the relevant office is audited based on how frequently it has not  
23 been selected for auditing during the past three election cycles. The  
24 PCFB shall promulgate rules concerning the method of weighting the  
25 senate and assembly lotteries, including provisions for the first three  
26 election cycles for each office. The names of candidates selected for  
27 an audit shall not be disclosed unless there is a declared finding of  
28 wrongdoing by the PCFB.

29 § 10. Paragraph (c) of subdivision 2 of section 14-208 of the election  
30 law, as added by section 4 of part ZZZ of chapter 58 of the laws of  
31 2020, is amended and a new paragraph (d) is added to read as follows:

32 (c) If [~~the total sum of contributions received and public matching~~  
33 ~~payments from the fund received by a participating candidate and his or~~  
34 ~~her authorized committee exceed the total campaign expenditures of such~~  
35 ~~candidate and authorized committee for all covered elections held in the~~  
36 ~~same calendar year or for a special election to fill a vacancy] at the  
37 end of an election cycle or following a special election, surplus funds  
38 remain in a participating candidate's authorized committee after all  
39 liabilities for qualified campaign expenditures for such election cycle  
40 or special election have been paid, such candidate and committee shall  
41 [use such surplus funds to reimburse the fund for payments received by  
42 such authorized committee from the fund during such calendar year or for  
43 such special election] pay to the fund an amount equal to the surplus,  
44 as defined in subdivision nineteen of section 14-200-a of this title;  
45 provided, however, such candidate may retain an amount of such surplus  
46 that does not include any public matching funds to the extent such  
47 amount does not exceed fifty thousand dollars. No public matching funds  
48 shall be eligible to be retained. The surplus repayment shall in no  
49 event exceed the total amount of public matching funds received. Any  
50 funds raised during any previous election cycle, as described in subpar-  
51 agraph (iii) of paragraph (i) of subdivision one of section 14-203 of  
52 this title, shall be excluded from the calculation of surplus funds  
53 required by this paragraph and shall not count toward the fifty thousand  
54 dollar limit permitted by this paragraph, and such funds may continue to  
55 be retained. Participating candidates shall make such [~~payments~~] surplus  
56 payment not later than twenty-seven days after all liabilities for the~~

1 election have been paid and in any event, not later than the day on  
2 which the PCFB issues its final audit report for the participating  
3 candidate's authorized committee; provided, however, that all unspent  
4 public campaign funds for a participating candidate shall be immediately  
5 due and payable to the PCFB upon a determination by the PCFB that the  
6 participant has delayed the post-election audit. A participating candi-  
7 date may make post-election expenditures with public funds only for  
8 routine activities involving nominal [~~cost~~] costs associated with wind-  
9 ing up a campaign and responding to the post-election audit. Nothing in  
10 this title shall be construed to prevent a candidate or [~~his or her~~]  
11 their authorized committee from using campaign contributions received  
12 from private contributors for otherwise lawful expenditures. Any amounts  
13 retained pursuant to this paragraph in such authorized committee after  
14 the payment required by this paragraph has been made, may be used for  
15 any lawful purpose.

16 (d) Candidates shall have thirty days to cure any violations identi-  
17 fied by the PCFB in its post-election audit before there may be any  
18 declared findings of wrongdoing.

19 § 11. Section 14-212 of the election law, as added by section 4 of  
20 part ZZZ of chapter 58 of the laws of 2020, is amended to read as  
21 follows:

22 § 14-212. Severability. [~~If any clause, sentence, or other portion of~~  
23 ~~paragraph (c) of subdivision two of section 14-203 of this title be~~  
24 ~~adjudged by any court of competent jurisdiction to be invalid, then~~  
25 ~~subparagraphs (iii) and (iv) of paragraph (a) of subdivision two of~~  
26 ~~section 14-203 of this title shall read as follows:~~

27 ~~(iii) state senator, except as otherwise provided in paragraph (c) of~~  
28 ~~this subdivision, not less than ten thousand dollars in matchable~~  
29 ~~contributions including at least one hundred and fifty matchable~~  
30 ~~contributions in an amount greater than five dollars and no greater than~~  
31 ~~the limits in this chapter, of which the first two hundred fifty dollars~~  
32 ~~shall be counted toward this qualifying threshold; and~~

33 ~~(iv) member of the assembly, except as otherwise provided in paragraph~~  
34 ~~(c) of this subdivision, not less than five thousand dollars in matcha-~~  
35 ~~ble contributions including at least seventy-five matchable contrib-~~  
36 ~~utions in an amount greater than five dollars and no greater than the~~  
37 ~~limits in this chapter, of which the first two hundred fifty dollars~~  
38 ~~shall be counted toward this qualifying threshold.] If any clause,~~

39 sentence, paragraph, subdivision, section or part of this title shall be  
40 determined by any court of competent jurisdiction to be invalid, such  
41 judgment shall not affect, impair or invalidate the remainder thereof,  
42 but shall be confined in its operation to the particular clause,  
43 sentence, paragraph, subdivision, section or part thereof directly found  
44 invalid in the judgment rendered. It is hereby declared to be the intent  
45 of the legislature that this title would have been enacted even if such  
46 invalid provisions had not been included herein.

47 § 12. Subdivision 6 of section 92-t of the state finance law, as added  
48 by section 5 of part ZZZ of chapter 58 of the laws of 2020, is  
49 amended to read as follows:

50 6. [~~No public funds shall be paid to any participating candidates in a~~  
51 ~~primary election any earlier than thirty days after designating~~  
52 ~~petitions or certificates of nomination have been filed and not later~~  
53 ~~than thirty days after such primary election.] Public funds paid to  
54 participating candidates shall be paid in accordance with the timelines  
55 established by section 14-205 of the election law.~~

1 § 13. Section 11 of part ZZZ of chapter 58 of the laws of 2020 amend-  
2 ing the election law relating to public financing for state office;  
3 amending the state finance law relating to establishing the New York  
4 state campaign finance fund; and amending the tax law relating to estab-  
5 lishing the NYS campaign finance fund check-off, is REPEALED.

6 § 14. This act shall take effect on the ninetieth day after it shall  
7 have become a law. Effective immediately, the addition, amendment  
8 and/or repeal of any rule or regulation necessary for the implementation  
9 of this act on its effective date are authorized to be made and  
10 completed by the public campaign finance board on or before such effec-  
11 tive date.

12 PART PP

13 Section 1. Section 5-b of the legislative law, as added by chapter 841  
14 of the laws of 2022, is amended to read as follows:

15 § 5-b. Limit on outside earned income by members. 1. Effective January  
16 first, two thousand twenty-five a member of the legislature receiving a  
17 salary for legislative work from the state of New York shall be permit-  
18 ted to earn outside income each year for performing fee for service  
19 activities and compensated outside activities approved under the perma-  
20 nent joint rules of the Senate and Assembly in an amount totaling no  
21 greater than the earning limitations for retired persons in positions of  
22 public service allowed for the same year under subdivision two of  
23 section two hundred twelve of the retirement and social security law.  
24 [~~Compliance~~] Effective January first, two thousand twenty-seven, compli-  
25 ance with the limit on outside earned income described in this section  
26 shall be a condition precedent to receiving a salary for legislative  
27 activities from the state of New York, and voting as a member of the  
28 legislature of the state of New York.

29 2. a. For purposes of this section, the term "outside earned income"  
30 shall mean wages, salaries, fees and other forms of compensation for  
31 services actually rendered.

32 b. For the purposes of this section, the term "outside earned income"  
33 shall not include:

34 (1) salary, benefits and allowances paid by the state;

35 (2) income and allowances attributable to service in the reserves of  
36 the armed forces of the United States, national guard or other active  
37 military service;

38 (3) copyright royalties, fees, and their functional equivalent, from  
39 the use of copyrights, patents and similar forms of intellectual proper-  
40 ty rights, when received from established users or purchasers of such  
41 rights;

42 (4) income from retirement plans of the state of New York or the city  
43 of New York, private pension plans or deferred compensation plans (e.g.,  
44 401, 403(b), 457, etc.) established in accordance with the internal  
45 revenue code;

46 (5) income from investments and capital gains, where the member's  
47 services are not a material factor in the production of income;

48 (6) income from a trade or business in which a member of their family  
49 holds a controlling interest, where the member's services are not a  
50 material factor in the production of income; and

51 (7) compensation from services actually rendered prior to January  
52 first, two thousand twenty-five, or prior to being sworn in as a member  
53 of the legislature.

1 3. ~~[A]~~ Effective January first, two thousand twenty-seven, a member of  
 2 the legislature who knowingly and intentionally violates the provisions  
 3 of this section shall be subject to a civil penalty in an amount not to  
 4 exceed forty thousand dollars and the value of any gift, compensation or  
 5 benefit received in connection with such violation. Assessment of a  
 6 civil penalty shall be made by the legislative ethics commission,  
 7 provided however, that no civil penalty shall be assessed pursuant to  
 8 paragraph (a) of subdivision nine of section eighty of this chapter for  
 9 violations of this section occurring prior to January first, two thou-  
 10 sand twenty-seven.

11 § 2. This act shall take effect immediately and shall be deemed to  
 12 have been in full force and effect on and after January 1, 2025.

13 PART QQ

14 Section 1. Subdivisions 1, 2 and 5 of section 6-104 of the election  
 15 law are amended to read as follows:

16 1. Party designation of a candidate for nomination for any office to  
 17 be filled by the voters of the entire state shall be made by the state  
 18 committee. A designation for the offices of governor and lieutenant  
 19 governor, shall be made jointly by a single majority vote of such  
 20 committee.

21 2. The state committee shall make a decision by majority vote. The  
 22 person or persons receiving the majority vote shall be the party's  
 23 designated candidate or pair of candidates for nomination, and all other  
 24 persons who shall have received twenty-five percent or more of the vote  
 25 cast on any ballot shall have the right to make written demand, duly  
 26 acknowledged, to the state board of elections that their names appear on  
 27 the primary ballot as candidates for such nomination. Such demand shall  
 28 be made not later than seven days after such meeting and may be with-  
 29 drawn in the same manner within fourteen days after such meeting;  
 30 provided however, that in the case of the joint designation for the  
 31 offices of governor and lieutenant governor made pursuant to subdivision  
 32 five of this section, such right to make a written demand shall be  
 33 afforded only to a pair of candidates who jointly sought such desig-  
 34 nation where the candidate for governor in such pair received twenty-  
 35 five percent or more of the vote cast on any ballot for such office, and  
 36 such demand must be made jointly by both candidates in such pair for  
 37 their names to appear jointly on the primary ballot as candidates for  
 38 nomination for such offices.

39 5. Enrolled members of the party may make other designations by peti-  
 40 tion for ~~[a-member]~~ members of the same party. A petition designating a  
 41 candidate for the office of governor or lieutenant governor shall be  
 42 valid only if such petition jointly designates candidates for both such  
 43 offices on such petition.

44 § 2. Subdivision 1 of section 6-132 of the election law, as amended by  
 45 chapter 176 of the laws of 2017, is amended to read as follows:

46 1. Each sheet of a designating petition shall be signed in ink and  
 47 shall contain the following information and shall be in substantially  
 48 the following form:

49 I, the undersigned, do hereby state that I am a duly enrolled voter of  
 50 the..... party and entitled to vote at the next primary  
 51 election of such party, to be held on....., 20...; that my  
 52 place of residence is truly stated opposite my signature hereto, and I  
 53 do hereby designate the following named person (or persons) as a candi-

1 date (or candidates) for the nomination of such party for public office  
2 or for election to a party position of such party.

3 \_\_\_\_\_

4 \*\* (JOINTLY DESIGNATED CANDIDACY FOR GOVERNOR AND LIEUTENANT GOVERNOR) \*\*

5	<u>Name of</u>	<u>Governor</u>	<u>Residence of Candidate</u>
6	<u>Candidate</u>		<u>for Governor</u>
7	<u>for Governor</u>		
8	.....		.....
9	.....		.....

10	<u>Name of</u>		<u>Residence of Candidate</u>
11	<u>Candidate for</u>	<u>Lieutenant Governor</u>	<u>for Lieutenant Governor</u>
12	<u>Lieutenant</u>		
13	<u>Governor</u>		
14	.....		.....
15	.....		.....

16 \_\_\_\_\_

17		Public Office	
18		or party position	Place of Residence
19	Names of	(include district number,	(also post office address,
20	candidates	if applicable)	if not identical)
21	.....	.....	.....
22	.....	.....	.....

23 I do hereby appoint ..... (insert the names  
24 and addresses of at least three persons, all of whom shall be enrolled  
25 voters of said party) as a committee to fill vacancies in accordance  
26 with the provisions of the election law.

27 In witness whereof, I have hereunto set my hand, the day and year  
28 placed opposite my signature.

29	Date	Name of Signer	Residence
30	.....	.....	.....
31	.....	.....	.....
32			Town or city (except
33			in the city of New
34			York, the county)
35			.....
36			.....

37 § 3. Section 6-134 of the election law is amended by adding a new  
38 subdivision 1-a to read as follows:

39 1-a. A designating petition for the offices of governor and lieutenant  
40 governor shall be valid only if such petition jointly designates candi-  
41 dates for both offices.

42 § 4. Section 6-138 of the election law is amended by adding a new  
43 subdivision 2-a to read as follows:

44 2-a. Independent nominations for the offices of governor and lieuten-  
45 ant governor shall be designated jointly by the independent body. An  
46 independent nominating petition for the offices of governor and lieuten-  
47 ant governor shall be valid only if such petition jointly nominates  
48 candidates for both offices.

1 § 5. Paragraph a of subdivision 1 of section 6-140 of the election  
2 law, as amended by chapter 176 of the laws of 2017, is amended to read  
3 as follows:

4 a. Each sheet of an independent nominating petition shall be signed in  
5 ink, shall contain the following information and shall be in substan-  
6 tially the following form:

7 I, the undersigned, do hereby state that I am a registered voter of  
8 the political unit for which a nomination for public office is hereby  
9 being made, that my present place of residence is truly stated opposite  
10 my signature hereto, and that I do hereby nominate the following named  
11 person (or persons) as a candidate (or as candidates) for election to  
12 public office (or public offices) to be voted for at the election to be  
13 held on the ..... day of ....., 20..., and that I  
14 select the name ..... (fill in name) as the name  
15 of the independent body making the nomination (or nominations) and  
16 ..... (fill in emblem) as the emblem of such body.

17 \_\_\_\_\_  
18 **\*\*(JOINTLY DESIGNATED CANDIDACY FOR GOVERNOR AND LIEUTENANT GOVERNOR)\*\***

19 Name of Governor Residence of Candidate  
20 Candidate for Governor  
21 for Governor  
22 .....  
23 .....

24 Name of  
25 Candidate for  
26 Lieutenant Lieutenant Governor Residence of Candidate  
27 Governor for Lieutenant Governor  
28 .....  
29 .....

30 \_\_\_\_\_  
31 Public Office Place of residence  
32 (include district number, if applicable) (also post office address if not identical)  
33 Name of Candidate .....  
34 .....  
35 .....  
36 .....

37 I do hereby appoint ..... (here insert the names  
38 and addresses of at least three persons, all of whom shall be registered  
39 voters within such political unit), as a committee to fill vacancies in  
40 accordance with the provisions of the election law.

41 In witness whereof, I have hereunto set my hand, the day and year  
42 placed opposite my signature.

43 Date Name of Signer Residence  
44 .....  
45 .....  
46 Town or city (except  
47 in the city of New  
48 York, the county)  
.....

.....

1 § 6. Section 6-146 of the election law is amended by adding a new  
2 subdivision 8 to read as follows:

3 8. In the case of a joint designation or joint nomination for the  
4 offices of governor and lieutenant governor made pursuant to this arti-  
5 cle, a declination filed by either candidate shall only constitute a  
6 declination by the declining candidate and shall create a vacancy in  
7 such joint designation or joint nomination. A vacancy in the joint  
8 designation or joint nomination for the offices of governor and lieuten-  
9 ant governor shall be filled in accordance with the provisions for fill-  
10 ing vacancies in section 6-148 of this article.

11 § 7. Subdivision 3 of section 6-148 of the election law, as amended by  
12 chapter 234 of the laws of 1976, is amended and a new subdivision 7 is  
13 added to read as follows:

14 3. A vacancy in a nomination made at a primary, or by a tie vote ther-  
15 eat, may be filled by a majority of the members, of the party committee  
16 or committees last elected in the political subdivision in which the  
17 vacancy occurs, present at a meeting at which there is a quorum, or by a  
18 majority of such other committee as the rules of the party may provide;  
19 provided, however, that a vacancy in a joint nomination for the offices  
20 of governor and lieutenant governor made at a primary election, or a  
21 vacancy in a joint designation or joint nomination for such offices  
22 caused by declination, death, or disqualification and not filled by the  
23 committee to fill vacancies, shall be filled by the appropriate commit-  
24 tee or committees pursuant to this subdivision and party rules. A single  
25 certificate shall be filed pursuant to the requirements of subdivisions  
26 four and five of this section to fill such vacancy.

27 7. A vacancy occurring in a joint designation or joint nomination for  
28 the offices of governor and lieutenant governor before a primary  
29 election, whether caused by declination pursuant to section 6-146 of  
30 this article, or by the death or disqualification of either candidate  
31 designated or nominated, may be filled by the committee to fill vacan-  
32 cies shown upon the face of the petition or certificate of such joint  
33 designation or joint nomination. Such vacancy in the joint designation  
34 or joint nomination shall be filled by the making and filing of a single  
35 certificate, setting forth the fact and cause of the vacancy, the title  
36 of the vacant office in the joint designation or joint nomination, the  
37 names of the original candidates, and the name and address of the candi-  
38 date or candidates newly designated or nominated jointly for the offices  
39 of governor and lieutenant governor. Such certificate shall comply with  
40 the requirements of subdivisions four and five of this section.

41 § 8. Subdivision 1 of section 7-114 of the election law is amended by  
42 adding a new paragraph (d) to read as follows:

43 (d) For the offices of governor and lieutenant governor, ballots shall  
44 be printed with the names of the candidates for both offices who were  
45 designated jointly. The names shall appear in the same row or column,  
46 with the name of the candidate for governor appearing first. The ballot  
47 shall have one designating letter or number to reflect the offices are  
48 voted for jointly.

49 § 9. This act shall take effect immediately.

50 PART RR

51 Section 1. The legislature hereby finds and declares as follows:

1 The state constitution and executive law enumerate the distinctly  
2 separate powers, duties and obligations of the governor and the attorney  
3 general. The governor and attorney general are independently elected  
4 statewide officials in New York. The governor is vested with the execu-  
5 tive power of the state. The governor is charged with overseeing execu-  
6 tive agencies and entities, and ensuring that the laws of the state are  
7 faithfully executed. The executive law expressly authorizes appointment  
8 of a counsel to the governor.

9 The attorney general leads the department of law. In that capacity,  
10 the attorney general defends against lawsuits brought against the state  
11 or its agencies or officials, upon their request and pursuant to law.  
12 The attorney general also has independent authority to bring civil law  
13 enforcement actions, including on behalf of the people of the state of  
14 New York to protect consumers and markets from unlawful actions. In such  
15 a civil enforcement action, the attorney general does not act as an  
16 attorney representing the governor, a state official, or a state agency.  
17 In exercising such duties, the attorney general does not in the ordinary  
18 course gain access to, or legal or practical control over, state agency  
19 or entity materials outside the department of law.

20 Recent court decisions have failed to recognize and adhere to the  
21 state's constitutional separation of powers and longstanding legal prin-  
22 ciples regarding the distinct roles and responsibilities of the attorney  
23 general and the governor and executive agencies. These decisions place  
24 an improper burden on the attorney general to obtain materials outside  
25 the control of the department of law in the midst of a civil enforcement  
26 action. Moreover, such decisions impose unforeseen and significant  
27 discovery costs and burdens on executive agencies and their employees,  
28 and create the potential for conflicts of interest. The legislature  
29 therefore sees fit to reconfirm New York law to reflect the purpose and  
30 principles set forth herein.

31 § 2. Section 63 of the executive law is amended by adding a new subdivi-  
32 sion 18 to read as follows:

33 18. Notwithstanding any other law to the contrary, in any civil  
34 enforcement action initiated by the attorney-general, neither the attor-  
35 ney-general nor the department of law has, or shall be deemed to have,  
36 possession, custody, or control of, or the right, authority, or practi-  
37 cal ability to obtain documents, communications, other information, or  
38 personnel of any agency, entity, or authority other than the department  
39 of law.

40 § 3. This act shall take effect immediately and shall apply to all  
41 pending actions brought by the attorney general as well as all actions  
42 commenced on or after such date.

43

## PART SS

44 Section 1. Subdivision 17 of section 501 of the retirement and social  
45 security law, as amended by chapter 18 of the laws of 2012, is amended  
46 to read as follows:

47 17. "Normal retirement age" shall be age sixty-two, for general  
48 members, and the age at which a member completes or would have completed  
49 twenty-two years of service, for police/fire members, New York city  
50 uniformed correction/sanitation revised plan members and investigator  
51 revised plan members, except that for police/fire members of the New  
52 York city police pension fund, normal retirement age shall be the age at  
53 which a member completes or would have completed twenty years of  
54 service.

1 § 2. Subdivision d of section 503 of the retirement and social securi-  
2 ty law, as amended by chapter 18 of the laws of 2012, is amended to read  
3 as follows:

4 d. The normal service retirement benefit specified in section five  
5 hundred five of this article shall be paid to police/fire members, New  
6 York city uniformed correction/sanitation revised plan members and  
7 investigator revised plan members without regard to age upon retirement  
8 after twenty-two years of service, except that the normal service  
9 retirement benefit specified in section five hundred five of this arti-  
10 cle shall be paid to police/fire members of the New York city police  
11 pension fund, after twenty years of service. Early service retirement  
12 shall be permitted upon retirement after twenty years of credited  
13 service or attainment of age sixty-two, provided, however, that New York  
14 city police/fire revised plan members, New York city uniformed  
15 correction/sanitation revised plan members and investigator revised plan  
16 members shall not be eligible to retire for service prior to the attain-  
17 ment of twenty years of credited service.

18 § 3. Section 505 of the retirement and social security law is amended  
19 by adding a new subdivision d to read as follows:

20 d. Notwithstanding anything to the contrary in any other law,  
21 police/fire members of the New York city police pension fund shall be  
22 eligible for a normal service retirement benefit in lieu of an early  
23 service retirement benefit upon completing twenty years of service  
24 pursuant to subdivision d of section five hundred three of this article.

25 § 4. This act shall take effect immediately.

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

SUMMARY: This proposed legislation would reduce the Normal Retirement Age for Tier 3 members of the New York City Police Pension Fund (POLICE) to be the age at which a member completes or would have completed twenty years of service.

EXPECTED IMPACT ON EMPLOYER CONTRIBUTIONS  
(\$ in Millions)

Year	POLICE
2026	16.3
2027	17.4
2028	18.7
2029	20.0
2030	21.3
2031	22.5
2032	23.5
2033	24.5
2034	25.5
2035	26.4
2036	27.3
2037	28.2
2038	29.1
2039	29.9
2040	30.8
2041	31.7
2042	25.8
2043	26.7
2044	27.6
2045	28.5
2046	29.4

2047	30.3
2048	31.2
2049	32.1
2050	33.1

Projected contributions include future new hires that may be impacted. For Fiscal Year 2051 and beyond, the increase in normal cost for new entrants will remain level as a percent of pay for the impacted population (approximately 0.33%).

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

**PRESENT VALUE OF BENEFITS:** The Present Value of Benefits is the discounted expected value of benefits paid to current members if all assumptions are met, including future service accrual and pay increases. Future new hires are not included in this present value.

INITIAL INCREASE (DECREASE) IN ACTUARIAL PRESENT VALUES  
as of June 30, 2024 (\$ in Millions)

Present Value (PV)	POLICE
(1) PV of Employer Contributions:	122.9
(2) PV of Employee Contributions:	<u>(10.6)</u>
Total PV of Benefits (1) + (2):	112.3

**UNFUNDED ACCRUED LIABILITY (UAL):** Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. Changes in UAL were amortized over the expected remaining working lifetime of those impacted using level dollar payments.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Increase (Decrease) in UAL:	POLICE
Number of Payments:	61.6 M
Amortization Payment:	16
	6.8 M

**CENSUS DATA:** The estimates presented herein are based on preliminary census data collected as of June 30, 2024. The census data for the impacted population is summarized below.

Active Members	POLICE
- Number Count:	21,782
- Average Age:	33.2
- Average Service:	6.5
- Average Salary:	116,200

**IMPACT ON MEMBER BENEFITS:** Currently, Tier 3 POLICE members who retire with at least 20 years of service are eligible to receive an annual benefit that is equal to 42% of Final Average Salary (FAS), increasing to a maximum benefit of 50% of FAS after 22 years of service.

Under the proposed legislation, Tier 3 POLICE members who retire with at least 20 years of service would be eligible to receive an annual benefit that is equal to 50% of FAS.

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:

- o Retirement rates were adjusted to reflect the earlier payability of the service retirement benefit associated with the proposed legislation.
- o New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits). This Fiscal Note does not reflect any chapter laws that may have been enacted during the current legislative session.

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 2025-02 dated January 17, 2025 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2025 Legislative Session.

1 PART TT

2 Section 1. The retirement and social security law is amended by adding  
3 a new section 89-y to read as follows:

4 § 89-y. Twenty-five year retirement plan for firefighters employed by  
5 the division of military and naval affairs. a. A member who serves as an  
6 airport firefighter apprentice, airport firefighter I, airport fire-  
7 fighter II, airport firefighter III, or training and safety officer and  
8 is employed by the division of military and naval affairs shall be  
9 eligible to retire pursuant to the provisions of this section. Such  
10 eligibility shall be an alternative to the eligibility provisions avail-  
11 able under any other plan of this article to which such member is  
12 subject.

13 b. Such member shall be entitled to retire upon the completion of  
14 twenty-five years of total creditable service by filing an application  
15 therefor in the manner provided for in section seventy of this article.

16 c. Upon completion of twenty-five years of such service and upon  
17 retirement, each such member shall receive a pension which, together  
18 with an annuity which shall be the actuarial equivalent of their accumu-  
19 lated contributions at the time of their retirement and an additional  
20 pension which is the actuarial equivalent of the reserved-for-in-  
21 creased-take-home-pay to which they may then be entitled shall be suffi-

1 cient to provide them with a retirement allowance equal to one-half of  
2 their final average salary.

3 d. As used in this section, "creditable service" shall include any and  
4 all services performed as a firefighter apprentice, airport firefighter  
5 I, airport firefighter II, airport firefighter III, or training and  
6 safety officer employed by the division of military and naval affairs.

7 e. Credit for service as a paid firefighter or officer of any organ-  
8 ized fire department shall also be deemed to be creditable service and  
9 shall be included in computing years of total service for retirement  
10 pursuant to this section.

11 f. A member contributing on the basis of this section at the time of  
12 retirement, may retire after the completion of twenty-five years of  
13 total creditable service. Application therefor may be filed in a manner  
14 similar to that provided in section seventy of this article. Upon  
15 completion of twenty-five years of such service and upon retirement,  
16 each such member shall receive a pension which, together with an annuity  
17 which shall be the actuarial equivalent of their accumulated contrib-  
18 utions at the time of their retirement and an additional pension which  
19 is the actuarial equivalent of the reserved-for-increased-take-home-pay  
20 to which they may then be entitled shall be sufficient to provide them  
21 with a retirement allowance equal to one-half of their final average  
22 salary; for service beyond twenty-five years and for non-firefighter  
23 service the benefit is increased by one-sixtieth of final average salary  
24 for each year of additional service credit.

25 g. In computing the twenty-five years of total service of a member  
26 pursuant to this section full credit shall be given and full allowance  
27 shall be made for service of such member in time of war after World War  
28 I as defined in section two of this article, provided such member at the  
29 time of their entrance into the armed forces was in the service of the  
30 state.

31 h. Nothing in this section shall be construed to prevent a member, who  
32 does not retire pursuant to the provisions of this section, from utiliz-  
33 ing service which is creditable service pursuant to the provisions of  
34 this section for service credit pursuant to the provisions of any other  
35 plan of this article to which such member is subject.

36 i. The provisions of this section shall be controlling notwithstanding  
37 any other provision in this article to the contrary.

38 j. Any member who, on or before the effective date of this section, is  
39 a firefighter apprentice, airport firefighter I, airport firefighter II,  
40 airport firefighter III, or training and safety officer employed by the  
41 division of military and naval affairs may, by filing an election within  
42 one year after the effective date of this section, elect to be subject  
43 to the provisions of this section. Such election shall be in writing,  
44 shall be duly executed and filed with the comptroller and shall be irre-  
45 vocable.

46 § 2. Subdivision a of section 445 of the retirement and social securi-  
47 ty law, as amended by chapter 714 of the laws of 2023, is amended to  
48 read as follows:

49 a. No member of a retirement system who is subject to the provisions  
50 of this article shall retire without regard to age, exclusive of retire-  
51 ment for disability, unless [~~he or she is~~] they are a police officer, an  
52 investigator member of the New York city employees' retirement system,  
53 firefighter, correction officer, a qualifying member as defined in  
54 section eighty-nine-t, as added by chapter six hundred fifty-seven of  
55 the laws of nineteen hundred ninety-eight, of this chapter, sanitation  
56 worker, a special officer (including persons employed by the city of New

1 York in the title urban park ranger or associate urban park ranger),  
2 school safety agent, campus peace officer or a taxi and limousine  
3 commission inspector member of the New York city employees' retirement  
4 system or the New York city board of education retirement system, a  
5 dispatcher member of the New York city employees' retirement system, a  
6 police communications member of the New York city employees' retirement  
7 system, an EMT member of the New York city employees' retirement system,  
8 a deputy sheriff member of the New York city employees' retirement  
9 system, a correction officer of the Westchester county correction  
10 department as defined in section eighty-nine-e of this chapter or  
11 employed in Suffolk county as a peace officer, as defined in section  
12 eighty-nine-s, as added by chapter five hundred eighty-eight of the laws  
13 of nineteen hundred ninety-seven, of this chapter, employed in Suffolk  
14 county as a correction officer, as defined in section eighty-nine-f of  
15 this chapter, or employed in Nassau county as a correction officer,  
16 uniformed correction division personnel, sheriff, undersheriff or deputy  
17 sheriff, as defined in section eighty-nine-g of this chapter, or  
18 employed in Nassau county as an ambulance medical technician, an ambu-  
19 lance medical technician/supervisor or a member who performs ambulance  
20 medical technician related services, or a police medic, police medic  
21 supervisor or a member who performs police medic related services, as  
22 defined in section eighty-nine-s, as amended by chapter five hundred  
23 seventy-eight of the laws of nineteen hundred ninety-eight, of this  
24 chapter, or employed in Nassau county as a peace officer, as defined in  
25 section eighty-nine-s, as added by chapter five hundred ninety-five of  
26 the laws of nineteen hundred ninety-seven, of this chapter, or employed  
27 in Albany county as a sheriff, undersheriff, deputy sheriff, correction  
28 officer or identification officer, as defined in section eighty-nine-h  
29 of this chapter or is employed in St. Lawrence county as a sheriff,  
30 undersheriff, deputy sheriff or correction officer, as defined in  
31 section eighty-nine-i of this chapter or is employed in Orleans county  
32 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
33 defined in section eighty-nine-l of this chapter or is employed in  
34 Jefferson county as a sheriff, undersheriff, deputy sheriff or  
35 correction officer, as defined in section eighty-nine-j of this chapter  
36 or is employed in Onondaga county as a deputy sheriff-jail division  
37 competitively appointed or as a correction officer, as defined in  
38 section eighty-nine-k of this chapter or is employed in a county which  
39 makes an election under subdivision j of section eighty-nine-p of this  
40 chapter as a sheriff, undersheriff, deputy sheriff or correction officer  
41 as defined in such section eighty-nine-p or is employed in Broome County  
42 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
43 defined in section eighty-nine-m of this chapter or is a Monroe county  
44 deputy sheriff-court security, or deputy sheriff-jailor as defined in  
45 section eighty-nine-n, as added by chapter five hundred ninety-seven of  
46 the laws of nineteen hundred ninety-one, of this chapter or is employed  
47 in Greene county as a sheriff, undersheriff, deputy sheriff or  
48 correction officer, as defined in section eighty-nine-o of this chapter  
49 or is a traffic officer with the town of Elmira as defined in section  
50 eighty-nine-q of this chapter or is employed by Suffolk county as a park  
51 police officer, as defined in section eighty-nine-r of this chapter or  
52 is a peace officer employed by a county probation department as defined  
53 in section eighty-nine-t, as added by chapter six hundred three of the  
54 laws of nineteen hundred ninety-eight, of this chapter or is employed in  
55 Rockland county as a deputy sheriff-civil as defined in section eighty-  
56 nine-v of this chapter as added by chapter four hundred forty-one of the

1 laws of two thousand one, or is employed in Rockland county as a superi-  
2 or correction officer as defined in section eighty-nine-v of this chap-  
3 ter as added by chapter five hundred fifty-six of the laws of two thou-  
4 sand one or is a paramedic employed by the police department in the town  
5 of Tonawanda and retires under the provisions of section eighty-nine-v  
6 of this chapter, as added by chapter four hundred seventy-two of the  
7 laws of two thousand one, or is a county fire marshal, supervising fire  
8 marshal, fire marshal, assistant fire marshal, assistant chief fire  
9 marshal, chief fire marshal, division supervising fire marshal or fire  
10 marshal trainee employed by the county of Nassau as defined in section  
11 eighty-nine-w of this chapter or is employed in Monroe county as a depu-  
12 ty sheriff-civil as defined in section eighty-nine-x of this chapter,  
13 employed as an emergency medical technician, critical care technician,  
14 advanced emergency medical technician, paramedic or supervisor of such  
15 titles in a participating Suffolk county fire district as defined in  
16 section eighty-nine-ss of this chapter, or is a firefighter apprentice,  
17 airport firefighter I, airport firefighter II, airport firefighter III,  
18 or training and safety officer employed by the division of military and  
19 naval affairs as defined in section eighty-nine-y of this chapter and is  
20 in a plan which permits immediate retirement upon completion of a speci-  
21 fied period of service without regard to age. Except as provided in  
22 subdivision c of section four hundred forty-five-a of this article,  
23 subdivision c of section four hundred forty-five-b of this article,  
24 subdivision c of section four hundred forty-five-c of this article,  
25 subdivision c of section four hundred forty-five-d of this article,  
26 subdivision c of section four hundred forty-five-e of this article,  
27 subdivision c of section four hundred forty-five-f of this article and  
28 subdivision c of section four hundred forty-five-h of this article, a  
29 member in such a plan and such an occupation, other than a police offi-  
30 cer or investigator member of the New York city employees' retirement  
31 system or a firefighter, shall not be permitted to retire prior to the  
32 completion of twenty-five years of credited service; provided, however,  
33 if such a member in such an occupation is in a plan which permits  
34 retirement upon completion of twenty years of service regardless of age,  
35 [~~he or she~~] they may retire upon completion of twenty years of credited  
36 service and prior to the completion of twenty-five years of service, but  
37 in such event the benefit provided from funds other than those based on  
38 such a member's own contributions shall not exceed two per centum of  
39 final average salary per each year of credited service.

40 § 3. Section 603 of the retirement and social security law is amended  
41 by adding a new subdivision w to read as follows:

42 w. The service retirement benefit specified in section six hundred  
43 four of this article shall be payable to members with twenty-five years  
44 of creditable service, without regard to age, who are employed by the  
45 division of military and naval affairs as a firefighter apprentice,  
46 airport firefighter I, airport firefighter II, airport firefighter III,  
47 or training and safety officer as defined in section eighty-nine-y of  
48 this chapter if: (i) such members have met the minimum service require-  
49 ments upon retirement; and (ii) in the case of a member subject to the  
50 provisions of article fourteen of this chapter, such member files an  
51 election therefor which provides that they will be subject to the  
52 provisions of this article and to none of the provisions of such article  
53 fourteen. Such election, which shall be irrevocable, shall be in writ-  
54 ing, duly executed and shall be filed with the comptroller within one  
55 year of the effective date of this subdivision or within one year after  
56 entering the employment with the division of military and naval affairs

1 upon which eligibility is based, whichever comes later. For the purposes  
2 of this subdivision, the term "creditable service" shall have the mean-  
3 ing as so defined in both sections eighty-nine-y and six hundred one of  
4 this chapter.

5 § 4. Section 604 of the retirement and social security law is amended  
6 by adding a new subdivision w to read as follows:

7 w. The early service retirement benefit for a member who is employed  
8 in the division of military and naval affairs as a firefighter appren-  
9 tice, airport firefighter I, airport firefighter II, airport firefighter  
10 III, or training and safety officer employed as defined in section  
11 eighty-nine-y of this chapter shall be a pension equal to one-fiftieth  
12 of final average salary times years of credited service at the  
13 completion of twenty-five years of service as such division of military  
14 and naval affairs firefighter apprentice, airport firefighter I, airport  
15 firefighter II, airport firefighter III, or training and safety officer,  
16 but not exceeding one-half of their final average salary.

17 § 5. This act shall take effect January 1, 2026.

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

This bill would permit members of the New York State and Local Employees' Retirement System employed by the Division of Military and Naval Affairs in certain airport firefighter titles to retire upon completion of twenty-five years of creditable service with a benefit of one-half final average salary. Affected members in Tiers 1 or 2 would be awarded additional sixtieths for all service, including non-firefighter service, in excess of twenty-five years. Additionally, members covered under Article 14 would be permitted one year to make an irrevocable election to switch to the twenty-five-year plan.

If this bill is enacted during the 2025 Legislative Session, we anticipate that there will be an increase of approximately \$280,000 in the annual contributions of the State of New York for the fiscal year ending March 31, 2026. In future years this cost will vary but is expected to average 4.2% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$2.17 million which will be borne by the State of New York as a one-time payment. This estimate assumes that payment will be made on March 1, 2026.

These estimated costs are based on 55 affected members employed by the Division of Military and Naval Affairs, with annual salary of approximately \$5.3 million as of March 31, 2024.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 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, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated January 23, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-12. As Chief Actuary of the New York State and Local Retirement System, I,

Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.

1 PART UU

2 Section 1. Section 506 of the retirement and social security law is  
3 amended by adding a new subdivision c-2 to read as follows:

4 c-2. Notwithstanding any inconsistent provision of subdivision a, b or  
5 c-1 of this section, the ordinary disability benefit for a New York city  
6 enhanced plan member in the New York city fire department shall not be  
7 conditioned upon eligibility for, or upon receipt of, primary social  
8 security disability benefits.

9 § 2. This act shall take effect immediately.

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

SUMMARY: This proposed legislation modifies Ordinary Disability Retirement (ODR) eligibility for Tier 3 members of FIRE by removing the requirement of being eligible for primary Social Security disability benefits (SSDI).

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

Year	FIRE
2026	0.4
2027	0.4
2028	0.5
2029	0.5
2030	0.6
2031	0.6
2032	0.7
2033	0.7
2034	0.8
2035	0.9
2036	0.9
2037	1.0
2038	1.0
2039	1.1
2040	1.2
2041	1.3
2042	1.3
2043	1.4
2044	1.4
2045	1.5
2046	1.6
2047	1.7
2048	1.7
2049	1.8
2050	1.9

Projected contributions include future new hires that may be impacted. For Fiscal Year 2051 and beyond, the increase in normal cost for new

entrants will remain level as a percent of pay for the impacted population (approximately 0.06%).

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

**PRESENT VALUE OF BENEFITS:** The Present Value of Benefits is the discounted expected value of benefits paid to current members if all assumptions are met, including future service accrual and pay increases. Future new hires are not included in this present value.

INITIAL INCREASE (DECREASE) IN ACTUARIAL PRESENT VALUES  
as of June 30, 2024 (\$ in Millions)

Present Value (PV)	FIRE
(1) PV of Employer Contributions:	5.8
(2) PV of Employee Contributions:	<u>0.0</u>
Total PV of Benefits (1) + (2):	5.8

**UNFUNDED ACCRUED LIABILITY (UAL):** Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. Changes in UAL were amortized over the expected remaining working lifetime of those impacted using level dollar payments.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	FIRE
Increase (Decrease) in UAL:	0.5 M
Number of Payments:	17
Amortization Payment:	0.1 M

**CENSUS DATA:** The estimates presented herein are based on preliminary census data collected as of June 30, 2024. The census data for the impacted population is summarized below.

	FIRE
Active Members	
- Number Count:	5,571
- Average Age:	34.1
- Average Service:	6.2
- Average Salary:	118,600

**IMPACT ON ELIGIBILITY:** Currently, active Tier 3 FIRE enhanced plan members with at least five years of credited service are only eligible for an ODR benefit if they are approved for primary Social Security disability benefits (SSDI).

Under the proposed legislation, Tier 3 FIRE enhanced plan members with at least five years of credited service would be eligible for an ODR benefit, irrespective of SSDI eligibility.

The formula for calculating Enhanced Plan ODR benefits would remain unchanged

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

\* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

\* For purposes of this Fiscal Note, it has been assumed that 100% of members exiting for ODR under current ODR rates would be ineligible for SSDI.

\* It is assumed that the Medical Board will be responsible for determining the eligibility for ODR benefits in place of the SSDI requirement.

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). This Fiscal Note does not reflect any chapter laws that may have been enacted during the current legislative session.

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 2025-06 dated February 4, 2025 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2025 Legislative Session.

1

## PART VV

2 Section 1. Section 3 of part HH of chapter 56 of the laws of 2022  
3 amending the retirement and social security law relating to waiving  
4 approval and income limitations on retirees employed in school districts  
5 and board of cooperative educational services, as amended by section 1  
6 of part GG of chapter 55 of the laws of 2024, is amended to read as  
7 follows:

8 § 3. This act shall take effect immediately and shall expire and be  
9 deemed repealed June 30, [~~2025~~] 2027.

10 § 2. This act shall take effect immediately.

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

This bill would amend Part HH of Chapter 56 of the laws of 2022, most recently amended by Part GG of Chapter 55 of the laws of 2024, to extend the waiver of the earnings-after-retirement limitation for two more years to June 30, 2027 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, 2025 for the waiver of this limit. This act shall take effect immediately and shall be deemed repealed on June 30, 2027.

This waiver of the earnings-after-retirement limit is expected to have an impact on the Retirement System's patterns of retirement, and it is expected that some members will retire earlier than they otherwise would have. Earlier retirement generally increases plan costs since members will be receiving their benefits for a longer period. If retirement patterns shift more than expected, there will be additional costs.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be \$27.0 million or 0.13% of payroll if this bill is enacted. Additional costs would be expected if this change is made permanent.

Member data is from the System's most recent actuarial valuation files as of June 30, 2024, 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, 2024. 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 will be provided in the System's Actuarial Valuation Report as of June 30, 2024, except rates of retirement which have been modified to reflect anticipated utilization of this benefit.

The source of this estimate is Fiscal Note 2025-14 dated March 7, 2025 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2025 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:

This bill would allow retirees employed by a New York State school district or by the board of cooperative educational services (BOCES) to collect a salary without suspension or diminution of their pension benefit through June 30, 2027.

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 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. If large numbers of retirees are rehired into such positions, significant annual costs would result.

Pursuant to Chapter 56 of the Laws of 2022 as amended by Chapter 55 of the Laws of 2023 and Chapter 55 of the Laws of 2024, the provisions of Section 25 of the Retirement and Social Security Law shall not apply.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 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, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated March 12, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-109. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.

1 PART WW

2 Section 1. Article 182 of the criminal procedure law is REPEALED and a  
3 new article 182 is added to read as follows:

4 ARTICLE 182

5 ELECTRONIC COURT APPEARANCES

6 Section 182.10 Definition of terms.

7 182.20 Electronic appearance rules.

8 182.30 Regulation of electronic appearances by the chief admin-  
9 istrator.

10 § 182.10 Definition of terms.

11 "Electronic appearance" shall mean an appearance in which one or more  
12 of the participants in the proceeding are not physically present in the  
13 court part where the appearance is convened but rather appear electron-  
14 ically at the proceeding through a computer or other digital medium in a  
15 manner that allows participants to see and hear each other.

16 § 182.20 Electronic appearance rules.

17 1. Notwithstanding any contrary provision of this chapter or any other  
18 law, the court, in its discretion, may dispense with the physical  
19 appearance of any party, including that of the defendant or any witness,  
20 and proceed by means of an electronic appearance:

21 (a) at a plea, sentence, or evidentiary hearing where the defendant,  
22 after consultation with counsel or a legal advisor, if any, and the  
23 prosecutor consent on the record to conducting such proceeding by elec-  
24 tronic appearance;

25 (b) at an arraignment where the defendant, after consultation with  
26 counsel or a legal advisor, if any, and the prosecutor consent on the  
27 record to conducting such arraignment by electronic appearance, and  
28 where (i) the defendant is receiving treatment at a hospital or other  
29 health care facility at the time the arraignment is scheduled; (ii) the  
30 defendant is being arraigned on a desk appearance ticket, a superseding  
31 information, a superseding indictment, or a superior court information  
32 when the defendant intends to enter any authorized guilty plea to such  
33 an accusatory instrument during the same court proceeding; (iii) tempo-  
34 rary exigent circumstances exist, such as an extreme weather event,  
35 which makes timely transporting of the defendant to court for an  
36 arraignment unreasonably hazardous, provided that the court shall make a  
37 record of why an electronic appearance under this subparagraph is neces-  
38 sary; or (iv) the defendant requests to be arraigned by an electronic  
39 appearance, provided that whenever an electronic appearance is conducted  
40 at the defendant's request solely pursuant to this subparagraph the only

1 securing order which may be imposed shall be a release on recognizance;  
2 and

3 (c) at all other types of proceedings, including calendar calls,  
4 conferences, and arguments but not including trials or grand jury  
5 presentments, provided that, in the event any party objects to conduct-  
6 ing such proceeding by electronic appearance, the court shall allow any  
7 such party to be heard on the record and consider whether for good cause  
8 shown the proceeding should not be conducted through an electronic  
9 appearance.

10 2. Where consent to an electronic appearance is given pursuant to  
11 paragraph (a) or (b) of subdivision one of this section and the proceed-  
12 ing has commenced but the electronic appearance is subsequently termi-  
13 nated and the proceeding is adjourned pursuant to subdivision four or  
14 five of this section, such initial consent shall continue to govern that  
15 proceeding, provided that such consent shall not modify the requirement  
16 that the court terminate an electronic appearance and adjourn a proceed-  
17 ing for the reasons outlined in such subdivisions four and five of this  
18 section.

19 3. Any proceeding under this article shall provide an appropriate  
20 opportunity for any defense attorney to confidentially consult with  
21 their client or for a pro se defendant to confidentially consult with  
22 their legal advisor, if any, during the proceeding.

23 4. Where, due to technological problems or limitations, a party to an  
24 electronic appearance can hear and be heard but cannot see and/or cannot  
25 be seen, the court may conduct the proceeding notwithstanding such limi-  
26 tation, unless a party objects, in which case the electronic appearance  
27 shall be terminated and adjourned. The authorization provided by this  
28 subdivision to conduct an appearance where a party can hear and be heard  
29 but cannot see and/or cannot be seen shall not apply to an arraignment,  
30 a plea, a sentence, the testimony of a witness or the appearance of a  
31 defendant who is incarcerated at the time of the proceeding.

32 5. If, for any reason other than the circumstances justifying a termi-  
33 nation and adjournment pursuant to subdivision four of this section, a  
34 party requests that an electronic appearance be terminated and adjourned  
35 after it has commenced, the court shall grant that application for good  
36 cause shown. Under this subdivision, good cause shall include, but not  
37 be limited to, a determination that due to technological problems: (a)  
38 the proceeding cannot be properly conducted; (b) an attorney does not  
39 have an adequate opportunity to confidentially consult with a client; or  
40 (c) a pro se defendant does not have an adequate opportunity to confi-  
41 dentially consult with a legal advisor.

42 6. Electronic appearances shall be recorded by a stenographer to the  
43 same extent as would be required were the appearance conducted with such  
44 individuals physically present in court. No recording of an electronic  
45 appearance shall be made, viewed or inspected except as may be author-  
46 ized by the rules of the chief administrator of the courts pursuant to  
47 section 182.30 of this article.

48 7. Where a defendant in a proceeding is under the age of eighteen an  
49 electronic appearance shall not be conducted.

50 8. Nothing in this article shall be construed as limiting a court's  
51 authority to excuse a defendant's appearance, either where they would be  
52 physically present or appearing by electronic means, during a proceed-  
53 ing.

54 9. If a statute other than this article provides different rules for  
55 conducting an electronic appearance for any particular kind of proceed-  
56 ing, such other statute shall govern such proceeding and the provisions

1 of this article shall apply only to the extent this article is not  
2 inconsistent with such other statute.

3 § 182.30 Regulation of electronic appearances by the chief administra-  
4 tor.

5 The chief administrator of the courts shall adopt rules to regulate  
6 the conduct of electronic appearances pursuant to this article that  
7 shall, among other provisions, be designed to: (a) provide appropriate  
8 access to electronic appearances by crime victims and their families,  
9 family members of defendants, the media and other members of the public;  
10 provided that such appropriate access shall be limited to the means of  
11 projecting a proceeding being conducted entirely by electronic appear-  
12 ances in a publicly accessible area of a courthouse or by projecting the  
13 electronic appearances of a proceeding comprised of both in-person phys-  
14 ical appearances and electronic appearances in the courtroom in which  
15 the proceeding is taking place; and (b) ensure that any system for  
16 arraignments provides a full and fair opportunity for any defendant,  
17 without prejudice, to choose to have an arraignment conducted with the  
18 defendant physically present, rather than through an electronic appear-  
19 ance.

20 § 2. Paragraph (a) of subdivision 4 of section 832 of the executive  
21 law, as added by section 12 of part VVV of chapter 59 of the laws of  
22 2017, is amended to read as follows:

23 (a) Counsel at arraignment. Develop and implement a written plan to  
24 ensure that each criminal defendant who is eligible for publicly funded  
25 legal representation is represented by counsel [~~in person~~] physically  
26 present or pursuant to the requirements of article one hundred eighty-  
27 two of the criminal procedure law at [~~his or her~~] their arraignment;  
28 provided, however, that a timely arraignment with counsel shall not be  
29 delayed pending a determination of a defendant's eligibility.

30 § 3. Paragraph 1 of subdivision (i) of section 10.08 of the mental  
31 hygiene law, as added by section 2 of part P of chapter 56 of the laws  
32 of 2012, is amended to read as follows:

33 (1) At a proceeding conducted pursuant to subdivision (g) or (h) of  
34 section 10.06 of this article, a psychiatric examiner called to testify  
35 may be permitted, upon good cause shown, to testify by electronic  
36 appearance in the court [~~by means of an independent audio-visual~~  
37 ~~system~~], as that phrase is defined in [~~subdivision one of~~] section  
38 182.10 of the criminal procedure law. It shall constitute good cause to  
39 permit such an electronic appearance that such proposed witness is  
40 currently employed by the state at a secure treatment facility or another  
41 work location unless there are compelling circumstances requiring the  
42 witness' personal presence at the court proceeding.

43 § 4. This act shall take effect on the sixtieth day after it shall  
44 have become a law and shall expire and be deemed repealed September 1,  
45 2028.

46 PART XX

47 Section 1. Section 14-114 of the administrative code of the city of  
48 New York is amended by adding a new subdivision d to read as follows:

49 d. (1) Notwithstanding any provision of law to the contrary, when a  
50 detective, sergeant, or lieutenant shall have accrued twenty-five years  
51 of uniformed service with the New York city police department, and  
52 retires after having served three years in any such rank, they shall  
53 have five per centum of the highest grade of pay under the applicable  
54 collective bargaining agreement of such rank in which they retire, for a

1 period of time aggregating two years, added to the applicable salary,  
 2 used for the purposes of computing pension benefits under the plan in  
 3 which they are enrolled with the New York city police pension fund. A  
 4 member who receives an increase to their pension benefit under this  
 5 paragraph shall not receive an additional increase under section 14-111  
 6 of this chapter; or

7 (2) Notwithstanding any provision of law to the contrary, when a  
 8 detective, sergeant, or lieutenant shall have accrued thirty years of  
 9 uniformed service with the New York city police department, and retires  
 10 after having served three years in any such rank, they shall have ten  
 11 per centum of the highest grade of pay under the applicable collective  
 12 bargaining agreement of such rank in which they retire, for a period of  
 13 time aggregating two years, added to the applicable salary, used for the  
 14 purposes of computing pension benefits under the plan in which they are  
 15 enrolled with the New York city police pension fund. A member who  
 16 receives an increase to their pension benefit under this paragraph shall  
 17 not receive an additional increase under section 14-111 of this chapter;  
 18 or

19 (3) Notwithstanding any provision of law to the contrary, when a  
 20 detective, sergeant, or lieutenant shall have accrued thirty-five years  
 21 of uniformed service with the New York city police department, and  
 22 retires after having served three years in any such rank, they shall  
 23 have fifteen per centum of the highest grade of pay under the applicable  
 24 collective bargaining agreement of such rank in which they retire, for a  
 25 period of time aggregating two years, added to the applicable salary,  
 26 used for the purposes of computing pension benefits under the plan in  
 27 which they are enrolled with the New York city police pension fund. A  
 28 member who receives an increase to their pension benefit under this  
 29 paragraph shall not receive an additional increase under section 14-111  
 30 of this chapter.

31 § 2. 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 Detectives, Sergeants, and Lieutenants who retire with at least 25 years of uniformed NYPD service and have worked at least three years in any such title.

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

Year	POLICE
2026	0.0
2027	3.7
2028	7.6
2029	11.5
2030	15.6
2031	19.8
2032	24.1
2033	28.5
2034	33.0
2035	37.6
2036	42.2
2037	46.8
2038	51.4
2039	56.0

2040	60.7
2041	61.7
2042	62.7
2043	63.8
2044	64.8
2045	65.8
2046	66.9
2047	68.1
2048	69.3
2049	70.6
2050	72.0

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

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

PRESENT VALUE OF BENEFITS: The Present Value of Benefits (PVFB) is the discounted expected value of benefits paid to current members if all assumptions are met, including future service accrual and pay increases.

The enactment of this proposed legislation is expected to increase the PVFB by approximately \$31.5 million in the first year and every year thereafter, adjusted for inflation, group demographics, and the actual experience of benefiting retirees. Each year's PVFB increase will be recognized in the year benefits are first payable.

UNFUNDED ACCRUED LIABILITY (UAL): Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. For purposes of this Fiscal Note, changes in UAL were amortized as an ongoing gain/loss using level dollar payments.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	POLICE
Increase (Decrease) in UAL:	31.5 M
Number of Payments:	14
First-year Amortization Payment:	3.7 M

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2024. The census data for POLICE active members is summarized below.

	POLICE
Active Members	
- Number Count:	33,803
- Average Age:	37.5
- Average Service:	11.1
- Average Salary:	134,900

The salaries (before overtime adjustment) used in this analysis were provided by the Police Pension Fund and are summarized below.

- \* Detectives would use a highest grade of pay of \$172,068
  - \* Sergeants would use a highest grade of pay of \$170,458 based on the salary provided and adjusted to reflect outstanding wage contracts
  - \* Lieutenants would use a highest grade of pay of \$185,921
- Salaries were further adjusted for assumed overtime upon retirement.

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

Average Number Retired per Year	Detectives	Sergeants	Lieutenants
At least 25 but less than 30 years of service	129	73	51
At least 30 but less than 35 years of service	38	23	20
At least 35 years of service	12	7	7

**IMPACT ON MEMBER BENEFITS:** The proposed legislation would increase the final two years of applicable salary used for computing pension benefits for members who retire as a detective, sergeant, or lieutenant with at least 25 years of uniformed NYPD service and have worked at least three years in any such title.

The increase in applicable salaries would be equal to:

- \* 5% for members with at least 25 years of service, 10% for members with at least 30 years of service, or 15% for members with at least 35 years of service, multiplied by

- \* The highest grade of pay under the applicable collective bargaining agreement of the rank in which the member retires.

For example, a Tier 2 Detective who retires with 32 years of uniformed NYPD service would receive an increase in their annual pension of approximately \$9,941 (based on adding 10% of the highest-grade detective pay with assumed overtime of \$186,570 to their applicable salary). This additional benefit would then be subject to applicable Cost-of-Living or Escalation increases.

Based on an estimate of the number of POLICE members who are expected to be impacted by this proposed legislation, the annual increase in POLICE pension benefits paid will be approximately \$2.5 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 Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems. In addition:

- \* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

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

- \* Costs for Tier 3 members have been developed by applying the increased salary directly to Final Average Salary (i.e., without limiting salaries in the average based on prior years).

- \* All members in an affected title are assumed to delay retirement until they satisfy the three-year requirement specified in the proposed legislation.

**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). This Fiscal Note does not reflect any chapter laws that may have been enacted during the current legislative session.

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 2025-49 dated May 1, 2025 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2025 Legislative Session.

1

PART YY

2 Section 1. The retirement and social security law is amended by  
3 adding two new sections 383-e and 383-f to read as follows:

4 § 383-e. Retirement of officers of state law enforcement; twenty year  
5 retirement plan. a. Membership. Every non-seasonally appointed sworn  
6 member or officer of the division of law enforcement in the department  
7 of environmental conservation, a forest ranger in the service of the  
8 department of environmental conservation, which shall mean a person who  
9 serves on a full-time basis in the title of forest ranger I, forest  
10 ranger II, forest ranger III, assistant superintendent of forest fire  
11 control, superintendent of forest fire control or any successor titles  
12 or new titles in the forest ranger title series in the department of  
13 environmental conservation, a police officer in the department of envi-  
14 ronmental conservation, the regional state park police, and university  
15 police officers whose date of membership is on or after July first, two  
16 thousand twenty-five shall be covered by the provisions of this section.  
17 Every member described in this subdivision in such service whose date of  
18 membership is on or after January ninth, two thousand ten, but before  
19 July first, two thousand twenty-five may irrevocably elect to be covered  
20 by the provisions of this section by filing an election therefor with  
21 the comptroller. The deadline to make such election for every member  
22 described in this subdivision in such service shall be within one year  
23 of the effective date of this section or within one year of employment  
24 in an eligible title, whichever is later. To be effective, such  
25 election must be duly executed and acknowledged on a form prepared by  
26 the comptroller for that purpose.

27 b. Retirement allowance. A member, covered by the provisions of this  
28 section at the time of retirement, shall be entitled to retire upon  
29 completion of twenty years of total creditable service in such titles,  
30 and shall retire upon the attainment of the mandatory retirement age  
31 prescribed by this section, by filing an application therefor in a  
32 manner similar to that provided in section three hundred seventy of this  
33 article.

34 1. Upon completion of twenty years of such service and upon retire-  
35 ment, each such member shall receive a pension which, together with an

1 annuity for such years of service as provided in paragraph four of this  
2 subdivision, shall be sufficient to provide such member with a retire-  
3 ment allowance of one-half of such member's final average salary.

4 2. Upon completion of more than twenty years of such service and upon  
5 retirement, each such member shall receive, for each year of service in  
6 excess of twenty, an additional pension which, together with an annuity  
7 for each such year as provided in paragraph four of this subdivision,  
8 shall be equal to one-hundredth of such member's final average salary,  
9 provided, however, that the pension payable pursuant to this section  
10 shall not exceed sixty-five per centum of final average salary.

11 3. Upon attainment of the mandatory retirement age without completion  
12 of twenty years of such service, each such member shall receive a  
13 pension which, together with an annuity for such years of service as  
14 provided in paragraph four of this subdivision, shall be equal to one-  
15 fortieth of such member's final average salary for each year of credita-  
16 ble service in such titles. Every such member shall also be entitled to  
17 an additional pension equal to the pension for any creditable service  
18 rendered while not an employee in such titles as provided under para-  
19 graphs three and four of subdivision a of section three hundred seven-  
20 ty-five of this article. This latter pension shall not increase the  
21 total allowance to more than one-half of such member's final average  
22 salary.

23 4. The annuity provided under paragraphs one, two and three of this  
24 subdivision shall be the actuarial equivalent, at the time of retire-  
25 ment, of the member's accumulated contributions based upon the rate of  
26 contribution fixed under section three hundred eighty-three of this  
27 title and upon the salaries earned while in such service. Such annuity  
28 shall be computed as it would be if it were not reduced by the actuarial  
29 equivalent of any outstanding loan nor by reason of the member's  
30 election to decrease such member's contributions toward retirement in  
31 order to apply the resulting amount toward payment of contributions for  
32 old age and survivor's insurance. Any accumulated contributions in  
33 excess of the amount required to provide the annuity computed pursuant  
34 to this paragraph shall be used to increase the member's retirement  
35 allowance.

36 c. Credit for previous service. In computing the years of total cred-  
37 itable service for each member described herein, full credit shall be  
38 given and full allowance shall be made for service rendered as a police  
39 officer or state university peace officer or member of a police force or  
40 department of a state park authority or commission or an organized  
41 police force or department of a county, city, town, village, police  
42 district, authority or other participating employer or member of the  
43 capital police force in the office of general services while a member of  
44 the New York state and local police and fire retirement system, of the  
45 New York state and local employees' retirement system or of the New York  
46 city police pension fund and for all service for which full credit has  
47 been given and full allowance made pursuant to the provisions of section  
48 three hundred seventy-five-h of this article provided, however, that  
49 full credit pursuant to the provisions of such section shall mean only  
50 such service as would be creditable service pursuant to the provisions  
51 of section three hundred eighty-three, three hundred eighty-three-a,  
52 three hundred eighty-three-b, as added by chapter six hundred seventy-  
53 four of the laws of nineteen hundred eighty-six, three hundred eighty-  
54 three-b, as added by chapter six hundred seventy-seven of the laws of  
55 nineteen hundred eighty-six, three hundred eighty-three-c or three  
56 hundred eighty-three-d of this title or pursuant to the provisions of

1 title thirteen of the administrative code of the city of New York for  
2 any member contributing pursuant to this section who transferred to the  
3 jurisdiction of the department of environmental conservation including  
4 but not limited to environmental conservation officers and forest  
5 rangers, regional state park police or state university of New York  
6 peace officers.

7 d. Retirement for cause. Upon receipt of a certificate from the head  
8 of the entity where such member is employed or such member's designee, a  
9 member as described in subdivision a of this section, who has accrued  
10 twenty-five or more years of service credit under this section shall be  
11 retired on the first day of the second month next succeeding the date  
12 such certificate was filed with the comptroller.

13 e. Credit for military service. In computing the years of total cred-  
14 itable service full credit shall be given and full allowance shall be  
15 made for service of such member in war after world war I as defined in  
16 section three hundred two of this article, provided such member at the  
17 time of such member's entrance into the armed forces was in police  
18 service as defined in subdivision eleven of section three hundred two of  
19 this article.

20 f. Transfer of membership to employees' retirement system. Any member  
21 currently enrolled pursuant to this section and who previously trans-  
22 ferred service credit from the New York state and local employees'  
23 retirement system to the New York state and local police and fire  
24 retirement system, may elect to transfer such previously transferred  
25 service credit back to the New York state and local employees' retire-  
26 ment system, and such member shall have the option to retroactively  
27 transfer such member's membership into such employees' retirement  
28 system.

29 g. Employee contributions. Notwithstanding any provisions of this  
30 chapter to the contrary, any member currently enrolled pursuant to this  
31 section shall be required to make employee contributions equal to the  
32 amounts identified in this section. No other employee contributions  
33 shall be required. Upon the date of enrollment in the plan provided by  
34 this section, the rate at which each such member shall make basic member  
35 contributions in any plan year (April first to March thirty-first) shall  
36 be determined by reference to the wages of such member in the second  
37 plan year (April first to March thirty-first) preceding such current  
38 plan year as follows:

39 1. members with wages of forty-five thousand dollars per annum or less  
40 shall contribute four and one-half per centum of annual wages;

41 2. members with wages greater than forty-five thousand per annum, but  
42 not more than fifty-five thousand per annum shall contribute five per  
43 centum of annual wages;

44 3. members with wages greater than fifty-five thousand per annum, but  
45 not more than seventy-five thousand per annum shall contribute six per  
46 centum of annual wages;

47 4. members with wages greater than seventy-five thousand per annum but  
48 not more than one hundred thousand per annum shall contribute seven and  
49 one-quarter per centum of annual wages; and

50 5. members with wages greater than one hundred thousand per annum  
51 shall contribute seven and one-half per centum of annual wages.

52 Notwithstanding the foregoing, during each of the first three plan  
53 years (April first to March thirty-first) in which such member has  
54 established membership in the New York state and local police and fire  
55 retirement system, such member shall contribute a percentage of annual  
56 wages in accordance with the preceding schedule based upon a projection

1 of annual wages provided by the employer. Notwithstanding the foregoing,  
2 when determining the rate at which members enrolled in the plan provided  
3 by this section shall contribute for any plan year (April first to March  
4 thirty-first) between April first, two thousand twenty-two and April  
5 first, two thousand twenty-six, such rate shall be determined by refer-  
6 ence to employees annual base wages of such member in the second plan  
7 year (April first to March thirty-first) preceding such current plan  
8 year. Base wages shall include regular pay, shift differential pay,  
9 location pay, and any increased hiring rate pay, but shall not include  
10 any overtime payments.

11 h. The provisions of this section shall be controlling, notwithstand-  
12 ing any provision of this article to the contrary.

13 § 383-f. Retirement of officers of state law enforcement; alternative  
14 twenty-five year retirement plan. a. Membership. Every non-seasonally  
15 appointed sworn member or officer of the division of law enforcement in  
16 the department of environmental conservation, a forest ranger in the  
17 service of the department of environmental conservation, which shall  
18 mean a person who serves on a full-time basis in the title of forest  
19 ranger I, forest ranger II, forest ranger III, assistant superintendent  
20 of forest fire control, or any successor titles or new titles in the  
21 forest ranger title series in the department of environmental conserva-  
22 tion, a police officer in the department of environmental conservation,  
23 the regional state park police, and university police officers whose  
24 date of membership is prior to January ninth, two thousand ten may irre-  
25 vocably elect to be covered by the provisions of this section by filing  
26 an election therefor with the comptroller. The deadline to make such  
27 election for every member described in this subdivision in such service  
28 shall be within one year of the effective date of this section or within  
29 one year of employment in an eligible title, whichever is later. Upon  
30 completion of twenty-five years of such service and upon retirement,  
31 each such member shall receive a pension which, together with an annui-  
32 ty, if any, which shall be the actuarial equivalent of such member's  
33 accumulated contributions at the time of their retirement and an addi-  
34 tional pension which is the actuarial equivalent of the reserve-for-in-  
35 creased-take-home-pay to which such member may then be entitled, if any,  
36 shall be sufficient to provide such member with a retirement allowance  
37 equal to fifty-five percent of their final average salary. To be effec-  
38 tive, such election must be duly executed and acknowledged on a form  
39 prepared by the comptroller for such purpose.

40 b. Retirement allowance. 1. A member, covered by the provisions of  
41 this section at the time of retirement, shall be entitled to retire upon  
42 completion of twenty-five years of total creditable service in such  
43 titles by filing an application therefor in a manner similar to that  
44 provided in section three hundred seventy of this article.

45 2. Upon completion of more than twenty-five years of such service and  
46 upon retirement, each such member shall receive, for each year of  
47 service in excess of twenty-five, an additional pension which, together  
48 with an annuity for each such year as provided in paragraph three of  
49 this subdivision, shall be equal to one-hundredth of their final average  
50 salary, provided, however, that the pension payable pursuant to this  
51 section shall not exceed sixty-five per centum of such member's final  
52 average salary.

53 3. The annuity provided under paragraph two of this subdivision shall  
54 be the actuarial equivalent, at the time of retirement, of the member's  
55 accumulated contributions based upon the rate of contributions fixed  
56 under section three hundred eighty-three of this title and upon the

1 salaries earned while in such service. Such annuity shall be computed as  
2 it would be if it were not reduced by the actuarial equivalent of any  
3 outstanding loan nor by reason of the member's election to decrease such  
4 member's contributions for old age and survivor's insurance. Any accumu-  
5 lated contributions in excess of the amount required to provide the  
6 annuity computed pursuant to this paragraph shall be used to increase  
7 the member's retirement allowance.

8 c. Credit for previous service. In computing the years of total cred-  
9 itable service for each member described herein, full credit shall be  
10 given and full allowance shall be made for service rendered as a police  
11 officer or state university peace officer or member of a police force or  
12 department of a state park authority or commission or an organized  
13 police force or department of a county, city, town, village, police  
14 district, authority or other participating employer or member of the  
15 capital police force in the office of general services while a member of  
16 the New York state and local police and fire retirement system, of the  
17 New York state and local employees' retirement system or of the New York  
18 city police pension fund and for all service for which full credit has  
19 been given and full allowance made pursuant to the provisions of section  
20 three hundred seventy-five-h of this article provided, however, that  
21 full credit pursuant to the provisions of such section shall mean only  
22 such service as would be creditable service pursuant to the provisions  
23 of section three hundred eighty-three, three hundred eighty-three-a,  
24 three hundred eighty-three-b, as added by chapter six hundred seventy-  
25 four of the laws of nineteen hundred eighty-six, three hundred eighty-  
26 three-b, as added by chapter six hundred seventy-seven of the laws of  
27 nineteen hundred eighty-six, three hundred eighty-three-c or three  
28 hundred eighty-three-d of this title or pursuant to the provisions of  
29 title thirteen of the administrative code of the city of New York for  
30 any member contributing pursuant to this section who transferred to the  
31 jurisdiction of the department of environmental conservation including  
32 but not limited to environmental conservation officers and forest  
33 rangers, regional state park police or state university of New York  
34 peace officers.

35 d. Employee contributions. Notwithstanding any provisions of this  
36 chapter to the contrary, any member currently enrolled pursuant to this  
37 section shall be required to make employee contributions equal to one  
38 and one-half per centum of annual wages.

39 e. The provisions of this section shall be controlling, notwithstand-  
40 ing any provision of this article to the contrary.

41 § 2. Subdivision a and paragraph 3 of subdivision b of section 363-e  
42 of the retirement and social security law, as added by chapter 208 of  
43 the laws of 1997, are amended to read as follows:

44 a. Every non-seasonally appointed sworn member or officer of the divi-  
45 sion of law enforcement in the department of environmental conservation  
46 and the regional state park police who becomes physically or mentally  
47 incapacitated for the performance of duty shall be covered by the  
48 provisions of this section in lieu of the provisions of section three  
49 hundred sixty-two [~~or three hundred sixty-three~~] of this article;  
50 except, however, any such member or officer who last entered or reen-  
51 tered service in the department of environmental conservation or state  
52 park police, as the case may be, prior to September first, nineteen  
53 hundred ninety-seven, shall be entitled to apply for disability retire-  
54 ment pursuant to such sections and to receive the benefit so payable in  
55 lieu of the benefit payable pursuant to this section.

1 3. Actually in service upon which [~~his/her~~] their membership is based,  
2 or, have been discontinued from service, either voluntarily or involun-  
3 tarily for not more than ninety days provided the member was disabled  
4 prior to such discontinuance, or is a vested member incapacitated as a  
5 result of a qualifying World Trade Center condition as defined in  
6 section two of this chapter. However, in a case where a member is  
7 discontinued from service, either voluntarily or involuntarily, subse-  
8 quent to sustaining a disability in such service, application may be  
9 made not later than two years after the member is discontinued from  
10 service and provided that the member meets the requirements of this  
11 subdivision and subdivision a of this section.

12 § 3. This act shall take effect July 1, 2025.

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

This bill would create § 383-e and § 383-f in the Retirement and Social Security Law (RSSL) providing new member-electable service retirement benefits to law enforcement officers employed by the State of New York, currently covered by the provisions of

- + RSSL § 383-a: regional state park police;
- + RSSL § 383-b: department of environmental conservation (DEC) police;
- + RSSL § 383-c: DEC forest rangers;
- + RSSL § 383-d: State University of New York police.

Currently, these members of the New York State and Local Police and Fire Retirement System (NYSLPFRS) are covered by a 25-year half-pay service retirement plan with up to 7 years of additional 60ths.

RSSL § 383-e is electable by officers whose date of membership is on or after January 9, 2010 (commonly called Tier 5 or Tier 6 members) and provides a 20-year half-pay service retirement plan with up to 15 years of additional 100ths.

RSSL § 383-f is electable by officers whose date of membership is before January 9, 2010 (commonly called Tier 1, Tier 2, or Tier 3 members). Members would be eligible to retire upon attaining 25-years of service credit. However, the benefit accruals would be equal to those under a 20-year half-pay service retirement plan with up to 15 years of additional 100ths.

Disability benefits for current members of RSSL § 383-a and § 383-b are revised to match the disability benefits for members of RSSL § 383-c and § 383-d. This provides certain World Trade Center benefits, and an accidental disability benefit equal to 75% of final average salary (FAS) reduced by any workers' compensation payments.

If this bill is enacted during the 2025 Legislative Session, we anticipate that there will be an increase of approximately \$1.1 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2026. While billing rates could immediately increase approximately 0.6% of salary, annual costs will vary over time and are expected to average 0.8% of salary in the long term.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$38.5 million which will be borne by the State of New York as a one-time payment. This estimate assumes that payment will be made on March 1, 2026.

These estimated costs are based on 1,200 affected members employed by the State of New York, with annual salary of approximately \$123.8 million as of March 31, 2024.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the

2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 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, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated April 30, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-168. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.

1

## PART ZZ

2 Section 1. Subdivision 4 of section 7 of the correction law, as  
3 amended by section 5 of subpart A of part C of chapter 62 of the laws of  
4 2011, is amended to read as follows:

5 4. (a) The commissioner shall not appoint any person as a correction  
6 officer or parole officer, unless such person has attained [~~his~~] their  
7 twenty-first birthday, except as provided in paragraph (b) of this  
8 subdivision.

9 (b)(i) The commissioner may appoint a person as a correction officer  
10 after such person has attained their eighteenth birthday but before such  
11 person has attained their twenty-first birthday if such person has taken  
12 the civil service examination to become a correction officer on or  
13 before the sixtieth day following the day the commissioner first reports  
14 a staffing capacity of ninety percent or more after the effective date  
15 of this paragraph. This subparagraph shall not be construed to prevent  
16 any person appointed pursuant to this paragraph from continuing to serve  
17 as a correction officer after such date, subject to the restrictions in  
18 subparagraph (ii) of this paragraph.

19 (ii) A person serving as a correction officer prior to their twenty-  
20 first birthday shall not:

21 (1) obtain or use a firearm as a peace officer or as any part of their  
22 employment duties;

23 (2) conduct outside transport of incarcerated individuals, perform  
24 wall tower and arsenal duties, or any other role that requires a  
25 firearm;

26 (3) perform contact roles with incarcerated individuals without super-  
27 vision in their first eighteen months of service as a correction offi-  
28 cer;

29 (4) provide outside hospital coverage; or

30 (5) supervise outside work crews or community crews.

31 (iii) The department shall provide enhanced training and mentorship  
32 programs for correction officers under the age of twenty-one.

33 (iv) Nothing in this paragraph shall be construed to interfere with or  
34 conflict with the collective bargaining agreement with respect to the  
35 process of bidding on posts, provided that no correction officer may bid

1 on a post for which they are not eligible pursuant to subparagraph (ii)  
2 of this paragraph.

3 (c) Within ninety days of the effective date of this paragraph and  
4 quarterly thereafter until the commissioner reports a staffing capacity  
5 of ninety percent or more, the commissioner shall review department  
6 staffing levels and report the department's staffing capacity to the  
7 governor, the temporary president of the senate, the speaker of the  
8 assembly, the minority leader of the senate, and the minority leader of  
9 the assembly and shall post such report on its website.

10 § 2. This act shall take effect immediately.

11 PART AAA

12 Section 1. Section 13 of chapter 141 of the laws of 1994, amending the  
13 legislative law and the state finance law relating to the operation and  
14 administration of the legislature, as amended by section 1 of part YY of  
15 chapter 56 of the laws of 2024, is amended to read as follows:

16 § 13. This act shall take effect immediately and shall be deemed to  
17 have been in full force and effect as of April 1, 1994, provided that,  
18 the provisions of section 5-a of the legislative law as amended by  
19 sections two and two-a of this act shall take effect on January 1, 1995,  
20 and provided further that, the provisions of article 5-A of the legisla-  
21 tive law as added by section eight of this act shall expire June 30,  
22 [~~2025~~] 2026 when upon such date the provisions of such article shall be  
23 deemed repealed; and provided further that section twelve of this act  
24 shall be deemed to have been in full force and effect on and after April  
25 10, 1994.

26 § 2. This act shall not supersede the findings and determinations made  
27 by the compensation committee as authorized pursuant to part HHH of  
28 chapter 59 of the laws of 2018 unless a court of competent jurisdiction  
29 determines that such findings and determinations are invalid or other-  
30 wise not applicable or in force.

31 § 3. This act shall take effect immediately, provided, however, if  
32 this act shall take effect on or after June 30, 2025, this act shall be  
33 deemed to have been in full force and effect on and after June 30, 2025.

34 PART BBB

35 Section 1. Notwithstanding the provisions of sections 79-a and 79-b of  
36 the correction law, the governor is authorized to close up to three  
37 correctional facilities of the department of corrections and community  
38 supervision, in the state fiscal year 2025--2026, as the governor deter-  
39 mines to be necessary for the cost-effective and efficient operation of  
40 the correctional system, provided that the governor provides at least 90  
41 days' notice prior to any such closures to the temporary president of  
42 the senate and the speaker of the assembly. Such notice shall include  
43 the list of facilities the governor plans to close, the number of incar-  
44 cerated individuals in said facilities, and the number of staff working  
45 in said facilities. The commissioner of corrections and community super-  
46 vision shall also report in detail to the temporary president of the  
47 senate and the speaker of the assembly on the results of staff relo-  
48 cation efforts within 60 days after such closures.

49 § 2. This act shall take effect immediately and shall be deemed to  
50 have been in full force and effect on and after April 1, 2025; provided,  
51 however that this act shall expire and be deemed repealed March 31,  
52 2026.

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 BBB of this act shall  
12 be as specifically set forth in the last section of such Parts.