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:

Section 1. This act enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2025-2026 state fiscal year. Each component is wholly contained within a Part identified as Parts A through BBB. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 2 of chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, as amended by section 1 of part A of chapter 55 of the laws of 2023, is amended to read as follows:

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

§ 2. Section 3 of 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, as amended by section 2 of part A of chapter 55 of the laws of 2023, is amended to read as follows:

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and shall remain in effect until the first day of September, [~~2025~~] **2027**, when it shall expire and be deemed repealed.

§ 3. Section 3 of 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, as amended by section 3 of part A of chapter 55 of the laws of 2023, is amended to read as follows:

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

§ 4. Section 20 of 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, as amended by section 4 of part A of chapter 55 of the laws of 2023, is amended to read as follows:

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

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

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

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

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

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

§ 7. Subdivision (c) of section 46 of 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, as amended by section 7 of part A of chapter 55 of the laws of 2023, is amended to read as follows:

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

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

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

§ 9. Section 12 of 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, as amended by section 9 of part A of chapter 55 of the laws of 2023, is amended to read as follows:

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

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

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [~~2025~~] 2027, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [~~2025~~] 2027 and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the

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

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

8. The provisions of this section shall only apply to offenses committed on or before September first, two thousand [~~twenty-five~~] twenty-seven.

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

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

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

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

§ 14. Section 4 of part D of 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, as amended by section 14 of part A of chapter 55 of the laws of 2023, is amended to read as follows:

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

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

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

§ 16. Section 5 of 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, as amended by section 16 of part A of chapter 55 of the laws of 2023, is amended to read as follows:

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall remain in effect until the first of September, [~~2025~~] 2027, upon which date this act shall be deemed repealed and have no further force and effect; provided that section one of this act shall only take effect with respect to any compacting state which has enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act and provided further that with respect to any such compacting state, upon the effective date of section one of this act, section 259-m of the executive law is hereby deemed REPEALED and section 259-mm of the executive law, as added by section one of this act, shall take effect; and provided further that with respect to any state which has not enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act, section 259-m of the executive law shall take effect and the provisions of section one of this act, with respect to any such state, shall have no force or effect until such time as such state shall adopt an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act in which case, with respect to such state, effective immediately, section 259-m of the executive law is deemed repealed and section 259-mm of the executive law, as added by section one of this act, shall take effect.

§ 20. Section 8 of part H of 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, as amended by section 20 of part A of chapter 55 of the laws of 2023, is amended to read as follows:

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

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

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

§ 22. Section 5 of 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, as amended by section 22 of part A of chapter 55 of the laws of 2023, is amended to read as follows:

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

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

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

§ 24. This act shall take effect immediately.

PART B

Intentionally Omitted

PART C

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

9-a. The provisions of this section requiring a person to be a resident of the state shall not apply to any person employed as a correction officer trainee or correction officer who is employed at a state correctional facility.

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

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

Notwithstanding the foregoing, any member in service in the division on August fifteenth, two thousand seven, and who on that date was entitled to receive retirement benefits on the thirty-first day of December in the year in which [~~he or she~~] **such member** attained fifty-seven years of age as provided in paragraph three of subdivision b of this section, may elect to retain such entitlement, provided the member remains in service on the thirtieth day of December in the year in which [~~he or she~~] **such member** attains fifty-seven years of age**, and any member in service in the division on August thirty-first, two thousand twenty-five, and who on that date was entitled to receive retirement benefits on the thirty-first day of December in the year in which such member attained sixty years of age as provided in paragraph three of subdivision b of this section, may elect to retain such entitlement, provided the member remains in service on the thirtieth day of December in the year in which such member attains sixty years of age**. The provisions of this subdivision shall not apply to the superintendent.

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

3. The sworn members of the New York state police shall be appointed by the superintendent and permanent appointees may be removed by the superintendent only after a hearing. No person shall be appointed to the New York state police force as a sworn member unless [~~he or she~~] **such person** shall be a citizen of the United States, between the ages of twenty-one and [~~twenty-nine years except that in the superintendent's discretion, the maximum age may be extended to thirty-five~~] **forty-three** years. Notwithstanding any other provision of law or any general or special law to the contrary the time spent on military duty, not exceeding a total of six years, shall be subtracted from the age of any applicant who has passed [~~his or her twenty-ninth~~] **their forty-third** birthday, solely for the purpose of permitting qualification as to age and for no other purpose. Such limitations as to age however shall not apply to persons appointed to the positions of counsel, first assistant counsel, assistant counsel, and assistant deputy superintendent for employee relations nor to any person appointed to the bureau of criminal investigation pursuant to section two hundred sixteen of this article nor shall any person be appointed unless [~~he or she~~] **such person** has fitness and good moral character and shall have passed a physical and mental examination based upon standards provided by the rules and regulations of the superintendent. Appointments shall be made for a probationary period which, in the case of appointees required to attend and complete a basic training program at the state police academy, shall include such time spent attending the basic school and terminate one year after successful completion thereof. All other sworn members shall be subject to a probationary period of one year from the date of appointment. Following satisfactory completion of the probationary period the member shall be a permanent appointee. Voluntary resignation or withdrawal from the New York state police during such appointment shall be submitted to the superintendent for approval. Reasonable time shall be required to account for all equipment issued or for debts or obligations to the state to be satisfied. Resignation or withdrawal from the division during a time of emergency, so declared by the governor, shall not be approved if contrary to the best interest of the state and shall be a misdemeanor. No sworn member removed from the New York state police shall be eligible for reappointment. The superintendent shall make rules and regulations subject to approval by the governor for the discipline and control of the New York state police and for the examination and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(b)~~] Any person who has received permanent appointment in the competitive class of the civil service as a police officer of the regional state park police, the state university of New York police, the department of environmental conservation or any police force or police department of any county, city, town, village, housing authority, transit authority or police district shall be eligible to resign from any police force or police department and, subject to such civil service rules as may be applicable, shall be eligible for reinstatement in the same police force or police department or in any other police force or police department to which [~~he or she was~~] **they were** eligible for transfer, without satisfying the age requirements set forth in paragraph (a) of subdivision one of this section at the time of such reinstatement, provided such reinstatement occurs within one year of the date of resignation.

[~~(c)~~] **(b)** (i) Legislative findings and declaration. The legislature hereby finds and declares that it is frequently impracticable to ascertain fitness for the positions of detective and investigator within various police or sheriffs departments around the state by means of a competitive examination due to the unique nature of the duties assigned and the intangible personal qualities needed to perform such duties. The legislature further finds that competitive examination has never been employed in many police, correction or sheriffs departments, to ascertain fitness for the positions of detective and investigator within such police, correction or sheriffs departments; such fitness has always been determined by evaluation of the capabilities of an individual (who has in any case received permanent appointment to the position of police officer, correction officer of any rank or deputy sheriff) by supervisory personnel. The legislature further finds that an individual who performs in an investigatory position in a manner sufficiently satisfactory to the appropriate supervisors to hold such an assignment for a period of eighteen months, has demonstrated fitness for the position of detective or investigator within such police, correction or sheriffs department at least as sufficiently as could be ascertained by means of a competitive examination.

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

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

(iii) Nothing contained in subparagraph (ii) of this paragraph shall be construed to limit any jurisdiction's ability to administer examinations for appointment to the positions of detective and investigator, provided however that any person temporarily assigned to perform the duties of detective or investigator within the period commencing September twenty-third, nineteen hundred ninety-three through and including the date upon which this paragraph shall have become a law and who has not been designated as a detective or investigator and who has not been subject to an examination for which there is a certified eligible list, shall be permanently designated as a detective or investigator whenever such assignment to the duties of detective or investigator exceeds eighteen months.

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

5. The provisions of this section shall not apply to the investigatory personnel of the office of the district attorney in any county, including any county within the city of New York.

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

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

PART D

Intentionally Omitted

PART E

Intentionally Omitted

PART F

Intentionally Omitted

PART G

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

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

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

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

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

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

2. Any award made pursuant to this article shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based; loss of earnings or support resulting from such injury not to exceed thirty thousand dollars; loss of savings not to exceed thirty thousand dollars; burial expenses not exceeding [~~six~~] **twelve** thousand dollars of a victim who died on or after November first, nineteen ninety-six as a direct result of a crime; the costs of crime scene cleanup and securing of a crime scene not exceeding twenty-five hundred dollars; reasonable relocation expenses not exceeding twenty-five hundred dollars; reasonable employment-related transportation expenses, not exceeding twenty-five hundred dollars and the unreimbursed cost of repair or replacement of articles of essential personal property lost, damaged or destroyed as a direct result of the crime. An award for loss of earnings shall include earnings lost by a parent or guardian as a result of the hospitalization of a child victim under age eighteen for injuries sustained as a direct result of a crime. In addition to the medical or other services necessary as a result of the injury upon which the claim is based, an award may be made for rehabilitative occupational training for the purpose of job retraining or similar employment-oriented rehabilitative services based upon the claimant's medical and employment history. For the purpose of this subdivision, rehabilitative occupational training shall include but not be limited to educational training and expenses. An award for rehabilitative occupational training may be made to a victim, or to a family member of a victim where necessary as a direct result of a crime. An award for employment-related transportation expenses shall be limited to the time period necessary due to the personal physical injuries sustained as a direct result of the crime upon which the claim is based, as determined

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

5. (a) [~~In~~] **Except as provided in paragraph (g) of this subdivision, in** determining the amount of an award, the office shall determine whether, because of [~~his~~] **such victim's** conduct, the victim of such crime contributed to the infliction of [~~his~~] **such victim's** injury, and the office shall reduce the amount of the award or reject the claim altogether, in accordance with such determination.

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

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

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

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

(f) Notwithstanding the provisions of paragraph (a) of this subdivision, the office shall disregard for this purpose the responsibility of the victim for [~~his or her~~] **such victim's** own loss of savings.

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

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

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

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

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

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

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

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

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

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

PART H

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

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

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

(b) The rate for reimbursement shall be the amount of itemized charges, to be reimbursed at the [~~Medicaid rate and~~] **usual and customary rates as established pursuant to this subdivision and** which shall cumulatively not exceed (1) eight hundred dollars for an exam of a sexual assault survivor where no sexual offense evidence collection kit is used; (2) one thousand two hundred dollars for an exam of a sexual assault survivor where a sexual offense evidence collection kit is used; **and** (3) [~~one thousand five hundred dollars for an exam of a sexual assault survivor who is eighteen years of age or older, with or without the use of a sexual offense evidence collection kit, and with the provision of a necessary HIV post-exposure prophylaxis seven day starter pack; and (4)~~] two thousand five hundred dollars for an exam of a sexual assault survivor [~~who is less than eighteen years of age~~], with or without the use of a sexual offense evidence collection kit, and with the provision of the full regimen of necessary HIV post-exposure prophylaxis. The hospital, sexual assault examiner program, or licensed health care provider must accept this fee as payment in full for these specified services. No additional billing of the survivor for said services is permissible. A sexual assault survivor may voluntarily assign any private insurance benefits to which [~~she or he is~~] **they are** entitled for the healthcare forensic examination, in which case the hospital or healthcare provider may not charge the office; provided, however, in the event the sexual assault survivor assigns any private health insurance benefit, such coverage shall not be subject to annual deductibles or coinsurance or balance billing by the hospital, sexual assault examiner program or licensed health care provider. A hospital, sexual assault examiner program or licensed health care provider shall, at the time of the initial visit, request assignment of any private health insurance benefits to which the sexual assault survivor is entitled on a form prescribed by the office; provided, however, such sexual assault survivor shall be advised orally and in writing that [~~he or she~~] **they** may decline to provide such information regarding private health insurance benefits if [~~he or she believes~~] **they believe** that the provision of such information would substantially interfere with [~~his or her~~] **their** personal privacy or safety and in such event, the sexual assault forensic exam fee shall be paid by the office. Such sexual assault survivor shall also be advised that providing such information may provide additional resources to pay for services to other sexual assault victims. Such sexual assault survivor shall also be advised that the direct

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

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

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

§ 3. This act shall take effect on the two hundred seventieth day after it shall have become a law and apply to all exams performed on or after such effective date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART I

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

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

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

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

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

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

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

PART J

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

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

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

(b) Every bid hereafter made to the state or any public department or agency thereof, where competitive bidding is not required by statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, may contain, at the discretion of the department, agency or official, the certification required pursuant to paragraph (a) of this subdivision.

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

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

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

4. Any bid hereafter made to the state or any public department, agency or official thereof, by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where such bid contains the statement required by subdivision one of this section, shall be deemed to have been authorized by the board of directors of such bidder, and such authorization shall be deemed to include the signing and submission of such bid and the inclusion therein of such statement as the act and deed of the corporation.

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

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

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

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

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

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

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

3. Each state agency, in formulating or revising its gender-based violence and the workplace policy, shall give due regard to the importance of increasing awareness of gender-based violence and informing employees of available resources for assistance; clearly specifying how to reach the domestic violence agency liaison; ensuring that personnel policies and procedures are fair to domestic and gender-based violence victims and survivors, and responsive to their needs; developing workplace safety response plans; complying with state and federal law including restrictions of possession of firearms by a person convicted of a domestic violence related crime or subject to an order of protection; encouraging and promoting gender-based violence education and training for employees; and holding accountable employees who misuse state resources or authority or violate their job duties in committing an act of gender-based violence. Each state agency, when it issues its gender-based violence and the workplace policy, shall provide a copy of that policy and the information for its designated domestic violence agency liaison to the office for the prevention of domestic violence, and shall notify the office of any subsequent modifications of the policy or the contact information for the domestic violence agency liaison.

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

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

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

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

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

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

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

PART K

Intentionally Omitted

PART L

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

§ 263.10 Promoting an obscene sexual performance by a child.

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

Promoting an obscene sexual performance by a child is a class D felony.

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

§ 263.11 Possessing an obscene sexual performance by a child.

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

Possessing an obscene sexual performance by a child is a class E felony.

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

§ 263.15 Promoting a sexual performance by a child.

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

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

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

§ 263.16 Possessing a sexual performance by a child.

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

Possessing a sexual performance by a child is a class E felony.

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

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

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

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

§ 2. This act shall take effect immediately.

PART R

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

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

The aggregate principal amount of such bonds, notes or other obligations outstanding shall not exceed, beginning July first, two thousand twenty-four, twenty-one billion five hundred million dollars ($21,500,000,000) and beginning July first, two thousand twenty-five, [~~twenty-seven~~] thirty billion five hundred million dollars [~~($27,500,000,000)~~] ($30,500,000,000), excluding bonds, notes or other obligations issued pursuant to sections twenty-seven hundred ninety-nine-ss and twenty-seven hundred ninety-nine-tt of this title; provided, however, that upon any refunding or repayment of bonds (which term shall not, for this purpose, include bond anticipation notes), the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than, beginning July first, two thousand twenty-four, twenty-one billion five hundred million dollars ($21,500,000,000), and beginning July first, two thousand twenty-five, [~~twenty-seven~~] thirty billion five hundred million dollars [~~($27,500,000,000)~~] ($30,500,000,000), only if the refunding or repayment bonds, notes or other obligations were issued in accordance with the provisions of subparagraph (a) of subdivision two of paragraph b of section 90.10 of the local finance law, as amended from time to time. Notwithstanding the foregoing, bonds, notes or other obligations issued by the authority may be outstanding in an amount greater than the amount permitted by the preceding sentence, provided that such additional amount at issuance, together with the amount of indebtedness contracted by the city of New York, shall not exceed the limit prescribed by section 104.00 of the local finance law. The authority shall have the power from time to time to refund any bonds of the authority by the issuance of new bonds whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds of the authority then outstanding and partly to pay the cost of any project pursuant to section twenty-seven hundred ninety-nine-ff of this title. Bonds issued by the authority shall be payable solely out of particular revenues or other moneys of the authority as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued, subject to any agreements entered into between the authority and the city, and subject to any agreements with the holders of outstanding bonds pledging any particular revenues or moneys.

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

PART S

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The commission may designate any area other than the area lying south of the center line of 96th Street in the borough of Manhattan **not including Governor's Island**, to be a special commercial abatement area if it determines that market conditions in the area are such that the availability of a special abatement is required in order to encourage commercial construction work in such area. In making such determination, the commission shall consider, among other factors, the existence in such area of a special need for commercial and job development, high unemployment, economic distress or unusually large numbers of vacant, underutilized, unsuitable or substandard structures, or other substandard, unsanitary, deteriorated or deteriorating conditions, with or without tangible blight**; provided that, however, in making such determination with respect to Governor's Island, the temporary commercial incentive area boundary commission shall only be required to consider, among other factors, whether such designation continues to be necessary to adequately promote commercial activity on Governor's Island the density of existing developments and the nature and purpose of planned developments on Governor's Island, and the development of emerging industries in the city**.

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

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

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

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

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

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

PART T

Intentionally Omitted

PART U

Intentionally Omitted

PART V

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

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the state civil service department, subject to the approval of the director of the budget, a municipal commission, subject to the approval of the governing board or body of the city or county, as the case may be, or a regional commission or personnel officer, pursuant to governmental agreement, may elect to waive application fees, or to abolish fees for specific classes of positions or types of examinations or candidates, or to establish a uniform schedule of reasonable fees different from those prescribed in paragraph (a) of this subdivision, specifying in such schedule the classes of positions or types of examinations or candidates to which such fees shall apply; provided, however, that fees shall be waived for candidates who certify to the state civil service department, a municipal commission or a regional commission that they are unemployed and primarily responsible for the support of a household, or are receiving public assistance. Provided further, the state civil service department shall waive the state application fee for examinations for original appointment for all veterans. Provided further, the state civil service department shall, and a municipal commission may, subject to the approval of the governing board or body of the city or county, as the case may be, or a regional commission or personnel officer, pursuant to governmental agreement, waive application fees for all examinations held between July first, two thousand twenty-three and December thirty-first, two thousand [~~twenty-five~~]

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

§ 2. Section 2 of 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, is amended to read as follows:

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

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

PART W

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

2. Notwithstanding the provisions of subdivision one of this section, where the state and an employee organization representing state officers and employees who are in positions which are in collective negotiating units established pursuant to article fourteen of the civil service law enter into an agreement providing for an alternative procedure for the payment of salaries to such employees or where the director of employee relations shall authorize an alternative procedure for the payment of salaries to state officers or employees in the executive branch who are in positions which are not in collective negotiating units, such alternative procedure shall be implemented in lieu of the procedure specified in subdivision one of this section. Notwithstanding any other provision of law to the contrary, where the state and an employee organization representing officers and employees in the executive branch who are in positions which are in collective negotiating units established pursuant to article fourteen of the civil service law enter into an agreement, or where the director of employee relations shall authorize for officers and employees in the executive branch who are in positions which are not in collective negotiating units, the alternate procedure specified herein shall be terminated for officers and employees hired on or after July first, two thousand [~~twenty-five~~] thirty. The alternate procedure specified herein shall also be terminated for: (i) nonjudicial officers and employees of the unified court system hired on or after July first, two thousand [~~twenty-five~~] thirty, if the chief administrator of the courts so elects; (ii) employees of the senate hired on or after July first,

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

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

§ 210. Optional payment election. Notwithstanding any other provision of law to the contrary, where the state and an employee organization representing officers and employees in the executive branch who are in positions which are in collective negotiating units established pursuant to article fourteen of the civil service law enter into an agreement, or where the director of employee relations shall authorize for officers and employees in the executive branch who are in positions which are not in collective negotiating units, new employees hired on or after July first, two thousand twenty-six, may elect to receive an optional payment, which shall be in an amount determined by such agreement or for officers and employees in the executive branch who are in positions which are not in collective negotiating units, at a rate to be determined by the director of the division of the budget. Such payment shall not be considered basic annual salary and shall not be included as compensation for retirement purposes. Such payment shall be recovered to the state within the first fourteen pay periods after such payment. The payment specified herein shall also be implemented for: (a) nonjudicial officers and employees of the unified court system hired on or after July first, two thousand twenty-six, if the chief administrator of the courts so elects; (b) employees of the senate hired on or after July first, two thousand twenty-six, if the temporary president of the senate so elects; (c) employees of the assembly hired on or after July first, two thousand twenty-six, if the speaker of the assembly so elects; and (d) employees of joint legislative employers hired on or after July first, two thousand twenty-six, if the temporary president of the senate and the speaker of the assembly mutually so elect for all such joint legislative employers. Any election made pursuant to subdivision (a), (b), (c), or (d) of this section shall be in writing and filed with the state comptroller no later than September thirtieth, two thousand twenty-five.

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

PART X

Intentionally Omitted

PART Y

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

§ 2. For the purposes of this act: (a) (i) "authorized state entity" shall mean the New York state thruway authority, the department of transportation, the office of parks, recreation and historic preservation, the department of environmental conservation, the New York state bridge authority, the office of general services, the dormitory authority, the urban development corporation, the state university construction fund, the New York state Olympic regional development authority and the battery park city authority.

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

	Authorized Projects	Authorized State Entity
1.	Frontier Town	Urban Development Corporation
2.	Life Sciences Laboratory	Dormitory Authority & Urban Development Corporation
3.	Whiteface Transformative Projects	New York State Olympic Regional Development Authority
4.	Gore Transformative Projects	New York State Olympic Regional Development Authority
5.	Belleayre Transformative Projects	New York State Olympic Regional Development Authority
6.	Mt. Van Hoevenberg Transformative Projects	New York State Olympic Regional Development Authority
7.	Olympic Training Center	New York State Olympic Regional Development Authority
8.	Olympic Arena and Convention Center Complex	New York State Olympic Regional Development Authority
9.	State Fair Revitalization Projects	Office of General Services
10.	State Police Forensic	Office of General

Laboratory Services

Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized state entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized state entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized state entities to the contracting entity. Nothing contained herein shall be construed to affect (A) the existing rights of employees pursuant to an existing collective bargaining agreement, and (B) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization.

If otherwise applicable, authorized projects undertaken by the authorized state entities listed above solely in connection with the provisions of this act shall be subject to section 135 of the state finance law, section 101 of the general municipal law, and section 222 of the labor law; provided, however, that an authorized state entity may fulfill its obligations under section 135 of the state finance law or section 101 of the general municipal law by requiring the contractor to prepare separate specifications in accordance with section 135 of the state finance law or section 101 of the general municipal law, as the case may be. Provided further, that authorized projects with a total construction cost of not less than twenty-five million dollars ($25,000,000) undertaken by the authorized state entities listed above solely in connection with the provisions of this act shall only be undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law. If a project labor agreement is not performed on the authorized project, the authorized state entity shall not utilize a design-build **or construction manager as constructor** contract for such project. Prior to utilizing the alternative delivery [~~method~~] **methods** referred to as design-build **or construction manager as constructor** contracts for the authorized projects listed in this subparagraph with a total construction cost of less than twenty-five million dollars ($25,000,000), the authorized state entities listed above shall conduct a feasibility study in accordance with section 222 of the labor law.

(b) "best value" shall mean the basis for awarding contracts for services to the offerer that optimize quality, cost and efficiency, price and performance criteria, which may include, but is not limited to:

1. The quality of the contractor's performance on previous projects;

2. The timeliness of the contractor's performance on previous projects;

3. The level of customer satisfaction with the contractor's performance on previous projects;

4. The contractor's record of performing previous projects on budget and ability to minimize cost overruns;

5. The contractor's ability to limit change orders;

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

Such basis shall reflect, wherever possible, objective and quantifiable analysis.

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

(d) **"construction manager as constructor contract" means a contract implementing a project delivery method whereby a construction manager:**

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

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

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

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

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

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

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

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

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

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

federal and state laws, standards, and regulations, to extend the useful life of or replace highways, bridges, buildings and appurtenant structures, dams, flood control projects, canals, and parks or to improve or add to highways, bridges, buildings and appurtenant structures, dams, flood control projects, canals, and parks; provided that for the contracts executed by the department of transportation, the office of parks, recreation and historic preservation, or the department of environmental conservation, the total cost of each such project shall not be less than ten million dollars ($10,000,000)**, provided that the total cost of each such project utilizing construction manager as constructor shall not be less than twenty million dollars ($20,000,000)**. Provided further that authorized state entities may only utilize the alternative delivery [~~method~~] **methods** referred to as design-build **or construction manager as constructor** contracts on projects with a total construction cost of not less than twenty-five million dollars ($25,000,000) if undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law. If a project labor agreement is not performed on [~~the~~] **such** project, the authorized state entity shall not utilize a design-build **or construction manager as constructor** contract for such project. The use of a project labor agreement on a federal aid project shall not be required where the federal government prohibits or disapproves of the use of a project labor agreement on such a federal aided project. Prior to utilizing the alternative delivery [~~method~~] **methods** referred to as design-build **or construction manager as constructor** contracts for projects with a total construction cost of less than twenty-five million dollars ($25,000,000), authorized state entities shall conduct a feasibility study in accordance with section 222 of the labor law.

§ 3. Section 4 of part F of chapter 60 of the laws of 2015, constituting the infrastructure investment act, as amended by section 4 of part RRR of chapter 59 of the laws of 2017, the opening paragraph and subdivision (a) as amended by section 2 of part DD of chapter 58 of the laws of 2020, is amended to read as follows:

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

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

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

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

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

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

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

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

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

(a) Notwithstanding the provisions of any other law to the contrary, the authorized state entity may award a [~~construction~~] contract[~~:~~ ~~1. To~~] to the design-build contractor or construction manager as constructor contractor [~~offering~~]:

1. Offering the best value; or

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

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

(ii) include a detailed line item cost breakdown;

(iii) include a list of all drawings, specifications and other information on which the guaranteed maximum price is based;

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

(v) include a schedule of unit prices; or

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

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

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

§ 14. Prequalified contractors. (a) Notwithstanding any other provision of law, the authorized state entity may maintain a public list of prequalified contractors who are eligible to submit a proposal demonstrating the general capability to perform a contract pursuant to this act [~~and~~] for which entry into such list shall be continuously available, and when awarding any low bid contract for public work the authorized state entity may establish guidelines governing the qualifications of responsible and responsive contractors seeking to competitively bid, propose or enter into a low bid contract. [~~Prospective~~] All prospective contractors may be prequalified as contractors to provide particular types of construction, in accordance with general criteria established and published by the authorized state entity which may include, but shall not be limited to, the experience, past performance, ability to undertake the type and complexity of work, financial capability, responsibility, compliance with equal employment opportunity requirements and anti-discrimination laws, and reliability. [~~Such~~] All

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

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

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

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

§ 8. Section 16 of part F of chapter 60 of the laws of 2015, constituting the infrastructure investment act, as amended by section 6 of part DD of chapter 58 of the laws of 2020, is amended to read as follows:

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

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

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

PART Z

Intentionally Omitted

PART AA

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

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

§ 2. This act shall take effect immediately.

PART BB

Intentionally Omitted

PART CC

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

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

2. The notice of temporary payment of compensation authorized by subdivision one of this section shall be delivered to the injured employee and the board. Such notice shall notify the injured employee that the temporary payment of compensation and **medical treatment and care, including** prescribed medicine shall not be deemed to be an admission of liability by the employer for the injury or injuries to the employee. The board, upon receipt of a notice of temporary payment of compensation, shall send a notice to the injured employee stating that:

(a) the board has received a notice of temporary payment of compensation relating to such injured employee;

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

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

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

(d) the injured employee may be required to enter into an agreement with the employer to ensure the continuation of payments of temporary compensation and **medical treatment and care, including** prescribed medicine.

3. An employer may cease making temporary payments of compensation and **medical treatment and care, including** prescribed medicine if such employer delivers within five days after the last payment, to the injured employee and the board, a notice of termination of temporary payments of compensation on a form prescribed by the board. Such notice shall inform the injured employee that the employer is ceasing temporary payment of compensation and **medical treatment and care, including** prescribed medicine. Upon the cessation of temporary payments of compensation and **medical treatment and care, including** prescribed medicine, all parties to any action pursuant to this chapter shall retain all rights, defenses and obligations they would otherwise have pursuant to this chapter without regard for the temporary payment of compensation and **medical treatment and care, including** prescribed medicine.

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

PART DD

Intentionally Omitted

PART EE

Intentionally Omitted

PART FF

Intentionally Omitted

PART GG

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

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

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

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

(b) when staff observe unauthorized activity by an incarcerated individual, a department employee or any other person in the facility;

(c) during general movement of incarcerated individuals;

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

(e) during all incarcerated individual escorts;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART HH

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

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

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

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

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

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

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

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

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

1. Advise and assist the commission in developing policies, plans and programs for improving the commission's performance of its duties and for coordinating the efforts of the commission and of correctional officials to improve conditions of care, treatment, safety, supervision, rehabilitation, recreation, training and education in correctional facilities**. Such advice and assistance shall minimally consist of an annual report of the council to the commission**;

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

3. Meet at least once per calendar month at a time and place designated by the [~~chairman~~] **chair** of the council.

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

1. There shall be within the commission a correction medical review board. It shall consist of six persons to be appointed by the governor by and with the advice and consent of the senate. In addition, the governor shall designate one of the full-time members other than the [~~chairman~~] **chair** of the commission and the [~~chairman~~] **chair** of the council as [~~chairman~~] **chair** of the board to serve as such at the pleasure of the governor. Of the appointed members of the board one shall be a physician duly licensed to practice in this state; one shall be a physician duly licensed to practice in this state and a board certified forensic pathologist; one shall be a physician duly licensed to practice in this state and shall be a board certified forensic psychiatrist; one shall be an attorney admitted to practice in this state; two shall be members appointed at large.

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

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

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

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

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

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

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

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

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

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

4. Establish procedures to assure effective investigation of grievances of, and conditions affecting, incarcerated individuals of local correctional facilities. Such procedures shall include but not be limited to receipt of written complaints, interviews of persons, and on-site monitoring of conditions. In addition, the commission shall establish procedures for the speedy and impartial review of grievances referred to it by the commissioner [~~of the department of corrections and community supervision~~]. The commission shall maintain a website that allows for the submission of written complaints regarding any correctional facility, and provides the commission's address for the receipt of complaints by mail. The commission shall promulgate rules and regulations requiring

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

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

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

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

1. The commission, any member or any employee designated by the commission must be granted access at any and all times to any correctional facility or part thereof and to all books, records, medical **and substance use disorder treatment and transition services** records of incarcerated individuals and data pertaining to any correctional facility deemed necessary for carrying out the commission's functions, powers and duties. The commission, any member or any employee designated by the [~~chairman~~] **chair** may require from the officers or employees of a correctional facility any information deemed necessary for the purpose of carrying out the commission's functions, powers and duties. **Commission members and employees may conduct private interviews of correctional facility officers and employees, who may be accompanied by counsel or a union representative acting on such officer or employee's behalf. Commission members and employees may also conduct private interviews of incarcerated individuals, provided that participation in such interviews shall be voluntary and the incarcerated individual may be accompanied by counsel.**

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

(d) Upon review of the cause of death and circumstances surrounding the death of any incarcerated individual, the board shall submit its report thereon to the commission and to the governor, the [~~chairman~~] **chair** of the assembly committee on correction and the [~~chairman~~] **chair** of the senate committee on crime victims, crime and correction and, where appropriate, make recommendations to prevent the recurrence of such deaths to the commission and the administrator of the appropriate correctional facility. The report provided to the governor, the [~~chairman~~] **chair** of the assembly committee on correction and the [~~chairman~~] **chair** of the senate committee on crime victims, crime and correction shall not be redacted except as otherwise required to protect confidential medical records and behavioral health records in accordance with state and federal laws, rules, and regulations.

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

(i) Investigate and report to the commission on the condition of systems for the delivery of medical care to incarcerated individuals of correctional facilities and where appropriate recommend such changes as it shall deem necessary and proper to improve the quality and availability of such medical care. **Such report and recommendation shall minimally consist of an annual report of the board to the commission.**

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

PART II

Intentionally Omitted

PART JJ

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

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

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

PART KK

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

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

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

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

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

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

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

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

(c) the level of customer satisfaction with the contractor's performance on previous projects;

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

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

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

(g) the contractor's technical capacities;

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

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

(j) the contractor's financial capability;

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

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

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

(n) a quantitative factor to be used in evaluation of bids or offers for awarding of contracts for bidders or offerers that are certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law, or certified pursuant to local law as minority- or women-owned business enterprises. Where the authorized entity identifies a quantitative factor pursuant to this paragraph, the authorized entity must specify that businesses certified as minority- or women-owned business enterprises pursuant to article 15-A of the executive law as well as those certified as minority- or women-owned business enterprises pursuant to local law are eligible to qualify for such factor. Nothing in this paragraph shall be construed as a requirement that such businesses be concurrently certified as minority- or women-owned business enterprises under article 15-A of the executive law to qualify for such quantitative factors. Such basis shall reflect, wherever possible, objective and quantifiable analysis.

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) include a list of all drawings, specifications and other information on which the guaranteed maximum price is based;

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

(v) include a schedule of unit prices; or

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

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

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

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

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

§ 8. Any authorized project undertaken by an authorized entity pursuant to this act shall be subject to the requirements of article 8 of the environmental conservation law, and, where applicable, the requirements of the national environmental policy act.

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

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

3. Employees of authorized entities using design-build contracts serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained in this act shall be construed to affect: (a) the existing rights of employees of such entities pursuant to an existing collective bargaining agreement, (b) the existing representational relationships among employee organizations representing county employees of such entities, or (c) the bargaining relationships between such entities and such employee organizations.

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

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

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

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

PART LL

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

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

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

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

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

PART MM

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

§ 837-y. New York state office of gun violence prevention. 1. Establishment and organization. There is hereby established within the division of criminal justice services an office of gun violence prevention, hereinafter "office".

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

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

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

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

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

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

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

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

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

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

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

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

(a) create and disseminate resources and training materials on gun violence intervention and prevention strategies and best practices; and may, if practicable, provide technical assistance, additional resources, and direct training to professionals focused on gun violence intervention and prevention strategies.

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

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

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

PART NN

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

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

From the county of Bronx, two, one to be elected from the first municipal court district and one to be elected from the second municipal court district;

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

From the county of New York, two, one to be elected from the third municipal court district and one to be elected from the seventh municipal court district;

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

From the county of Richmond, one, to be elected from the first municipal court district.

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

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

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

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

PART OO

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

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

(b) The following contributions are not matchable:

(i) loans;

(ii) in-kind contributions of property, goods, or services;

(iii) contributions in the form of the purchase price paid for an item with significant intrinsic and enduring value;

(iv) transfers from a party or constituted committee;

(v) anonymous contributions;

(vi) contributions whose source is not itemized as required by these recommendations;

(vii) contributions gathered during a previous election cycle;

(viii) illegal contributions;

(ix) contributions from minors;

(x) contributions from vendors for campaigns hired by the candidate for such election cycle;

(xi) contributions from lobbyists registered pursuant to subdivision (a) of section one-c of the legislative law; and

(xii) [~~any~~] **the** portion of a contribution [~~when the aggregate contributions are~~] **which is** in excess of two hundred fifty dollars**, as a single contribution or in the aggregate,** from any one contributor to such participating candidate for nomination or election. **Provided, however, that any portion of a contribution totaling over one thousand fifty dollars as a single contribution or in the aggregate shall not be matchable in any amount.**

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

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

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

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

2. Only one authorized committee per candidate per elective office sought. Before receiving any contribution or making any expenditure for a covered election, each candidate shall notify the PCFB as to the existence of [~~his or her~~] **their** authorized committee that has been approved by such candidate. **Candidates may designate an existing authorized political committee that is associated with and approved by such candidate for the elective office sought, including an authorized political committee from a previous election cycle, and shall not be required to establish a new authorized committee for each election cycle.** Each candidate shall have one and only one authorized committee per elective office sought. Each authorized committee shall have a treasurer.

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

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

(a) be a candidate in a covered election;

(b) meet all the requirements of law to have [~~his or her~~] **their** name on the ballot, subject to the requirements of subdivision three of section 1-104 and subdivision one of section 6-142 of this chapter;

(c) in the case of a covered general or special election, be opposed by another candidate on the ballot who is not a write-in candidate;

(d) submit a certification in the form of an affidavit, in such form as may be prescribed by the PCFB, that sets forth [~~his or her~~] **their** acceptance of and agreement to comply with the terms and conditions for the provision of such funds in each covered election and such certification shall be submitted at least four months before a primary election**, or in the case of a substitution, no later than one week after a certificate of substitution is filed for the designation or nomination of such candidate,** and on the last day in which a certification of nomination is filed in a special election pursuant to a schedule promulgated by the PCFB;

(e) be certified as a participating candidate by the PCFB;

(f) not make, and not have made, expenditures from or use [~~his or her~~] **their** personal funds or property or the personal funds or property jointly held with [~~his or her~~] **their** spouse, or unemancipated children in connection with [~~his or her~~] **their** nomination for election or election to a covered office, but may make a contribution to [~~his or her~~] **their** authorized committee in an amount that does not exceed three times the applicable contribution limit from an individual contributor to candidates for the office that [~~he or she~~] **such candidate** is seeking;

(g) meet the threshold for eligibility set forth in subdivision two of this section;

(g-1) not owe any payments, repayments, or civil penalties pursuant to this title or any regulations promulgated thereunder, or any similar payments, repayments, or civil penalties under any local public campaign finance program within the previous ten years;

(h) continue to abide by all requirements during the post-election period; and

(i) not have accepted contributions in amounts exceeding the contribution limits set forth for candidates in paragraphs a and b of subdivi-

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

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

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

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

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

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

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

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

(i) governor **and lieutenant governor (combined)**, not less than five hundred thousand dollars in contributions including at least five thousand matchable contributions shall be counted toward this qualifying threshold;

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

one thousand matchable contributions shall be counted toward this qualifying threshold;

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

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

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

(b-1) The first two hundred fifty dollars of any contribution or contributions totaling up to a maximum of one thousand fifty dollars in the aggregate to a candidate or candidate's committee shall be considered a matchable contribution provided that such contribution is otherwise determined to be valid for public matching funds by the PCFB; provided, however, that only the portion of any such contribution which is in excess of two hundred fifty dollars in the aggregate shall not be deemed matchable; and provided further, that any contributions totaling over one thousand fifty dollars in the aggregate shall not be matchable in any amount.

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

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

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

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

(a) for Governor **and Lieutenant Governor (combined)** $3,500,000

(b) for [~~Lieutenant Governor,~~] Attorney General or Comptroller $3,500,000

(c) for State Senator $375,000

(d) for Member of the Assembly $175,000

2. In any general or special election, receipt of public funds by a participating candidate's authorized committees shall not exceed:

(a) for Governor and Lieutenant Governor (combined) $3,500,000
(b) for Attorney General $3,500,000
(c) for Comptroller $3,500,000
(d) for State Senator $375,000
(e) for Member of the Assembly $175,000

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

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

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

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

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

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

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

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

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

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

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

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

(h) The opposing candidate previously held elected office.

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

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

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

1. There shall be a public campaign finance board within the state board of elections that shall be comprised of the following commissioners: the four state board of elections commissioners and three additional commissioners, one jointly appointed by the legislative leaders of one major political party in each house of the legislature, one

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

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

3-a. The PCFB shall develop and administer in person and online training for individuals to become certified as compliance officers under this title. Such training shall include information concerning compliance with the rules of the public campaign finance program, disclosure and record keeping requirements, obligations of the program, and other relevant information as determined by the PCFB. The PCFB shall promulgate regulations for the certification of compliance officers pursuant to this subdivision and shall publish a list of certified compliance officers on its website which shall be updated every thirty days.

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

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

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

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

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

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

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

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

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

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

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

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

~~(iv) member of the assembly, except as otherwise provided in paragraph (c) of this subdivision, not less than five thousand dollars in matchable contributions including at least seventy-five matchable contributions in an amount greater than five dollars and no greater than the limits in this chapter, of which the first two hundred fifty dollars shall be counted toward this qualifying threshold.~~] **If any clause, sentence, paragraph, subdivision, section or part of this title shall be determined by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular clause, sentence, paragraph, subdivision, section or part thereof directly found invalid in the judgment rendered. It is hereby declared to be the intent of the legislature that this title would have been enacted even if such invalid provisions had not been included herein.**

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

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

§ 13. 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, is REPEALED.

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

PART PP

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

§ 5-b. Limit on outside earned income by members. 1. Effective January first, two thousand twenty-five a member of the legislature receiving a salary for legislative work from the state of New York shall be permitted to earn outside income each year for performing fee for service activities and compensated outside activities approved under the permanent joint rules of the Senate and Assembly in an amount totaling no greater than the earning limitations for retired persons in positions of public service allowed for the same year under subdivision two of section two hundred twelve of the retirement and social security law. [~~Compliance~~] **Effective January first, two thousand twenty-seven, compliance** with the limit on outside earned income described in this section shall be a condition precedent to receiving a salary for legislative activities from the state of New York, and voting as a member of the legislature of the state of New York.

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

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

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

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

(3) copyright royalties, fees, and their functional equivalent, from the use of copyrights, patents and similar forms of intellectual property rights, when received from established users or purchasers of such rights;

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

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

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

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

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

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

PART QQ

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

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

2. The state committee shall make a decision by majority vote. The person **or persons** receiving the majority vote shall be the party's designated candidate **or pair of candidates** for nomination, and all other persons who shall have received twenty-five percent or more of the vote cast on any ballot shall have the right to make written demand, duly acknowledged, to the state board of elections that their names appear on the primary ballot as candidates for such nomination. Such demand shall be made not later than seven days after such meeting and may be withdrawn in the same manner within fourteen days after such meeting**; provided however, that in the case of the joint designation for the offices of governor and lieutenant governor made pursuant to subdivision five of this section, such right to make a written demand shall be afforded only to a pair of candidates who jointly sought such designation where the candidate for governor in such pair received twenty-five percent or more of the vote cast on any ballot for such office, and such demand must be made jointly by both candidates in such pair for their names to appear jointly on the primary ballot as candidates for nomination for such offices**.

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

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

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

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

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

(JOINTLY DESIGNATED CANDIDACY FOR GOVERNOR AND LIEUTENANT GOVERNOR)

Name of Candidate for Governor	Governor	Residence of Candidate for Governor
.....		.....
.....		.....

Name of Candidate for Lieutenant Governor	Lieutenant Governor	Residence of Candidate for Lieutenant Governor
.....		.....
.....		.....

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

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

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

Date	Name of Signer	Residence
.....	.....	.....
.....	.....	.....

Town or city (except in the city of New York, the county)

.....

.....

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

1-a. A designating petition for the offices of governor and lieutenant governor shall be valid only if such petition jointly designates candidates for both offices.

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

2-a. Independent nominations for the offices of governor and lieutenant governor shall be designated jointly by the independent body. An independent nominating petition for the offices of governor and lieutenant governor shall be valid only if such petition jointly nominates candidates for both offices.

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

a. Each sheet of an independent nominating petition shall be signed in ink, shall contain the following information and shall be in substantially the following form:

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

(JOINTLY DESIGNATED CANDIDACY FOR GOVERNOR AND LIEUTENANT GOVERNOR)

Name of Candidate for Governor	Governor	Residence of Candidate for Governor
.....		.....
.....		.....

Name of Candidate for Lieutenant Governor	Lieutenant Governor	Residence of Candidate for Lieutenant Governor
.....		.....
.....		.....

Name of Candidate	Public Office (include district number, if applicable)	Place of residence (also post office address if not identical)
.....	.....	.....
.....	.....	.....

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

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

Date	Name of Signer	Residence
.....	.....	.....
.....	.....	.....
		Town or city (except in the city of New York, the county)
		.....

.....

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

8. In the case of a joint designation or joint nomination for the offices of governor and lieutenant governor made pursuant to this article, a declination filed by either candidate shall only constitute a declination by the declining candidate and shall create a vacancy in such joint designation or joint nomination. A vacancy in the joint designation or joint nomination for the offices of governor and lieutenant governor shall be filled in accordance with the provisions for filling vacancies in section 6-148 of this article.

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

3. A vacancy in a nomination made at a primary, or by a tie vote thereat, may be filled by a majority of the members, of the party committee or committees last elected in the political subdivision in which the vacancy occurs, present at a meeting at which there is a quorum, or by a majority of such other committee as the rules of the party may provide**; provided, however, that a vacancy in a joint nomination for the offices of governor and lieutenant governor made at a primary election, or a vacancy in a joint designation or joint nomination for such offices caused by declination, death, or disqualification and not filled by the committee to fill vacancies, shall be filled by the appropriate committee or committees pursuant to this subdivision and party rules. A single certificate shall be filed pursuant to the requirements of subdivisions four and five of this section to fill such vacancy**.

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

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

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

§ 9. This act shall take effect immediately.

PART RR

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

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

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

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

§ 2. Section 63 of the executive law is amended by adding a new subdivision 18 to read as follows:

18. Notwithstanding any other law to the contrary, in any civil enforcement action initiated by the attorney-general, neither the attorney-general nor the department of law has, or shall be deemed to have, possession, custody, or control of, or the right, authority, or practical ability to obtain documents, communications, other information, or personnel of any agency, entity, or authority other than the department of law.

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

PART SS

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

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

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

d. The normal service retirement benefit specified in section five hundred five of this article shall be paid to police/fire members, New York city uniformed correction/sanitation revised plan members and investigator revised plan members without regard to age upon retirement after twenty-two years of service**, except that the normal service retirement benefit specified in section five hundred five of this article shall be paid to police/fire members of the New York city police pension fund, after twenty years of service**. Early service retirement shall be permitted upon retirement after twenty years of credited service or attainment of age sixty-two, provided, however, that New York city police/fire revised plan members, New York city uniformed correction/sanitation revised plan members and investigator revised plan members shall not be eligible to retire for service prior to the attainment of twenty years of credited service.

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

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

§ 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:	**(10.6)**
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

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

	POLICE
Active Members	
- 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.

PART TT

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

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

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

c. Upon completion of twenty-five years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of their accumulated contributions at the time of their retirement and an additional pension which is the actuarial equivalent of the reserved-for-increased-take-home-pay to which they may then be entitled shall be suffi-

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

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

e. Credit for service as a paid firefighter or officer of any organized fire department shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section.

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

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

h. Nothing in this section shall be construed to prevent a member, who does not retire pursuant to the provisions of this section, from utilizing service which is creditable service pursuant to the provisions of this section for service credit pursuant to the provisions of any other plan of this article to which such member is subject.

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

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

§ 2. Subdivision a of section 445 of the retirement and social security law, as amended by chapter 714 of the laws of 2023, is amended to read as follows:

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

York in the title urban park ranger or associate urban park ranger), school safety agent, campus peace officer or a taxi and limousine commission inspector member of the New York city employees' retirement system or the New York city board of education retirement system, a dispatcher member of the New York city employees' retirement system, a police communications member of the New York city employees' retirement system, an EMT member of the New York city employees' retirement system, a deputy sheriff member of the New York city employees' retirement system, a correction officer of the Westchester county correction department as defined in section eighty-nine-e of this chapter or employed in Suffolk county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred eighty-eight of the laws of nineteen hundred ninety-seven, of this chapter, employed in Suffolk county as a correction officer, as defined in section eighty-nine-f of this chapter, or employed in Nassau county as a correction officer, uniformed correction division personnel, sheriff, undersheriff or deputy sheriff, as defined in section eighty-nine-g of this chapter, or employed in Nassau county as an ambulance medical technician, an ambulance medical technician/supervisor or a member who performs ambulance medical technician related services, or a police medic, police medic supervisor or a member who performs police medic related services, as defined in section eighty-nine-s, as amended by chapter five hundred seventy-eight of the laws of nineteen hundred ninety-eight, of this chapter, or employed in Nassau county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred ninety-five of the laws of nineteen hundred ninety-seven, of this chapter, or employed in Albany county as a sheriff, undersheriff, deputy sheriff, correction officer or identification officer, as defined in section eighty-nine-h of this chapter or is employed in St. Lawrence county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-i of this chapter or is employed in Orleans county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-l of this chapter or is employed in Jefferson county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-j of this chapter or is employed in Onondaga county as a deputy sheriff-jail division competitively appointed or as a correction officer, as defined in section eighty-nine-k of this chapter or is employed in a county which makes an election under subdivision j of section eighty-nine-p of this chapter as a sheriff, undersheriff, deputy sheriff or correction officer as defined in such section eighty-nine-p or is employed in Broome County as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-m of this chapter or is a Monroe county deputy sheriff-court security, or deputy sheriff-jailor as defined in section eighty-nine-n, as added by chapter five hundred ninety-seven of the laws of nineteen hundred ninety-one, of this chapter or is employed in Greene county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-o of this chapter or is a traffic officer with the town of Elmira as defined in section eighty-nine-q of this chapter or is employed by Suffolk county as a park police officer, as defined in section eighty-nine-r of this chapter or is a peace officer employed by a county probation department as defined in section eighty-nine-t, as added by chapter six hundred three of the laws of nineteen hundred ninety-eight, of this chapter or is employed in Rockland county as a deputy sheriff-civil as defined in section eighty-nine-v of this chapter as added by chapter four hundred forty-one of the

laws of two thousand one, or is employed in Rockland county as a superior correction officer as defined in section eighty-nine-v of this chapter as added by chapter five hundred fifty-six of the laws of two thousand one or is a paramedic employed by the police department in the town of Tonawanda and retires under the provisions of section eighty-nine-v of this chapter, as added by chapter four hundred seventy-two of the laws of two thousand one, or is a county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal, chief fire marshal, division supervising fire marshal or fire marshal trainee employed by the county of Nassau as defined in section eighty-nine-w of this chapter or is employed in Monroe county as a deputy sheriff-civil as defined in section eighty-nine-x of this chapter, employed as an emergency medical technician, critical care technician, advanced emergency medical technician, paramedic or supervisor of such titles in a participating Suffolk county fire district as defined in section eighty-nine-ss of this chapter, **or is a firefighter apprentice, airport firefighter I, airport firefighter II, airport firefighter III, or training and safety officer employed by the division of military and naval affairs as defined in section eighty-nine-y of this chapter** and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age. Except as provided in subdivision c of section four hundred forty-five-a of this article, subdivision c of section four hundred forty-five-b of this article, subdivision c of section four hundred forty-five-c of this article, subdivision c of section four hundred forty-five-d of this article, subdivision c of section four hundred forty-five-e of this article, subdivision c of section four hundred forty-five-f of this article and subdivision c of section four hundred forty-five-h of this article, a member in such a plan and such an occupation, other than a police officer or investigator member of the New York city employees' retirement system or a firefighter, shall not be permitted to retire prior to the completion of twenty-five years of credited service; provided, however, if such a member in such an occupation is in a plan which permits retirement upon completion of twenty years of service regardless of age, [~~he or she~~] **they** may retire upon completion of twenty years of credited service and prior to the completion of twenty-five years of service, but in such event the benefit provided from funds other than those based on such a member's own contributions shall not exceed two per centum of final average salary per each year of credited service.

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

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

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

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

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

§ 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.

PART UU

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

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

§ 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:	**0.0**
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.

PART VV

Section 1. Section 3 of 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, as amended by section 1 of part GG of chapter 55 of the laws of 2024, is amended to read as follows:

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

§ 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.

PART WW

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

ARTICLE 182

ELECTRONIC COURT APPEARANCES

Section 182.10 Definition of terms.
182.20 Electronic appearance rules.
182.30 Regulation of electronic appearances by the chief administrator.

§ 182.10 Definition of terms.

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

§ 182.20 Electronic appearance rules.

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

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

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

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

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

2. Where consent to an electronic appearance is given pursuant to paragraph (a) or (b) of subdivision one of this section and the proceeding has commenced but the electronic appearance is subsequently terminated and the proceeding is adjourned pursuant to subdivision four or five of this section, such initial consent shall continue to govern that proceeding, provided that such consent shall not modify the requirement that the court terminate an electronic appearance and adjourn a proceeding for the reasons outlined in such subdivisions four and five of this section.

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

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

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

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

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

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

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

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

§ 182.30 Regulation of electronic appearances by the chief administrator.

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

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

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

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

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

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

PART XX

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

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

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

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

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

§ 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.

PART YY

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

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

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

1. Upon completion of twenty years of such service and upon retirement, each such member shall receive a pension which, together with an

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

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

3. Upon attainment of the mandatory retirement age without completion of twenty years of such service, each such member shall receive a pension which, together with an annuity for such years of service as provided in paragraph four of this subdivision, shall be equal to one-fortieth of such member's final average salary for each year of creditable service in such titles. Every such member shall also be entitled to an additional pension equal to the pension for any creditable service rendered while not an employee in such titles as provided under paragraphs three and four of subdivision a of section three hundred seventy-five of this article. This latter pension shall not increase the total allowance to more than one-half of such member's final average salary.

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

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

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

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

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

f. Transfer of membership to employees' retirement system. Any member currently enrolled pursuant to this section and who previously transferred service credit from the New York state and local employees' retirement system to the New York state and local police and fire retirement system, may elect to transfer such previously transferred service credit back to the New York state and local employees' retirement system, and such member shall have the option to retroactively transfer such member's membership into such employees' retirement system.

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

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

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

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

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

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

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

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

h. The provisions of this section shall be controlling, notwithstanding any provision of this article to the contrary.

§ 383-f. Retirement of officers of state law enforcement; alternative twenty-five year retirement plan. a. Membership. Every non-seasonally appointed sworn member or officer of the division of law enforcement in the department of environmental conservation, a forest ranger in the service of the department of environmental conservation, which shall mean a person who serves on a full-time basis in the title of forest ranger I, forest ranger II, forest ranger III, assistant superintendent of forest fire control, or any successor titles or new titles in the forest ranger title series in the department of environmental conservation, a police officer in the department of environmental conservation, the regional state park police, and university police officers whose date of membership is prior to January ninth, two thousand ten may irrevocably elect to be covered by the provisions of this section by filing an election therefor with the comptroller. The deadline to make such election for every member described in this subdivision in such service shall be within one year of the effective date of this section or within one year of employment in an eligible title, whichever is later. Upon completion of twenty-five years of such service and upon retirement, each such member shall receive a pension which, together with an annuity, if any, which shall be the actuarial equivalent of such member's accumulated contributions at the time of their retirement and an additional pension which is the actuarial equivalent of the reserve-for-increased-take-home-pay to which such member may then be entitled, if any, shall be sufficient to provide such member with a retirement allowance equal to fifty-five percent of their final average salary. To be effective, such election must be duly executed and acknowledged on a form prepared by the comptroller for such purpose.

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

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

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

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

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

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

e. The provisions of this section shall be controlling, notwithstanding any provision of this article to the contrary.

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

a. Every non-seasonally appointed sworn member or officer of the division of law enforcement in the department of environmental conservation and the regional state park police who becomes physically or mentally incapacitated for the performance of duty shall be covered by the provisions of this section in lieu of the provisions of section three hundred sixty-two [~~or three hundred sixty-three~~] of this article; except, however, any such member or officer who last entered or reentered service in the department of environmental conservation or state park police, as the case may be, prior to September first, nineteen hundred ninety-seven, shall be entitled to apply for disability retirement pursuant to such sections and to receive the benefit so payable in lieu of the benefit payable pursuant to this section.

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

§ 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.

PART ZZ

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

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

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

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

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

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

(3) perform contact roles with incarcerated individuals without supervision in their first eighteen months of service as a correction officer;

(4) provide outside hospital coverage; or

(5) supervise outside work crews or community crews.

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

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

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

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

§ 2. This act shall take effect immediately.

PART AAA

Section 1. Section 13 of 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, as amended by section 1 of part YY of chapter 56 of the laws of 2024, is amended to read as follows:

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

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

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

PART BBB

Section 1. Notwithstanding the provisions of sections 79-a and 79-b of the correction law, the governor is authorized to close up to three correctional facilities of the department of corrections and community supervision, in the state fiscal year 2025--2026, as the governor determines to be necessary for the cost-effective and efficient operation of the correctional system, provided that the governor provides at least 90 days' notice prior to any such closures to the temporary president of the senate and the speaker of the assembly. Such notice shall include the list of facilities the governor plans to close, the number of incarcerated individuals in said facilities, and the number of staff working in said facilities. The commissioner of corrections and community supervision shall also report in detail to the temporary president of the senate and the speaker of the assembly on the results of staff relocation efforts within 60 days after such closures.

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

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

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