

STATE OF NEW YORK

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2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to diversity and inclusion in the management of public pension funds, ensure equitable access to investment opportunities, and foster the growth of emerging BIPOC (black, indigenous, and people of color) owned investment management firms within the state of New York (Part A); directing the comptroller and the commissioner of taxation and finance to undertake a study on the feasibility of establishing a venture capital program within the common retirement fund and a venture capital tax credit to ensure equitable access to investment opportunities, and foster the growth of emerging diverse founding member businesses (Part B); and to amend the executive law, in relation to fair investment practices by investment advisers within the state of New York (Part C)

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

1 Section 1. This act enacts into law provisions relating to equitable
2 investments. Each component is wholly contained within a Part identified
3 as Parts A through C. The effective date for each particular provision
4 contained within such Part is set forth in the last section of such
5 Part. Any provision in any section contained within a Part, including
6 the effective date of the Part, which makes a reference to a section "of
7 this act", when used in connection with that particular component, shall
8 be deemed to mean and refer to the corresponding section of the Part in
9 which it is found. Section three of this act sets forth the general
10 effective date of this act.

11 PART A

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

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1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York state agency BIPOC asset management and financial institu-
3 tion strategy act".

4 § 2. The retirement and social security law is amended by adding a new
5 section 423-d to read as follows:

6 § 423-d. BIPOC-owned investment management firms; state of New York.

7 1. For the purposes of this section, the following terms shall have the
8 following meanings:

9 (a) "Best practices" shall mean industry-recognized standards and
10 guidelines for diversity, equity, and inclusion.

11 (b) "BIPOC" shall mean black, indigenous, and people of color.

12 (c) "BIPOC-owned firms" shall mean business enterprises owned by indi-
13 viduals from black, indigenous, and people of color communities.

14 (d) "Designated entities" shall mean entities governed by this
15 section, including but not limited to, the common retirement fund, the
16 New York state teachers' retirement system, and the New York state
17 insurance fund.

18 (e) "Emerging manager programs" shall mean programs designed to
19 enhance opportunities for small, disadvantaged, or BIPOC-owned business
20 enterprises.

21 (f) "Fiduciaries" shall mean individuals entrusted with fiduciary
22 duties within the designated entities.

23 2. (a) All public pension funds in the state shall provide opportu-
24 nities for emerging BIPOC-owned investment management firms. Such public
25 pension funds shall adopt an investment manager diversity policy to set
26 objectives for enhancing the utilization of BIPOC investment management
27 firms.

28 (b) Twenty percent of a public pension fund's total assets shall be
29 invested with BIPOC investment managers.

30 (c) Twenty-five percent of a public pension fund's active assets shall
31 be invested with BIPOC investment managers.

32 (d) There shall be an asset class breakdown as follows:

33 (i) thirty percent of a public pension fund's equity assets shall be
34 invested with BIPOC investment managers;

35 (ii) fifteen percent of a public pension fund's fixed income assets
36 shall be invested with BIPOC investment managers; and

37 (iii) fifteen percent of a public pension fund's alternative assets
38 shall be invested with BIPOC investment managers.

39 3. Pursuant to subdivision two of this section, the utilization stand-
40 ards shall serve as the minimum requirement, and such standards may be
41 subject to modification in response to changes in the number of BIPOC
42 investment managers that are capable of directly managing mandates from
43 a public pension fund.

44 4. (a) A public pension fund shall, within six months of the effective
45 date of this section, establish mechanisms to ensure compliance with the
46 investment manager diversity policy.

47 (b) The relevant authorities of each public pension fund shall report
48 annually to the comptroller on the progress and outcomes achieved in
49 meeting the utilization standards set forth in subdivision three of this
50 section.

51 (c) The comptroller shall compile and publish an annual report detail-
52 ing the progress and effectiveness of the investment manager diversity
53 policy.

54 5. (a) Within six months of the effective date of this section, each
55 public pension fund within the state shall develop a comprehensive
56 implementation plan to ensure compliance with the investment manager

1 diversity policy outlined in subdivision two of this section. This plan
2 shall detail the strategies, procedures, and timelines that such fund
3 shall adopt to achieve the specified utilization standards for BIPOC
4 investment managers across various asset classes.

5 (b) The governing body of each public pension fund shall submit an
6 annual progress report to the city comptroller outlining the advance-
7 ments made in fulfilling the investment manager diversity policy's
8 requirements. Such report shall include, but not be limited to:

9 (i) the total assets managed by BIPOC investment managers as a
10 percentage of the fund's total assets;

11 (ii) the active assets managed by BIPOC investment managers as a
12 percentage of the fund's active assets;

13 (iii) the allocation of equity, fixed income, and alternative assets
14 to BIPOC investment managers; and

15 (iv) an assessment of any challenges faced and steps taken to address
16 them.

17 (c) Each public pension fund shall provide a narrative report detail-
18 ing any initiatives, programs, or partnerships established to promote
19 the growth and development of BIPOC-owned investment management firms
20 within the state. Such report shall highlight successful collaborations
21 and the impact of these initiatives on diversifying the investment land-
22 scape.

23 (d) All annual reports submitted to the comptroller shall be made
24 publicly available on the fund's website, ensuring transparency and
25 accountability to the public.

26 6. (a) The comptroller shall review and assess the annual progress
27 reports submitted by the public pension funds.

28 (b) In the event that a public pension fund fails to meet the utiliza-
29 tion standards specified in subdivision two of this section, the comp-
30 troller shall work closely with such fund to identify the reasons for
31 non-compliance and provide guidance on corrective actions.

32 (c) The comptroller shall compile the information received from the
33 public pension funds and produce an annual report assessing the overall
34 progress and effectiveness of the investment manager diversity policy
35 across the state. Such report shall also include recommendations for
36 enhancing diversity and inclusion in asset management within the public
37 pension sector.

38 7. To promote awareness and understanding of the goals and benefits of
39 the investment manager diversity policy, each public pension fund shall
40 establish public outreach and educational programs that engage the
41 community, investment professionals, and other stakeholders. Such
42 programs may include seminars, workshops, webinars, and informational
43 materials that highlight the value of diverse investment management
44 teams and the potential for economic growth through BIPOC-owned busi-
45 nesses.

46 8. To support the growth of emerging BIPOC-owned investment management
47 firms, each public pension fund shall explore opportunities to provide
48 technical assistance, mentorship, and resources. Such support may encom-
49 pass financial education, networking opportunities, and guidance on
50 compliance and best practices, with the aim of fostering a vibrant
51 ecosystem of diverse investment professionals.

52 9. Five years after the effective date of this section, the city comp-
53 troller shall conduct a comprehensive review of the investment manager
54 diversity policy's impact on the public pension sector's diversity and
55 inclusion goals.

1 § 3. The retirement and social security law is amended by adding a new
2 section 423-e to read as follows:

3 § 423-e. BIPOC-owned investment management firms; city of New York. 1.
4 For the purposes of this section, the following terms shall have the
5 following meanings:

6 (a) "Best practices" shall mean industry-recognized standards and
7 guidelines for diversity, equity, and inclusion.

8 (b) "BIPOC" shall mean black, indigenous, and people of color.

9 (c) "BIPOC-owned firms" shall mean business enterprises owned by indi-
10 viduals from black, indigenous, and people of color communities.

11 (d) "Designated entities" shall mean entities governed by this
12 section, including but not limited to, the common retirement fund, the
13 New York state teachers' retirement system, and the New York state
14 insurance fund.

15 (e) "Emerging manager programs" shall mean programs designed to
16 enhance opportunities for small, disadvantaged, or BIPOC-owned business
17 enterprises.

18 (f) "Fiduciaries" shall mean individuals entrusted with fiduciary
19 duties within the designated entities.

20 (g) "Municipality" shall mean any city, village, or incorporated town
21 with an inhabitant count one million or more but less than twelve
22 million, as determined by United States government statistics or a rele-
23 vant census.

24 (h) "Compensation" shall mean any money, thing of value, or economic
25 benefit conferred on or received by a consultant in exchange for
26 services rendered or to be rendered.

27 (i) "Economic opportunity" shall mean any transaction or arrangement
28 involving the purchase, sale, lease, contract, option, or other engage-
29 ment related to property or services, in which a consultant may gain an
30 economic benefit.

31 (j) "Trustees" shall mean the relevant governing body, such as city
32 councils, boards of trustees, and other appropriate authorities.

33 1-a. In each municipality and city as defined in paragraph (g) of
34 subdivision one of this section, the relevant governing body, such as
35 city councils, boards of trustees, and other appropriate authorities,
36 shall establish and administer specific funds as described in this
37 section for the benefit of police officers, firefighters, municipal
38 employees, officers, and public school teachers, along with their
39 surviving spouses, children, and certain other dependents.

40 2. (a) The trustees of each public pension fund in the city of New
41 York shall be mandated to allocate no less than forty percent of the
42 total dollar amount of the identified fund under management towards
43 investments through BIPOC asset managers, BIPOC financial institutions,
44 and BIPOC financial or professional service firms.

45 (b) Investment funds that do not fall under the BIPOC category shall
46 aspire to reach a minimum of twenty percent but shall strive to achieve
47 the goal of forty percent of funds received from the fund being allo-
48 cated towards BIPOC-led investments.

49 3. The scope of BIPOC investments covered by this section shall
50 include, but not be limited to, the following:

51 (a) investing assets of the various pension funds with BIPOC asset
52 managers, recognizing their expertise, experience, and unique perspec-
53 tives in managing investment portfolios; and

54 (b) subject to best execution practices:

1 (i) conducting trades of public equity securities with BIPOC financial
2 institutions, promoting collaboration and economic opportunities within
3 the BIPOC community; and

4 (ii) conducting trades of fixed-income securities through BIPOC insti-
5 tutions, contributing to the growth and development of BIPOC-led finan-
6 cial entities;

7 (c) allocating investments of all pension fund assets through:

8 (i) direct investments in the equities and debt securities of BIPOC
9 entities, fostering capital flow to BIPOC-led projects and businesses;
10 and

11 (ii) indirect investments through special programs involving BIPOC
12 asset managers, facilitating partnerships and promoting access to
13 investment opportunities; and

14 (d) awarding contracts for various financial and professional services
15 to BIPOC financial institutions and other BIPOC professional service
16 firms, ensuring equitable distribution of opportunities and supporting
17 the growth of BIPOC-led enterprises.

18 4. (a) The trustees of the various funds shall have the authority to
19 establish additional goals that supplement the requirements stated in
20 subdivision two of this section.

21 (b) Within sixty days of the conclusion of each fiscal year subsequent
22 to the effective date of this section, the trustees shall provide a
23 comprehensive report to the city comptroller. Such report shall detail
24 the participation of BIPOC asset managers, BIPOC financial institutions,
25 and BIPOC professional service providers in investment and brokerage
26 transactions, as well as their provision of services for the fund.

27 (c) Such report shall include a comparative analysis of the activities
28 outlined in subdivision three of this section in relation to all asset
29 managers, financial institutions, and professional service providers
30 engaged by the city comptroller of the pension fund during the relevant
31 period.

32 (d) Such report shall evaluate and highlight the progress and success
33 achieved in pursuing the aspirational goals outlined in subdivision two
34 of this section. These efforts shall be undertaken to the greatest
35 extent feasible, ensuring compliance with financial and fiduciary
36 prudence.

37 (e) Each report shall be promptly published on the official website of
38 the applicable investment fund, remaining accessible for a minimum peri-
39 od of sixty days following its release.

40 5. (a) Effective January first, two thousand twenty-six, and on each
41 subsequent January first thereafter, any consultant retained by the fund
42 shall disclose to the trustees all compensation and economic opportu-
43 nities received in the preceding twenty-four months from investment
44 advisors retained by the trustees.

45 (b) A consultant shall disclose to the trustees any compensation or
46 economic opportunity received within the past twenty-four months from an
47 investment advisor that is recommended for selection by such consultant.
48 Such disclosure shall be made prior to the trustees appointing an
49 investment advisor. No contract for consulting services shall be awarded
50 by the trustees of the fund without first requiring the consultant to
51 fulfill the necessary disclosure requirements stated within this
52 section.

53 6. To qualify for fund allocation as provided under this section, the
54 following minimum requirements shall be met by the respective firms:

55 (a) For real estate manager qualifications:

1 (i) the firm shall manage gross assets under management across all
2 clients that are less than two billion dollars at the inception of the
3 relationship;

4 (ii) the firm's latest fund offerings shall seek less than two hundred
5 fifty million dollars of equity;

6 (iii) real estate firms shall have at least forty-five percent of
7 their economic interests owned by principals and employees; and

8 (iv) qualified real estate managers shall operate and reside within
9 New York state.

10 (b) For private equity manager qualifications:

11 (i) the firm shall be a legally structured entity, adhering to all
12 applicable laws and regulations;

13 (ii) the firm shall have a private placement memorandum (PPM) in
14 place;

15 (iii) the firm shall raise a first, second, or third institutional
16 fund; and

17 (iv) The firm's institutional fund shall not exceed certain fund size
18 limits.

19 (c) For fixed income manager qualifications:

20 (i) the firm shall have two billion dollars or less in assets under
21 management;

22 (ii) the firm shall have a maximum of fifty percent non-employee
23 ownership; and

24 (iii) the firm shall be a legally structured entity with a valid
25 corporate tax identification number.

26 (d) For a registered investment advisor or exemption, the firm shall
27 be a registered investment advisor or qualify for exemption from regis-
28 tration.

29 § 4. This act shall take effect immediately.

30 PART B

31 Section 1. The comptroller and the commissioner of the department of
32 taxation and finance shall jointly undertake a study on the feasibility
33 of a venture capital program within the common retirement fund and a
34 venture capital tax credit, for investments in emerging diverse founding
35 member businesses, and evaluate and make recommendations to ensure equi-
36 table access to investment opportunities, promote diversity and inclu-
37 sion in investment opportunities and foster the growth of diverse found-
38 ing member businesses within the state.

39 § 2. The comptroller and the commissioner of the department of taxa-
40 tion and finance shall study the feasibility of a venture capital
41 program within the common retirement fund for the purpose of investing
42 in partnerships, corporations, trusts or limited liability companies
43 organized on a for-profit basis that enter into agreements to invest the
44 moneys of the common retirement fund in qualified businesses as defined
45 in this act.

46 § 3. The study required by this act shall develop criteria for a
47 venture capital tax credit for investments made to a qualifying organ-
48 ization which shall include, at a minimum, the following:

49 1. (a) A qualified organization shall have at least one diverse found-
50 ing team member who: (i) owned initial shares or similar ownership
51 interests of the business; (ii) contributed to the concept of, research
52 for, development of, or work performed by the business before initial
53 shares were issued; and (iii) was not a passive investor in the busi-
54 ness; or

1 (b) who has been designated as the chief executive officer, president,
2 chief financial officer, or manager of a business, or who has been
3 designated with a role with a similar level of authority as any of those
4 positions.

5 A "diverse founding team member" shall mean a person who self-identi-
6 fies as a woman, non-binary, Black, African American, Hispanic, Latino-
7 Latina, Asian, Pacific Islander, Native American, Native Hawaiian, Alas-
8 kan Native, disabled, veteran or disabled veteran, lesbian, gay,
9 bisexual, transgender, or queer.

10 2. Qualified investments made by firms shall not be subject to limita-
11 tion, and firms may deduct qualified investments of up to 100 percent of
12 their taxable income.

13 3. The venture capital tax credit shall be a dollar-for-dollar tax
14 credit for investments made to a qualifying organization.

15 § 4. A report on the study conducted pursuant to this act, along with
16 such legislative proposals deemed necessary to implement its recommenda-
17 tions, shall be submitted to the governor and the legislature within one
18 year of the effective date of this act.

19 § 5. This act shall take effect immediately.

20 PART C

21 Section 1. Short title. This act shall be known and may be cited as
22 the "New York state investment transparency act".

23 § 2. The executive law is amended by adding a new article 15-D to read
24 as follows:

25 ARTICLE 15-D

26 NEW YORK STATE INVESTMENT TRANSPARENCY ACT

27 Section 328-b. Definitions.

28 328-c. Reporting.

29 328-d. Remedies.

30 § 328-b. Definitions. For the purposes of this article, the following
31 terms shall have the following meanings:

32 1. "Covered entity" shall mean a venture capital company that:

33 (a) either:

34 (i) primarily engages in the business of investing in, or providing
35 financing to, startup, early-stage, or emerging growth companies; or

36 (ii) manages assets on behalf of third-party investors, including, but
37 not limited to, investments made on behalf of a state or local retire-
38 ment or public pension systems pursuant to article four-A of the retire-
39 ment and social security law; and

40 (b) meets at least one of the following criteria:

41 (i) is headquartered in New York;

42 (ii) has a significant presence or operational division in New York;

43 (iii) makes venture capital investments in businesses that are located
44 in, or have significant operations in, New York; and/or

45 (iv) solicits or receives investments from a person who is a resident
46 of New York.

47 2. "Diverse founding team member" shall mean a founding team member
48 who self-identifies as a woman, non-binary, Black, African American,
49 Hispanic, Latino-Latina, Asian, Pacific Islander, Native American,
50 Native Hawaiian, Alaskan Native, disabled, veteran or disabled veteran,
51 lesbian, gay, bisexual, transgender, or queer.

52 3. "Founding team member" means either:

53 (a) a person who:

1 (i) owned initial shares or similar ownership interests of the busi-
2 ness;

3 (ii) contributed to the concept of, research for, development of, or
4 work performed by the business before initial shares were issued; and

5 (iii) was not a passive investor in the business; or

6 (b) a person who has been designated as the chief executive officer,
7 president, chief financial officer, or manager of a business, or a role
8 with a similar level of authority.

9 4. "Investment advisor" shall have the same meaning as set forth in
10 subparagraph (v) of paragraph (a) of subdivision fourteen of section
11 three hundred fifty-nine-e of the general business law.

12 5. "Division" shall mean the division of minority and women's business
13 development, as established by section three hundred eleven of this
14 chapter.

15 § 328-c. Reporting. 1. Beginning on January first, two thousand twen-
16 ty-six, and annually thereafter, a covered entity shall report to the
17 division the following information regarding such entity's funding
18 determinations:

19 (a) The following information, at an aggregated level, shall be
20 reported for the founding teams of all businesses in which the covered
21 entity made a venture capital investment in the previous calendar year,
22 to the extent that such information has been provided as part of the
23 survey described in paragraph (a) of subdivision two of this section:

24 (i) the gender identity of each founding team member, inclusive of
25 non-binary and gender-fluid identities;

26 (ii) the racial background of each founding team member;

27 (iii) the ethnic background of each founding team member;

28 (iv) the disability status of each founding team member;

29 (v) whether any member of the founding team identifies as LGBTQIA+;

30 (vi) whether any member of the founding team is a veteran or a disa-
31 bled veteran;

32 (vii) whether any member of the founding team is a resident of New
33 York; and

34 (viii) whether any member of the founding team opted not to provide
35 any of the information detailed in subparagraphs (i) through (vii) of
36 this paragraph.

37 (b) During the previous calendar year, the number of venture capital
38 investments to businesses primarily founded by diverse founding team
39 members, as a percentage of the total number of venture capital invest-
40 ments the covered entity made, in the aggregate and broken down into the
41 categories described in subparagraphs (i) through (vii) of paragraph (a)
42 of this subdivision. The information provided pursuant to this paragraph
43 shall be anonymized.

44 (c) During the previous calendar year, the total amount of venture
45 capital investments to businesses primarily founded by diverse founding
46 team members, as a percentage of venture capital investments made by the
47 covered entity, in the aggregate and broken down into the categories
48 described in subparagraphs (i) through (vii) of paragraph (a) of this
49 subdivision.

50 (d) The total amount of funds in venture capital investments that the
51 covered entity invested in each business during the previous calendar
52 year.

53 (e) The principal place of business of each company in which the
54 covered entity made a venture capital investment during the prior calen-
55 dar year.

1 2. (a) A covered entity shall facilitate the collection of information
2 required by subdivision one of this section by offering each founding
3 team member of a business that has received funding from a venture capi-
4 tal firm under such covered entity's advisory services the opportunity
5 to partake in a survey.

6 (b) The survey described in paragraph (a) of this subdivision shall be
7 provided pursuant to a standardized form, as specified by the division.
8 Such survey shall include a "decline to state" option for each question
9 on the survey.

10 (c) A covered entity shall provide a written disclosure to each found-
11 ing team member prior to, or concurrently with, the survey described in
12 paragraph (a) of this subdivision which shall state the following:

13 (i) the founding team member's decision to disclose their demographic
14 information is voluntary.

15 (ii) no adverse action will be taken against the founding team member
16 if they decline to participate in the survey.

17 (iii) the aggregate data collected for each demographic category will
18 be reported to the division.

19 (d) A covered entity shall not provide the survey described in para-
20 graph (a) of this subdivision and the disclosure described in paragraph
21 (c) of this subdivision to a founding team member until after such
22 covered entity has executed an investment agreement with the business
23 and made the first transfer of funds.

24 (e) Neither a covered entity nor the division shall in any way encour-
25 age, incentivize, or attempt to influence the decision of a founding
26 team member to participate in the survey described in paragraph (a) of
27 this subdivision.

28 3. (a) A covered entity required to conduct the survey described in
29 paragraph (a) of subdivision two of this section shall:

30 (i) collect survey response data from founding team members in a
31 manner that does not associate the survey response data with an individ-
32 ual founding team member; and

33 (ii) report the survey response data in a manner that does not associ-
34 ate the survey response data with an individual founding team member.

35 (b) A covered entity may satisfy the requirements of this section by
36 providing a report prepared by a business that controls each venture
37 capital company to which the covered entity acted as an investment
38 adviser at any time during the prior calendar year if the report
39 contains all of the information required by paragraph (a) of subdivision
40 one of this section.

41 (c) The division shall make the reports received pursuant to this
42 section readily accessible, easily searchable, and easily downloadable
43 on the division's internet website.

44 (d) The division may publish aggregate results or aggregate informa-
45 tion based on the information received pursuant to this section.

46 (e) The division may use any information collected pursuant to this
47 section in furtherance of its statutory duties, including, but not
48 limited to, using such information in a civil action brought by the
49 division under this chapter or other law.

50 (f) A covered entity shall make and keep records related to its obli-
51 gations under this section. All records related to a report delivered to
52 the division pursuant to this section shall be preserved for at least
53 four years after a covered entity delivers such report. The division may
54 examine such records of a covered entity to determine such covered enti-
55 ty's compliance with the provisions of this section.

1 (g) The division shall charge and collect fees from covered entities
2 to cover the expenses incurred in the administration of this section,
3 which shall not exceed the reasonable costs of such administration.

4 § 328-d. Remedies. 1. (a) If a covered entity fails to file the report
5 required by subdivision one of section three hundred twenty-eight-c of
6 this article by January first of a given year, the division shall notify
7 such covered entity that such covered entity must submit such report
8 within sixty days of such notification.

9 (b) If a covered entity has not submitted the report required by
10 subdivision one of section three hundred twenty-eight-c of this article
11 within the sixty-day period prescribed in paragraph (a) of this subdivi-
12 sion, the division may file with the court of appeals an ex-parte peti-
13 tion, naming the covered entity as the respondent, seeking an order
14 providing the following reliefs:

15 (i) An order compelling the respondent to comply with this section.

16 (ii) An order requiring the respondent to pay a penalty to the divi-
17 sion sufficient to deter the respondent from failing to comply with this
18 article, as determined by the court. In making such determination, the
19 court shall consider all relevant factors, including, but not limited
20 to:

21 (A) the size of the respondent;

22 (B) the number of assets under management of the respondent; and

23 (C) the nature of the failure to comply with this section.

24 (iii) An order mandating the respondent to pay the division's reason-
25 able attorneys' fees and costs incurred in pursuing the action.

26 (iv) Any other relief that the court deems appropriate.

27 (c) The division may bring an action described in paragraph (b) of
28 this subdivision in:

29 (i) any county in which the division has a division; or

30 (ii) the county of the respondent's residence or principal place of
31 business.

32 2. (a) In an action brought pursuant to subdivision one of this
33 section, the court of appeals shall have jurisdiction to grant any of
34 the reliefs described in paragraph (b) of subdivision one of this
35 section.

36 (b) (i) If a petition filed by the division pursuant to paragraph (b)
37 of subdivision one of this section fails to set forth good cause for
38 relief, the court may enter an order denying such petition.

39 (ii) If a petition filed by the division pursuant to paragraph (b) of
40 subdivision one of this section sets forth good cause for relief, the
41 court shall issue an order to show cause to the respondent.

42 (c) The division shall serve the petition and the order to show cause
43 on the respondent in any manner within ten days of the issuance of the
44 order. The respondent shall file a response to the petition and the
45 order to show cause within twenty-one days of service.

46 (d) (i) The respondent has the option to request a hearing on the
47 petition and order to show cause as part of their response.

48 (ii) Within seven days of receiving the respondent's response, the
49 division may submit a request for a hearing.

50 (e) (i) The court, either at its discretion or upon request pursuant
51 to paragraph (d) of this subdivision, may conduct a hearing on the peti-
52 tion and order to show cause. The court shall schedule such hearing
53 within thirty days of the respondent's response and issue an order
54 granting or denying the petition within thirty days of such hearing.

55 (ii) If no hearing is convened, the court shall issue an order grant-
56 ing or denying the petition within thirty days of receiving the respond-

1 ent's response or following the expiration of the respondent's twenty-
2 one day response window, whichever is earlier, unless otherwise agreed
3 upon by the parties.

4 (iii) The court may, on its own motion and for good cause, extend any
5 time period described in subparagraph (i) of this paragraph by thirty
6 days.

7 (f) (i) The division shall serve on the respondent a copy of the
8 court's order granting or denying the petition in any manner within ten
9 days of issuance of such order.

10 (ii) If the court grants the petition in whole or in part, the order
11 shall:

12 (A) set forth the manner and time period in which the respondent shall
13 comply with the provisions of this section; and

14 (B) become effective ten days after it is served.

15 (iii) If the order denies the petition, such order shall become effec-
16 tive on the date it is served.

17 (g) The order of the court of appeals shall be final and, except as
18 provided for by this paragraph, not subject to review by appeal. A party
19 aggrieved by the order, or any part of such order, may, within fifteen
20 days after the service of such order, serve and file, in the appropriate
21 court of corresponding jurisdiction, a petition for a writ of mandamus
22 to compel the court of appeals to set aside or otherwise modify such
23 order.

24 (h) Monetary awards or judgments collected pursuant to this section
25 shall be deposited in the New York state workforce development capital
26 grant program.

27 § 3. This act shall take effect immediately.

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

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