

STATE OF NEW YORK

S. 3005--C

A. 3005--C

SENATE - ASSEMBLY

January 22, 2025

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

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

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

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

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

and social security law, in relation to mandatory retirement for certain members or officers of the state police; to amend the executive law, in relation to eligibility for appointment as a sworn member of the state police; and to amend the civil service law, in relation to the requirements for appointment of police officers (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend the executive law, in relation to expanding support services for victims of financial abuse and homicide (Part G); to amend the executive law and the public health law, in relation to expanding protections and services to survivors of sexual assault (Part H); to amend the social services law, in relation to public assistance for survivors of gender-based violence; and to repeal subdivision 4 of section 349-a of the social services law relating thereto (Part I); to amend the state finance law and the executive law, in relation to a model gender-based violence and the workplace policy (Part J); intentionally omitted (Part K); to amend the penal law, in relation to artificial intelligence-generated child sexual abuse material (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part Q); to amend the public authorities law, in relation to the bonding limit of the New York city transitional finance authority (Part R); to amend the real property tax law and the administrative code of the city of New York, in relation to the industrial and commercial abatement program (Part S); intentionally omitted (Part T); intentionally omitted (Part U); to amend the civil service law, in relation to extending the waiver of certain state civil service examination fees; and to amend part EE of chapter 55 of the laws of 2023, amending the civil service law relating to waiving state civil service examination fees between July 1, 2023 and December 31, 2025, in relation to the effectiveness thereof (Part V); to amend the state finance law, in relation to providing for an alternate payment election for certain employees; and providing for the repeal of certain provisions of such law relating thereto (Part W); intentionally omitted (Part X); to amend chapter 60 of the laws of 2015, constituting the infrastructure investment act, in relation to construction manager as constructor contracts (Part Y); intentionally omitted (Part Z); to amend the workers' compensation law, in relation to medical providers entitled to render emergency care and treatment in cases of a workers' compensation injury (Part AA); intentionally omitted (Part BB); to amend the workers' compensation law, in relation to temporary payment of compensation for medical treatment and care (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend the correction law, in relation to addressing accountability within the department of corrections and community supervision (Part GG); to amend the correction law, in relation to the functions, powers and duties of the state commission of correction (Part HH); intentionally omitted (Part II); to amend chapter 729 of the laws of 2023, constituting the New York State community commission on reparations remedies, in relation to extending the time the New York State community commission on reparations remedies has to submit a written report of its findings and recommendations to the legislature and the governor (Part JJ); enacting the "Oak Orchard wastewater project design-build act"; and provid-

ing for the repeal of such provisions upon expiration thereof (Part KK); to amend the judiciary law, in relation to increasing the amount of allowance that trial and grand jurors are entitled to in each court of the unified court system (Part LL); to amend the executive law, in relation to establishing the New York state office of gun violence prevention; and to repeal certain provisions of the public health law relating thereto (Part MM); to amend the New York city civil court act, in relation to additional judges in the civil court of the city of New York; and to amend the court of claims act, in relation to increasing the number of judges of the court of claims (Part NN); to amend the election law and the state finance law, in relation to public campaign financing; and to repeal section 11 of part ZZZ of chapter 58 of the laws of 2020 amending the election law relating to public financing for state office; amending the state finance law relating to establishing the New York state campaign finance fund; and amending the tax law relating to establishing the NYS campaign finance fund check-off, relating to the severability of the provisions thereof (Part OO); to amend the legislative law, in relation to delaying implementing certain restrictions on outside earned income by members of the legislature until January 1, 2027 (Part PP); to amend the election law, in relation to requiring that candidates for the offices of governor and lieutenant governor are designated and voted on jointly (Part QQ); to amend the executive law, in relation to civil enforcement actions initiated by the attorney general (Part RR); to amend the retirement and social security law, in relation to the restoration of 20 year service retirement for New York city police officers (Part SS); to amend the retirement and social security law, in relation to establishing a twenty-five year retirement plan for firefighters employed by the division of military and naval affairs (Part TT); to amend the retirement and social security law, in relation to removing eligibility or receipt of primary social security disability benefits as a condition for ordinary disability retirement for certain members (Part UU); to amend part HH of chapter 56 of the laws of 2022 amending the retirement and social security law relating to waiving approval and income limitations on retirees employed in school districts and board of cooperative educational services, in relation to the effectiveness thereof (Part VV); to amend the criminal procedure law, the executive law and the mental hygiene law, in relation to virtual appearances in certain criminal proceedings; to repeal certain provisions of the criminal procedure law relating thereto; and providing for the repeal of such provisions upon expiration thereof (Part WW); to amend the administrative code of the city of New York, in relation to promotions of police detectives, sergeants, and lieutenants for retirement purposes (Part XX); to amend the retirement and social security law, in relation to establishing alternative twenty and twenty-five year plans for certain officers of state law enforcement (Part YY); to amend the correction law, in relation to lowering the minimum hiring age for correction officers (Part ZZ); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part AAA); and in relation to authorizing the department of corrections and community supervision to close up to three correctional facilities in the 2025--2026 state fiscal year; and providing for the repeal of such provisions upon expiration thereof (Part BBB)

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

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

12 PART A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.

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

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

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

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

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

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

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

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

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

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

33 PART D

34 Intentionally Omitted

35 PART E

36 Intentionally Omitted

37 PART F

38 Intentionally Omitted

39 PART G

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

(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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 PART I

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

10 PART M

11 Intentionally Omitted

12 PART N

13 Intentionally Omitted

14 PART O

15 Intentionally Omitted

16 PART P

17 Intentionally Omitted

18 PART Q

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

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

28 § 2. This act shall take effect immediately.

29 PART R

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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-gggggg 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-bbbbbbb 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:

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

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

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

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

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

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

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

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

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

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

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

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

18 PART T

19 Intentionally Omitted

20 PART U

21 Intentionally Omitted

22 PART V

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

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

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,

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

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

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

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

1 Intentionally Omitted

2 PART Y

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

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

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

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

1 Laboratory Services

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

20 If otherwise applicable, authorized projects undertaken by the author-
21 ized state entities listed above solely in connection with the
22 provisions of this act shall be subject to section 135 of the state
23 finance law, section 101 of the general municipal law, and section 222
24 of the labor law; provided, however, that an authorized state entity may
25 fulfill its obligations under section 135 of the state finance law or
26 section 101 of the general municipal law by requiring the contractor to
27 prepare separate specifications in accordance with section 135 of the
28 state finance law or section 101 of the general municipal law, as the
29 case may be. Provided further, that authorized projects with a total
30 construction cost of not less than twenty-five million dollars
31 (\$25,000,000) undertaken by the authorized state entities listed above
32 solely in connection with the provisions of this act shall only be
33 undertaken pursuant to a project labor agreement in accordance with
34 section 222 of the labor law. If a project labor agreement is not
35 performed on the authorized project, the authorized state entity shall
36 not utilize a design-build or construction manager as constructor
37 contract for such project. Prior to utilizing the alternative delivery
38 ~~[method]~~ methods referred to as design-build or construction manager as
39 constructor contracts for the authorized projects listed in this subpar-
40 agraph with a total construction cost of less than twenty-five million
41 dollars (\$25,000,000), the authorized state entities listed above shall
42 conduct a feasibility study in accordance with section 222 of the labor
43 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:

- 48 1. The quality of the contractor's performance on previous projects;
49 2. The timeliness of the contractor's performance on previous
50 projects;
51 3. The level of customer satisfaction with the contractor's perform-
52 ance on previous projects;
53 4. The contractor's record of performing previous projects on budget
54 and ability to minimize cost overruns;
55 5. The contractor's ability to limit change orders;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 1. Offering the best value; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 PART Z

9 Intentionally Omitted

10 PART AA

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

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

20 § 2. This act shall take effect immediately.

21 PART BB

22 Intentionally Omitted

23 PART CC

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

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

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

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

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

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

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

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

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

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

28 PART DD

29 Intentionally Omitted

30 PART EE

31 Intentionally Omitted

32 PART FF

33 Intentionally Omitted

34 PART GG

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

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

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 capicum 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-

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

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

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

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

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

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

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

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

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

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

42 PART HH

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

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

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

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]~~ ~~coun-~~
~~cil~~ 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

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

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

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

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

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

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

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

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

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

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

6 PART II

7 Intentionally Omitted

8 PART JJ

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

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

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

22 PART KK

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

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

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

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

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

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

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

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

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

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

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

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

7 (g) the contractor's technical capacities;

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

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

11 (j) the contractor's financial capability;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 PART MM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.

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

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

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

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

21 (a) be a candidate in a covered election;
22 (b) meet all the requirements of law to have [~~his or her~~] their name
23 on the ballot, subject to the requirements of subdivision three of
24 section 1-104 and subdivision one of section 6-142 of this chapter;
25 (c) in the case of a covered general or special election, be opposed
26 by another candidate on the ballot who is not a write-in candidate;
27 (d) submit a certification in the form of an affidavit, in such form
28 as may be prescribed by the PCFB, that sets forth [~~his or her~~] their
29 acceptance of and agreement to comply with the terms and conditions for
30 the provision of such funds in each covered election and such certifi-
31 cation shall be submitted at least four months before a primary
32 election, or in the case of a substitution, no later than one week after
33 a certificate of substitution is filed for the designation or nomination
34 of such candidate, and on the last day in which a certification of nomi-
35 nation is filed in a special election pursuant to a schedule promulgated
36 by the PCFB;

37 (e) be certified as a participating candidate by the PCFB;
38 (f) not make, and not have made, expenditures from or use [~~his or her~~]
39 their personal funds or property or the personal funds or property
40 jointly held with [~~his or her~~] their spouse, or unemancipated children
41 in connection with [~~his or her~~] their nomination for election or
42 election to a covered office, but may make a contribution to [~~his or~~
43 ~~her~~] their authorized committee in an amount that does not exceed three
44 times the applicable contribution limit from an individual contributor
45 to candidates for the office that [~~he or she~~] such candidate is seeking;
46 (g) meet the threshold for eligibility set forth in subdivision two of
47 this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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-

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

3

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

5	<u>Name of</u>	<u>Governor</u>	<u>Residence of Candidate</u>
6	<u>Candidate</u>		<u>for Governor</u>
7	<u>for Governor</u>		
8	.....		.....
9	.....		.....
10	<u>Name of</u>		
11	<u>Candidate for</u>		
12	<u>Lieutenant</u>	<u>Lieutenant Governor</u>	<u>Residence of Candidate</u>
13	<u>Governor</u>		<u>for Lieutenant Governor</u>
14	.....		.....
15	.....		.....

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

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

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

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

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

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

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

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

§ 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) ****

<u>Name of</u>	<u>Governor</u>	<u>Residence of Candidate</u>
<u>Candidate</u>		<u>for Governor</u>
<u>for Governor</u>		
.....		
.....		

<u>Name of</u>	<u>Lieutenant Governor</u>	<u>Residence of Candidate</u>
<u>Candidate for</u>		<u>for Lieutenant Governor</u>
<u>Lieutenant</u>		
<u>Governor</u>		
.....		
.....		

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

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.

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

.....

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

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

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

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

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

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

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

49 § 9. This act shall take effect immediately.

50 PART RR

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

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

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

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

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

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

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

43 PART SS

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

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

§ 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:	<u>(10.6)</u>
Total PV of Benefits (1) + (2):	112.3

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

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	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.

1 PART TT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The Market Assets and GASB Disclosures are found in the March 31, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

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

1 PART UU

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

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

9 § 2. This act shall take effect immediately.

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

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

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

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

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

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

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

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

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

Present Value (PV)	FIRE
(1) PV of Employer Contributions:	5.8
(2) PV of Employee Contributions:	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.

1 PART VV

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

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

10 § 2. This act shall take effect immediately.

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

This bill would amend Part HH of Chapter 56 of the laws of 2022, most recently amended by Part GG of Chapter 55 of the laws of 2024, to extend the waiver of the earnings-after-retirement limitation for two more years to June 30, 2027 for retired members who return to work with a school district or a board of cooperative educational services (BOCES). The current expiration date is June 30, 2025 for the waiver of this limit. This act shall take effect immediately and shall be deemed repealed on June 30, 2027.

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

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

Member data is from the System's most recent actuarial valuation files as of June 30, 2024, consisting of data provided by the employers to the Retirement System. The most recent data distributions and statistics can be found in the System's Annual Report for fiscal year ended June 30, 2024. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods will be provided in the System's Actuarial Valuation Report as of June 30, 2024, except rates of retirement which have been modified to reflect anticipated utilization of this benefit.

The source of this estimate is Fiscal Note 2025-14 dated March 7, 2025 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2025 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

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

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), if this bill were enacted during the 2024 Legislative Session, the direct cost incurred would be the retiree's pension benefit paid while post-retirement earnings are above \$35,000 each calendar year. The pension benefit expected to be paid by NYSLERS during that 6-month period is estimated to be \$22,000 per person.

In addition to the direct cost quoted above, there would be additional costs in the form of lost employer contributions due to non-billable post-retirement earnings, which is estimated to be \$5,500 per person.

The number of members and retirees who could be affected by this legislation cannot be readily determined. For each retiree hired pursuant to this proposal, an annual cost of \$27,500 is expected. If large numbers of retirees are rehired into such positions, significant annual costs would result.

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

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and

Control. The Market Assets and GASB Disclosures are found in the March 31, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 PART XX

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

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

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.

1

PART YY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

1

PART ZZ

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

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

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

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

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

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

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

29 (4) provide outside hospital coverage; or

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

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

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

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

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

10 § 2. This act shall take effect immediately.

11 PART AAA

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

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

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

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

34 PART BBB

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

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

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

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