

# STATE OF NEW YORK

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3005--B

## IN ASSEMBLY

January 23, 2017

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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

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 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws 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

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

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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 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part A); to amend the penal law and the criminal procedure law, in relation to criminal possession of marihuana in the fifth degree and sealing certain records where charges relate to the possession of marihuana (Part B); intentionally omitted (Part C); to amend the criminal procedure law, the family court act and the executive law, in relation to statements of those accused of crimes and eyewitness identifications, to enhance criminal investi-



gations and prosecutions and to promote confidence in the criminal justice system of this state; to amend the county law and the executive law, in relation to the implementation of a plan regarding indigent legal services; to amend the state finance law, in relation to amounts distributed from the indigent legal services fund; to amend chapter 62 of the laws of 2003, amending the county law and other laws relating to fees collected, in relation to certain fees collected by the office of court administration; and to amend the judiciary law, in relation to the biennial registration fee for attorneys (Part D); to amend the correction law, the penal law, the criminal procedure law and the executive law, in relation to correction reform (Part E); to amend the executive law, in relation to the establishment of a hate crime task force (Part F); to amend the executive law, in relation to expanding eligibility for awards to victims of certain crimes not resulting in physical injury (Part G); to amend the executive law, in relation to the reimbursement for loss of savings of a vulnerable elderly person or an incompetent or physically disabled person (Part H); to amend the executive law, in relation to additional duties of the commissioner of general services (Part I); to amend the state finance law, the public authorities law, the highway law, the general municipal law, and the public buildings law, in relation to requiring the use of American made iron, steel and manufactured products in certain government contracts, and to repeal certain provisions of the public authorities law and the state finance law relating thereto (Part J); to authorize the transfer of employees of the division of military and naval affairs in the unclassified service of the state to the office of general services; and providing for the repeal of such provisions upon expiration thereof (Part K); to amend chapter 674 of the laws of 1993 amending the public buildings law relating to value limitations on contracts, in relation to extending the effectiveness thereof; and to amend the public buildings law and the state finance law, in relation to contracts for construction projects (Part L); intentionally omitted (Part M); to amend the state finance law, in relation to the preferred sources program for commodities or services (Part N); to amend the workers' compensation law, in relation to the information required to be included in payroll records (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); to amend the executive law, in relation to unlawful discriminatory practices by educational institutions (Part V); intentionally omitted (Part W); to amend the economic development law, in relation to reporting requirements for the START-UP NY program (Part X); to amend the labor law, in relation to the calculation of weekly employment insurance benefits for workers who are partially unemployed; and repealing certain provisions of such law relating thereto (Part Y); to provide for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, in relation to the deposit provisions of the tobacco settlement financing corporation act; to amend the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding



project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities law, in relation to authorization for issuance of bonds for the capital restructuring bond finance program and the health care facility transformation program; to amend the education law, in relation to special apportionments of the EXCEL program; to amend the public authorities law, in relation to library construction; to amend the public authorities law, in relation to foster care youth facilities; to amend the public authorities law, in relation to the financing of metropolitan transportation authority transportation facilities; to amend the state finance law, in relation to the issuance of bonds; to amend the state finance law, in relation to the replacement of lost certificates; to amend the state finance law, in relation to the appointment of a fiscal agent; to amend the public authorities law, in relation to notes or bonds of the New York state thruway authority; to repeal sections 58, 59 and 60 of the state finance law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part Z); to amend the insurance law, in relation to workers' compensation rate service organizations; and to amend chapter 11 of the laws of 2008, amending the workers' compensation law, the insurance law, the volunteer ambulance workers' benefit law and the volunteer firefighters' benefit law, relating to rates for workers' compensation insurance and setting forth conditions for a workers' compensation rate service organization, in relation to the effectiveness thereof (Part AA); to amend the election law, in



relation to early voting (Part BB); to amend the election law, in relation to political contributions (Part CC); to amend the election law, in relation to enacting the Voter Enfranchisement Modernization Act of 2017; in relation to establishing the electronic personal voter registration process and in relation to establishing an electronic registration process integrated within designated agency applications (Part DD); 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 EE); to authorize an increase in aid and incentives for municipalities' base level grants (Part FF); to amend the election law, in relation to monies received and expenditures made by a party committee or constituted committee (Part GG); to amend the public service law, in relation to creating the state office of the utility consumer advocate (Part HH); to amend the public service law, in relation to utility intervenor reimbursement; and to amend the state finance law, in relation to establishing the utility intervenor account (Part II); to amend the county law, in relation to plans for representation of persons accused of a crime or certain parties in family court or surrogate's court (Part JJ); to amend the state finance law, in relation to the cost effectiveness of consultant contracts by state agencies (Part KK); relating to prohibiting the reduction of visiting hours in correctional facilities (Part LL); to amend the county law, in relation to assignment of counsel (Part MM); to amend the state finance law, in relation to defining prior year aid (Part NN); to amend the criminal procedure law, in relation to time limits for a speedy trial (Part OO); and to amend the insurance law, in relation to charitable bail organizations (Part PP)

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 which are necessary to implement the state fiscal plan for the 2017-2018  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through PP. The effective date for each particular  
5 provision contained within such Part is set forth in the last section of  
6 such Part. Any provision in any section contained within a Part, includ-  
7 ing the effective date of the Part, which makes a reference to a section  
8 "of this act", when used in connection with that particular component,  
9 shall be deemed to mean and refer to the corresponding section of the  
10 Part in which it is found. Section three of this act sets forth the  
11 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 B of chapter 55 of the laws of 2015, 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 [2017] 2019.

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

1 geographic area of employment of certain police officers, as amended by  
2 section 2 of part B of chapter 55 of the laws of 2015, is amended to  
3 read as follows:

4 § 3. This act shall take effect on the first day of November next  
5 succeeding the date on which it shall have become a law, and shall  
6 remain in effect until the first day of September, [2017] 2019, when it  
7 shall expire and be deemed repealed.

8 § 3. Section 3 of chapter 886 of the laws of 1972, amending the  
9 correction law and the penal law relating to prisoner furloughs in  
10 certain cases and the crime of absconding therefrom, as amended by  
11 section 3 of part B of chapter 55 of the laws of 2015, is amended to  
12 read as follows:

13 § 3. This act shall take effect 60 days after it shall have become a  
14 law and shall remain in effect until September 1, [2017] 2019.

15 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters  
16 50, 53 and 54 of the laws of 1987, the correction law, the penal law and  
17 other chapters and laws relating to correctional facilities, as amended  
18 by section 4 of part B of chapter 55 of the laws of 2015, is amended to  
19 read as follows:

20 § 20. This act shall take effect immediately except that section thir-  
21 teen of this act shall expire and be of no further force or effect on  
22 and after September 1, [2017] 2019 and shall not apply to persons  
23 committed to the custody of the department after such date, and provided  
24 further that the commissioner of corrections and community supervision  
25 shall report each January first and July first during such time as the  
26 earned eligibility program is in effect, to the chairmen of the senate  
27 crime victims, crime and correction committee, the senate codes commit-  
28 tee, the assembly correction committee, and the assembly codes commit-  
29 tee, the standards in effect for earned eligibility during the prior  
30 six-month period, the number of inmates subject to the provisions of  
31 earned eligibility, the number who actually received certificates of  
32 earned eligibility during that period of time, the number of inmates  
33 with certificates who are granted parole upon their first consideration  
34 for parole, the number with certificates who are denied parole upon  
35 their first consideration, and the number of individuals granted and  
36 denied parole who did not have earned eligibility certificates.

37 § 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,  
38 amending the tax law and other laws relating to taxes, surcharges, fees  
39 and funding, as amended by section 5 of part B of chapter 55 of the laws  
40 of 2015, is amended to read as follows:

41 (q) the provisions of section two hundred eighty-four of this act  
42 shall remain in effect until September 1, [2017] 2019 and be applicable  
43 to all persons entering the program on or before August 31, [2017] 2019.

44 § 6. Section 10 of chapter 339 of the laws of 1972, amending the  
45 correction law and the penal law relating to inmate work release,  
46 furlough and leave, as amended by section 6 of part B of chapter 55 of  
47 the laws of 2015, is amended to read as follows:

48 § 10. This act shall take effect 30 days after it shall have become a  
49 law and shall remain in effect until September 1, [2017] 2019, and  
50 provided further that the commissioner of correctional services shall  
51 report each January first, and July first, to the chairman of the senate  
52 crime victims, crime and correction committee, the senate codes commit-  
53 tee, the assembly correction committee, and the assembly codes commit-  
54 tee, the number of eligible inmates in each facility under the custody  
55 and control of the commissioner who have applied for participation in  
56 any program offered under the provisions of work release, furlough, or

1 leave, and the number of such inmates who have been approved for partic-  
2 ipation.

3 § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994  
4 relating to certain provisions which impact upon expenditure of certain  
5 appropriations made by chapter 50 of the laws of 1994 enacting the state  
6 operations budget, as amended by section 7 of part B of chapter 55 of  
7 the laws of 2015, is amended to read as follows:

8 (c) sections forty-one and forty-two of this act shall expire Septem-  
9 ber 1, [2017] 2019; provided, that the provisions of section forty-two  
10 of this act shall apply to inmates entering the work release program on  
11 or after such effective date; and

12 § 8. Subdivision h of section 74 of chapter 3 of the laws of 1995,  
13 amending the correction law and other laws relating to the incarceration  
14 fee, as amended by section 8 of part B of chapter 55 of the laws of  
15 2015, is amended to read as follows:

16 h. Section fifty-two of this act shall be deemed to have been in full  
17 force and effect on and after April 1, 1995; provided, however, that the  
18 provisions of section 189 of the correction law, as amended by section  
19 fifty-five of this act, subdivision 5 of section 60.35 of the penal law,  
20 as amended by section fifty-six of this act, and section fifty-seven of  
21 this act shall expire September 1, [2017] 2019, when upon such date the  
22 amendments to the correction law and penal law made by sections fifty-  
23 five and fifty-six of this act shall revert to and be read as if the  
24 provisions of this act had not been enacted; provided, however, that  
25 sections sixty-two, sixty-three and sixty-four of this act shall be  
26 deemed to have been in full force and effect on and after March 1, 1995  
27 and shall be deemed repealed April 1, 1996 and upon such date the  
28 provisions of subsection (e) of section 9110 of the insurance law and  
29 subdivision 2 of section 89-d of the state finance law shall revert to  
30 and be read as set out in law on the date immediately preceding the  
31 effective date of sections sixty-two and sixty-three of this act;

32 § 9. Subdivision (c) of section 49 of subpart A of part C of chapter  
33 62 of the laws of 2011 amending the correction law and the executive  
34 law, relating to merging the department of correctional services and  
35 division of parole into the department of corrections and community  
36 supervision, as amended by section 9 of part B of chapter 55 of the laws  
37 of 2015, is amended to read as follows:

38 (c) that the amendments to subdivision 9 of section 201 of the  
39 correction law as added by section thirty-two of this act shall remain  
40 in effect until September 1, [2017] 2019, when it shall expire and be  
41 deemed repealed;

42 § 10. Subdivision (aa) of section 427 of chapter 55 of the laws of  
43 1992, amending the tax law and other laws relating to taxes, surcharges,  
44 fees and funding, as amended by section 10 of part B of chapter 55 of  
45 the laws of 2015, is amended to read as follows:

46 (aa) the provisions of sections three hundred eighty-two, three  
47 hundred eighty-three and three hundred eighty-four of this act shall  
48 expire on September 1, [2017] 2019;

49 § 11. Section 12 of chapter 907 of the laws of 1984, amending the  
50 correction law, the New York city criminal court act and the executive  
51 law relating to prison and jail housing and alternatives to detention  
52 and incarceration programs, as amended by section 11 of part B of chap-  
53 ter 55 of the laws of 2015, is amended to read as follows:

54 § 12. This act shall take effect immediately, except that the  
55 provisions of sections one through ten of this act shall remain in full

1 force and effect until September 1, [2017] 2019 on which date those  
2 provisions shall be deemed to be repealed.

3 § 12. Subdivision (p) of section 406 of chapter 166 of the laws of  
4 1991, amending the tax law and other laws relating to taxes, as amended  
5 by section 12 of part B of chapter 55 of the laws of 2015, is amended to  
6 read as follows:

7 (p) The amendments to section 1809 of the vehicle and traffic law made  
8 by sections three hundred thirty-seven and three hundred thirty-eight of  
9 this act shall not apply to any offense committed prior to such effec-  
10 tive date; provided, further, that section three hundred forty-one of  
11 this act shall take effect immediately and shall expire November 1, 1993  
12 at which time it shall be deemed repealed; sections three hundred  
13 forty-five and three hundred forty-six of this act shall take effect  
14 July 1, 1991; sections three hundred fifty-five, three hundred fifty-  
15 six, three hundred fifty-seven and three hundred fifty-nine of this act  
16 shall take effect immediately and shall expire June 30, 1995 and shall  
17 revert to and be read as if this act had not been enacted; section three  
18 hundred fifty-eight of this act shall take effect immediately and shall  
19 expire June 30, 1998 and shall revert to and be read as if this act had  
20 not been enacted; section three hundred sixty-four through three hundred  
21 sixty-seven of this act shall apply to claims filed on or after such  
22 effective date; sections three hundred sixty-nine, three hundred seven-  
23 ty-two, three hundred seventy-three, three hundred seventy-four, three  
24 hundred seventy-five and three hundred seventy-six of this act shall  
25 remain in effect until September 1, [2017] 2019, at which time they  
26 shall be deemed repealed; provided, however, that the mandatory  
27 surcharge provided in section three hundred seventy-four of this act  
28 shall apply to parking violations occurring on or after said effective  
29 date; and provided further that the amendments made to section 235 of  
30 the vehicle and traffic law by section three hundred seventy-two of this  
31 act, the amendments made to section 1809 of the vehicle and traffic law  
32 by sections three hundred thirty-seven and three hundred thirty-eight of  
33 this act and the amendments made to section 215-a of the labor law by  
34 section three hundred seventy-five of this act shall expire on September  
35 1, [2017] 2019 and upon such date the provisions of such subdivisions  
36 and sections shall revert to and be read as if the provisions of this  
37 act had not been enacted; the amendments to subdivisions 2 and 3 of  
38 section 400.05 of the penal law made by sections three hundred seventy-  
39 seven and three hundred seventy-eight of this act shall expire on July  
40 1, 1992 and upon such date the provisions of such subdivisions shall  
41 revert and shall be read as if the provisions of this act had not been  
42 enacted; the state board of law examiners shall take such action as is  
43 necessary to assure that all applicants for examination for admission to  
44 practice as an attorney and counsellor at law shall pay the increased  
45 examination fee provided for by the amendment made to section 465 of the  
46 judiciary law by section three hundred eighty of this act for any exam-  
47 ination given on or after the effective date of this act notwithstanding  
48 that an applicant for such examination may have prepaid a lesser fee for  
49 such examination as required by the provisions of such section 465 as of  
50 the date prior to the effective date of this act; the provisions of  
51 section 306-a of the civil practice law and rules as added by section  
52 three hundred eighty-one of this act shall apply to all actions pending  
53 on or commenced on or after September 1, 1991, provided, however, that  
54 for the purposes of this section service of such summons made prior to  
55 such date shall be deemed to have been completed on September 1, 1991;  
56 the provisions of section three hundred eighty-three of this act shall



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

12 § 13. Subdivision 8 of section 1809 of the vehicle and traffic law, as  
13 amended by section 13 of part B of chapter 55 of the laws of 2015, is  
14 amended to read as follows:

15 8. The provisions of this section shall only apply to offenses commit-  
16 ted on or before September first, two thousand [seventeen] nineteen.

17 § 14. Section 6 of chapter 713 of the laws of 1988, amending the vehi-  
18 cle and traffic law relating to the ignition interlock device program,  
19 as amended by section 14 of part B of chapter 55 of the laws of 2015, is  
20 amended to read as follows:

21 § 6. This act shall take effect on the first day of April next  
22 succeeding the date on which it shall have become a law; provided,  
23 however, that effective immediately, the addition, amendment or repeal  
24 of any rule or regulation necessary for the implementation of the fore-  
25 going sections of this act on their effective date is authorized and  
26 directed to be made and completed on or before such effective date and  
27 shall remain in full force and effect until the first day of September,  
28 [2017] 2019 when upon such date the provisions of this act shall be  
29 deemed repealed.

30 § 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the  
31 laws of 1997, amending the military law and other laws relating to vari-  
32 ous provisions, as amended by section 15 of part B of chapter 55 of the  
33 laws of 2015, is amended to read as follows:

34 a. sections forty-three through forty-five of this act shall expire  
35 and be deemed repealed on September 1, [2017] 2019;

36 § 16. Section 4 of part D of chapter 412 of the laws of 1999, amending  
37 the civil practice law and rules and the court of claims act relating to  
38 prisoner litigation reform, as amended by section 16 of part B of chap-  
39 ter 55 of the laws of 2015, is amended to read as follows:

40 § 4. This act shall take effect 120 days after it shall have become a  
41 law and shall remain in full force and effect until September 1, [2017]  
42 2019, when upon such date it shall expire.

43 § 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,  
44 constituting the family protection and domestic violence intervention  
45 act of 1994, as amended by section 17 of part B of chapter 55 of the  
46 laws of 2015, is amended to read as follows:

47 2. Subdivision 4 of section 140.10 of the criminal procedure law as  
48 added by section thirty-two of this act shall take effect January 1,  
49 1996 and shall expire and be deemed repealed on September 1, [2017]  
50 2019.

51 § 18. Section 5 of chapter 505 of the laws of 1985, amending the crim-  
52 inal procedure law relating to the use of closed-circuit television and  
53 other protective measures for certain child witnesses, as amended by  
54 section 18 of part B of chapter 55 of the laws of 2015, is amended to  
55 read as follows:

1 § 5. This act shall take effect immediately and shall apply to all  
2 criminal actions and proceedings commenced prior to the effective date  
3 of this act but still pending on such date as well as all criminal  
4 actions and proceedings commenced on or after such effective date and  
5 its provisions shall expire on September 1, [2017] 2019, when upon such  
6 date the provisions of this act shall be deemed repealed.

7 § 19. Subdivision d of section 74 of chapter 3 of the laws of 1995,  
8 enacting the sentencing reform act of 1995, as amended by section 19 of  
9 part B of chapter 55 of the laws of 2015, is amended to read as follows:

10 d. Sections one-a through twenty, twenty-four through twenty-eight,  
11 thirty through thirty-nine, forty-two and forty-four of this act shall  
12 be deemed repealed on September 1, [2017] 2019;

13 § 20. Section 2 of chapter 689 of the laws of 1993 amending the crimi-  
14 nal procedure law relating to electronic court appearance in certain  
15 counties, as amended by section 20 of part B of chapter 55 of the laws  
16 of 2015, is amended to read as follows:

17 § 2. This act shall take effect immediately, except that the  
18 provisions of this act shall be deemed to have been in full force and  
19 effect since July 1, 1992 and the provisions of this act shall expire  
20 September 1, [2017] 2019 when upon such date the provisions of this act  
21 shall be deemed repealed.

22 § 21. Section 3 of chapter 688 of the laws of 2003, amending the exec-  
23 utive law relating to enacting the interstate compact for adult offender  
24 supervision, as amended by section 21 of part B of chapter 55 of the  
25 laws of 2015, is amended to read as follows:

26 § 3. This act shall take effect immediately, except that section one  
27 of this act shall take effect on the first of January next succeeding  
28 the date on which it shall have become a law, and shall remain in effect  
29 until the first of September, [2017] 2019, upon which date this act  
30 shall be deemed repealed and have no further force and effect; provided  
31 that section one of this act shall only take effect with respect to any  
32 compacting state which has enacted an interstate compact entitled  
33 "Interstate compact for adult offender supervision" and having an iden-  
34 tical effect to that added by section one of this act and provided  
35 further that with respect to any such compacting state, upon the effec-  
36 tive date of section one of this act, section 259-m of the executive law  
37 is hereby deemed REPEALED and section 259-mm of the executive law, as  
38 added by section one of this act, shall take effect; and provided  
39 further that with respect to any state which has not enacted an inter-  
40 state compact entitled "Interstate compact for adult offender super-  
41 vision" and having an identical effect to that added by section one of  
42 this act, section 259-m of the executive law shall take effect and the  
43 provisions of section one of this act, with respect to any such state,  
44 shall have no force or effect until such time as such state shall adopt  
45 an interstate compact entitled "Interstate compact for adult offender  
46 supervision" and having an identical effect to that added by section one  
47 of this act in which case, with respect to such state, effective imme-  
48 diately, section 259-m of the executive law is deemed repealed and  
49 section 259-mm of the executive law, as added by section one of this  
50 act, shall take effect.

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

1 correctional facilities, as amended by section 22 of part B of chapter  
2 55 of the laws of 2015, is amended to read as follows:

3 § 8. This act shall take effect immediately; provided, however that  
4 sections five and six of this act shall expire and be deemed repealed  
5 September 1, [2017] 2019.

6 § 23. Section 3 of part C of chapter 152 of the laws of 2001 amending  
7 the military law relating to military funds of the organized militia, as  
8 amended by section 23 of part B of chapter 55 of the laws of 2015, is  
9 amended to read as follows:

10 § 3. This act shall take effect on the same date as the reversion of  
11 subdivision 5 of section 183 and subdivision 1 of section 221 of the  
12 military law as provided by section 76 of chapter 435 of the laws of  
13 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-  
14 standing this act shall be deemed to have been in full force and effect  
15 on and after July 31, 2005 and shall remain in full force and effect  
16 until September 1, [2017] 2019 when upon such date this act shall  
17 expire.

18 § 24. Section 5 of chapter 554 of the laws of 1986, amending the  
19 correction law and the penal law relating to providing for community  
20 treatment facilities and establishing the crime of absconding from the  
21 community treatment facility, as amended by section 24 of part B of  
22 chapter 55 of the laws of 2015, is amended to read as follows:

23 § 5. This act shall take effect immediately and shall remain in full  
24 force and effect until September 1, [2017] 2019, and provided further  
25 that the commissioner of correctional services shall report each January  
26 first and July first during such time as this legislation is in effect,  
27 to the chairmen of the senate crime victims, crime and correction  
28 committee, the senate codes committee, the assembly correction commit-  
29 tee, and the assembly codes committee, the number of individuals who are  
30 released to community treatment facilities during the previous six-month  
31 period, including the total number for each date at each facility who  
32 are not residing within the facility, but who are required to report to  
33 the facility on a daily or less frequent basis.

34 § 25. Section 2 of part H of chapter 503 of the laws of 2009 relating  
35 to the disposition of monies recovered by county district attorneys  
36 before the filing of an accusatory instrument, as amended by section 1  
37 of part B of chapter 57 of the laws of 2016, is amended to read as  
38 follows:

39 § 2. This act shall take effect immediately and shall remain in full  
40 force and effect until March 31, [2017] 2019, when it shall expire and  
41 be deemed repealed.

42 § 26. This act shall take effect immediately, provided however that  
43 section twenty-five of this act shall be deemed to have been in full  
44 force and effect on and after March 31, 2017.

45

## PART B

46 Section 1. Section 221.05 of the penal law, as added by chapter 360 of  
47 the laws of 1977, is amended to read as follows:

48 § 221.05 Unlawful possession of marihuana.

49 A person is guilty of unlawful possession of marihuana when he know-  
50 ingly and unlawfully possesses marihuana.

51 Unlawful possession of marihuana is a violation punishable only by a  
52 fine of not more than one hundred dollars. However, where the defendant  
53 has previously been convicted of [an offense] a crime defined in this  
54 article, except a crime defined in section 221.10 of this article



1 provided, however, that the record of such conviction does not demon-  
2 strate a conviction under subdivision two of such section 221.10, or  
3 article 220 of this chapter, committed within the three years immedi-  
4 ately preceding such violation, it shall be punishable (a) only by a fine  
5 of not more than two hundred dollars, if the defendant was previously  
6 convicted of one such offense committed during such period, and (b) by a  
7 fine of not more than two hundred fifty dollars or a term of imprison-  
8 ment not in excess of fifteen days or both, if the defendant was previ-  
9 ously convicted of two such offenses committed during such period.

10 § 2. Section 221.10 of the penal law, as amended by chapter 265 of the  
11 laws of 1979 and subdivision 2 as amended by chapter 75 of the laws of  
12 1995, is amended to read as follows:

13 § 221.10 Criminal possession of marihuana in the fifth degree.

14 A person is guilty of criminal possession of marihuana in the fifth  
15 degree when he or she knowingly and unlawfully possesses:

16 1. marihuana in a public place, as defined in section 240.00 of this  
17 chapter, and such marihuana is burning [or open to public view]; or

18 2. one or more preparations, compounds, mixtures or substances  
19 containing marihuana and the preparations, compounds, mixtures or  
20 substances are of an aggregate weight of more than twenty-five grams.

21 Criminal possession of marihuana in the fifth degree is a class B  
22 misdemeanor.

23 § 3. Paragraph (k) of subdivision 3 of section 160.50 of the criminal  
24 procedure law, as added by chapter 835 of the laws of 1977 and as relet-  
25 tered by chapter 192 of the laws of 1980, is amended to read as follows:

26 (k) (i) The accusatory instrument alleged a violation of article two  
27 hundred twenty or section 240.36 of the penal law, prior to the taking  
28 effect of article two hundred twenty-one of the penal law, or a  
29 violation of article two hundred twenty-one of the penal law; (ii) the  
30 sole controlled substance involved is marijuana; and (iii) the  
31 conviction was only for a violation or violations[; and (iv) at least  
32 three years have passed since the offense occurred] of section 221.10 of  
33 the penal law provided, however, that the record of such conviction does  
34 not demonstrate a conviction under subdivision two of such section  
35 221.10, or for a petty offense or offenses. No defendant shall be  
36 required or permitted to waive eligibility for sealing pursuant to this  
37 paragraph as part of a plea of guilty, sentence or any agreement related  
38 to a conviction for a violation of section 221.05 or section 221.10 of  
39 the penal law and any such waiver shall be deemed void and wholly unen-  
40 forceable.

41 § 4. Section 160.50 of the criminal procedure law is amended by adding  
42 three new subdivisions 5, 6 and 7 to read as follows:

43 5. A person convicted of a violation of section 221.10 of the penal  
44 law, other than a conviction after trial of, or plea of guilty to,  
45 subdivision two of such section 221.10, prior to the effective date of  
46 this subdivision may upon motion apply to the court in which such termi-  
47 nation occurred, upon not less than twenty days notice to the district  
48 attorney, for an order granting to such person the relief set forth in  
49 subdivision one of this section, and such order shall be granted unless  
50 the district attorney demonstrates that the interests of justice require  
51 otherwise.

52 6. (a) Notwithstanding any other provision of law except as provided  
53 in paragraph (d) of subdivision one of this section and paragraph (e) of  
54 subdivision four of section eight hundred thirty-seven of the executive  
55 law: (i) when the division of criminal justice services conducts a  
56 search of its criminal history records, maintained pursuant to subdivi-

1 sion six of section eight hundred thirty-seven of the executive law, and  
2 returns a report thereon, all references to a conviction for a violation  
3 of section 221.10 of the penal law, other than a conviction after trial  
4 of, or plea of guilty to, subdivision two of such section 221.10, shall  
5 be excluded from such report; and (ii) the chief administrator of the  
6 courts shall develop and promulgate rules as may be necessary to ensure  
7 that no written or electronic report of a criminal history record search  
8 conducted by the office of court administration contains information  
9 relating to a conviction for a violation of section 221.10 of the penal  
10 law, other than a conviction after trial of, or plea of guilty to,  
11 subdivision two of such section 221.10, unless such search is conducted  
12 solely for a bona fide research purpose, provided that such information,  
13 if so disseminated, shall be disseminated in accordance with procedures  
14 established by the chief administrator of the courts to assure the secu-  
15 rity and privacy of identification and information data, which shall  
16 include the execution of an agreement which protects the confidentiality  
17 of the information and reasonably protects against data linkage to indi-  
18 viduals.

19 (b) Nothing contained in this subdivision shall be deemed to permit or  
20 require the release, disclosure or other dissemination by the division  
21 of criminal justice services or the office of court administration of  
22 criminal history record information that has been sealed in accordance  
23 with law.

24 7. A person convicted of a violation of section 221.05 of the penal  
25 law shall, on the effective date of this subdivision, have such  
26 conviction immediately sealed pursuant to subdivision one of this  
27 section if such conviction occurred less than three years prior to such  
28 effective date.

29 § 5. This act shall take effect immediately; provided, however, that  
30 sections one, three and four of this act shall take effect on the sixti-  
31 eth day after it shall have become a law.

32 PART C

33 Intentionally Omitted

34 PART D

35 Section 1. Section 60.45 of the criminal procedure law is amended by  
36 adding a new subdivision 3 to read as follows:

37 3. (a) When a person is subject to interrogation by a public servant  
38 at a detention facility, and the public servant is aware or has reason  
39 to suspect that the person interrogated committed a crime under investi-  
40 gation by such public servant or a law enforcement entity associated  
41 with such public servant, the entire interrogation, including the giving  
42 of any required advice of the rights of the individual being questioned,  
43 and the waiver of any rights by the individual, shall be recorded by an  
44 appropriate video recording device, if the interrogation involves a  
45 class A-1 felony or a violent felony offense as defined in section 70.02  
46 of the penal law. The interrogation shall be recorded in a manner such  
47 that the persons in the recording are shown and the speech is intelligi-  
48 ble. Such recording may also be conducted outside of a detention facil-  
49 ity. For purposes of this paragraph, the term "detention facility"  
50 shall mean a police station, correctional facility, holding facility for  
51 prisoners, prosecutor's office or other facility where persons are held

1 in detention in connection with criminal charges that have been or may  
2 be filed against them.

3 (b) No confession, admission or other statement shall be subject to a  
4 motion to suppress pursuant to subdivision three of section 710.20 of  
5 this chapter based solely upon the failure to video record such interro-  
6 gation in a detention facility as defined in paragraph (a) of this  
7 subdivision. However, when the people offer into evidence against a  
8 defendant a confession, admission or other statement made by a person  
9 with respect to an alleged offense specified in paragraph (a) of this  
10 subdivision that has not been video recorded, the court shall consider  
11 the failure to record as a factor, in accordance with paragraph (c) of  
12 this subdivision, in determining whether such confession, admission or  
13 other statement shall be admissible.

14 (c) Notwithstanding the requirement of paragraph (a) of this subdivi-  
15 sion, following a written motion of the prosecutor asserting good cause  
16 pursuant to this paragraph, filed within the time periods specified in  
17 section 710.30 of this chapter, and after an opportunity for a hearing,  
18 upon clear and convincing proof of such good cause, the court may find  
19 that such interrogation need not have been recorded. Such good cause may  
20 include the following:

21 (i) The video recording equipment malfunctioned while the recording of  
22 the interrogation was attempted.

23 (ii) Video recording equipment was not reasonably available because it  
24 was being used to record other interrogations in accordance with this  
25 section, and no such interrogation could reasonably have been delayed.

26 (iii) The statement was made in response to pedigree questions that  
27 are reasonably and routinely asked during arrest processing.

28 (iv) The statement was made spontaneously by the individual and not in  
29 response to questioning by a public servant.

30 (v) The statement was made during an interrogation that was conducted  
31 when the interviewer was unaware and had no reason to suspect that a  
32 qualifying offense may have occurred.

33 (vi) The statement was made after the individual voluntarily, and  
34 without express or implied encouragement by a public servant, refused to  
35 participate in the interrogation if recorded, and the circumstances of  
36 the refusal were recorded or, if such a record of the refusal was  
37 refused as well, reasonably contemporaneous documentation of the circum-  
38 stances of the refusal was made.

39 (vii) It was the reasonable belief of the appropriate law enforcement  
40 official or officials that a video recording would jeopardize the safety  
41 of a specific person or persons or reveal the identity of one or more  
42 specific confidential informants, and reasonably contemporaneous  
43 documentation of the circumstances of such belief was made.

44 (viii) Such statement was made at a location not equipped with an  
45 appropriate recording device, it was not reasonably possible, under the  
46 circumstances, to bring equipment to such location or transfer the indi-  
47 vidual to a detention facility for interrogation, and the reason for  
48 using such location was not to subvert the intent of the law. For  
49 purposes of this section, the term "location" shall include those  
50 locations specified in paragraph (b) of subdivision four of section  
51 305.2 of the family court act.

52 (d) In the event that an interrogation that qualified for recording  
53 under paragraph (a) of this subdivision was not recorded and the court  
54 determines that the non-recorded, alleged confession, admission or other  
55 statement is lawfully admissible, then, upon request of the defendant,  
56 the court must instruct the jury that the law generally requires record-

1 ing under such circumstances and that the people's failure to record the  
2 defendant's alleged confession, admission or other statement may be  
3 considered in its deliberations, including, but not limited to, in  
4 determining whether such alleged confession, admission or other state-  
5 ment was voluntarily made, is accurate or truthful, or was made at all.  
6 When so instructing the jury, if the court has found that good cause for  
7 non-recording existed in accordance with paragraph (c) of this subdivi-  
8 sion, the court, at the request of the people, shall advise the jury of  
9 the factor or factors set forth in paragraph (c) of this subdivision  
10 that the court found to be proved, without disclosing the court's find-  
11 ing with respect thereto, and advise the jury that it may make an inde-  
12 pendent determination concerning what weight, if any, to give to the  
13 failure to record.

14 (e) Video recording as required by this section shall be conducted in  
15 accordance with standards consistent with this subdivision established  
16 in regulations by the division of criminal justice services.

17 § 2. Subdivision 8 of section 305.2 of the family court act, as  
18 amended by chapter 398 of the laws of 1983, is amended and a new subdivi-  
19 sion 5-a is added to read as follows:

20 5-a. When at any time a child is subject to interrogation by a public  
21 servant at a facility designated by the chief administrator of the  
22 courts as a suitable place for the questioning of juveniles pursuant to  
23 subdivision four of this section, and the public servant is aware or has  
24 reason to suspect that the child interrogated committed an act that  
25 would be a crime if committed by an adult and which is under investi-  
26 gation by such public servant or a law enforcement entity associated  
27 with such public servant, the entire interrogation, including the giving  
28 of any required notice to the child as to his or her rights and his or  
29 her waiver of any rights, shall be video recorded and governed in  
30 accordance with the provisions of subdivision three of section 60.45 of  
31 the criminal procedure law. The interrogation shall be recorded in a  
32 manner such that the persons in the recording are shown and the speech  
33 is intelligible. A copy of the recording shall be subject to discovery  
34 pursuant to section 331.2 of this article. This subdivision shall not  
35 apply to a statement made to the probation service, in accordance with  
36 subdivision seven of section 308.1 of this part, except when such state-  
37 ment may be admissible under such subdivision seven of section 308.1.

38 8. In determining the suitability of questioning and determining the  
39 reasonable period of time for questioning such a child, the child's age,  
40 the presence or absence of his or her parents or other persons legally  
41 responsible for his or her care [and], notification pursuant to subdivi-  
42 sion three and, where the child has been interrogated at a facility  
43 designated by the chief administrator of the courts as a suitable place  
44 for the questioning of juveniles, whether the interrogation was in  
45 compliance with the video-recording and disclosure requirements of  
46 subdivision five-a of this section shall be included among relevant  
47 considerations.

48 § 3. Subdivision 3 of section 344.2 of the family court act is renum-  
49 bered subdivision 4 and a new subdivision 3 is added to read as follows:

50 3. When at any time a child is subject to interrogation by a public  
51 servant at a facility designated by the chief administrator of the  
52 courts as a suitable place for the questioning of juveniles pursuant to  
53 subdivision four of section 305.2 of this article, and the public serv-  
54 ant is aware or has reason to suspect that the child interrogated  
55 committed an act that would constitute a crime if committed by an adult  
56 and which is under investigation by such public servant or a law

1 enforcement entity associated with such public servant, the entire  
2 interrogation, including the giving of any required notice to the child  
3 as to his or her rights and his or her waiver of any rights, shall be  
4 video recorded and governed in accordance with the provisions of subdi-  
5 vision three of section 60.45 of the criminal procedure law. The inter-  
6 rogation shall be recorded in a manner such that the persons in the  
7 recording are shown and the speech is intelligible. A copy of the  
8 recording shall be subject to discovery pursuant to section 331.2 of  
9 this article. This subdivision shall not apply to a statement made to  
10 the probation service, in accordance with subdivision seven of section  
11 308.1 of this article, except when such statement may be admissible  
12 under such subdivision seven of section 308.1.

13 § 4. Section 60.25 of the criminal procedure law, subparagraph (ii) of  
14 paragraph (a) of subdivision 1 as amended by chapter 479 of the laws of  
15 1977, is amended to read as follows:

16 § 60.25 Rules of evidence; identification by means of previous recogni-  
17 tion, in absence of present identification.

18 1. In any criminal proceeding in which the defendant's commission of  
19 an offense is in issue, testimony as provided in subdivision two may be  
20 given by a witness when:

21 (a) Such witness testifies that:

22 (i) He or she observed the person claimed by the people to be the  
23 defendant either at the time and place of the commission of the offense  
24 or upon some other occasion relevant to the case; and

25 (ii) On a subsequent occasion he or she observed, under circumstances  
26 consistent with such rights as an accused person may derive under the  
27 constitution of this state or of the United States, a person or, where  
28 the observation is made pursuant to a blind procedure as defined in  
29 paragraph (c) of this subdivision, a pictorial, photographic, electron-  
30 ic, filmed or video recorded reproduction of a person whom he or she  
31 recognized as the same person whom he or she had observed on the first  
32 or incriminating occasion; and

33 (iii) He or she is unable at the proceeding to state, on the basis of  
34 present recollection, whether or not the defendant is the person in  
35 question; and

36 (b) It is established that the defendant is in fact the person whom  
37 the witness observed and recognized or whose pictorial, photographic,  
38 electronic, filmed or video recorded reproduction the witness observed  
39 and recognized on the second occasion. Such fact may be established by  
40 testimony of another person or persons to whom the witness promptly  
41 declared his or her recognition on such occasion and by such pictorial,  
42 photographic, electronic, filmed or video recorded reproduction.

43 (c) (i) For purposes of this section, a "blind procedure" is one in  
44 which the witness identifies a person in an array of pictorial, photo-  
45 graphic, electronic, filmed or video recorded reproductions under  
46 circumstances that comply with the applicable provisions of section  
47 60.80 of the criminal procedure law and the protocols promulgated in  
48 accordance with subdivision twenty-one of section eight hundred thirty-  
49 seven of the executive law and where, at the time the identification is  
50 made, each public servant administering such procedure and with whom the  
51 witness communicates with respect to the conducting of such procedure  
52 does not know which person in the array is the suspect.

53 (ii) The failure of a public servant to follow such a procedure shall  
54 result in the preclusion of testimony regarding the identification  
55 procedure as evidence in chief, but shall not, in and of itself, consti-  
56 tute a legal basis to suppress evidence in response to a motion made



1 pursuant to subdivision six of section 710.20 of this chapter. This  
2 paragraph, in and of itself, neither limits nor expands subdivision six  
3 of section 710.20 of this chapter.

4 2. Under circumstances prescribed in subdivision one of this section,  
5 such witness may testify at the criminal proceeding that the person whom  
6 he or she observed and recognized or whose pictorial, photographic,  
7 electronic, filmed or video recorded reproduction he or she observed and  
8 recognized on the second occasion is the same person whom he or she  
9 observed on the first or incriminating occasion. Such testimony,  
10 together with the evidence that the defendant is in fact the person whom  
11 the witness observed and recognized or whose pictorial, photographic,  
12 electronic, filmed or video recorded reproduction he or she observed and  
13 recognized on the second occasion, constitutes evidence in chief.

14 § 5. Section 60.30 of the criminal procedure law, as amended by chap-  
15 ter 479 of the laws of 1977, is amended to read as follows:

16 § 60.30 Rules of evidence; identification by means of previous recogni-  
17 tion, in addition to present identification.

18 In any criminal proceeding in which the defendant's commission of an  
19 offense is in issue, a witness who testifies that (a) he or she observed  
20 the person claimed by the people to be the defendant either at the time  
21 and place of the commission of the offense or upon some other occasion  
22 relevant to the case, and (b) on the basis of present recollection, the  
23 defendant is the person in question and (c) on a subsequent occasion he  
24 or she observed the defendant, or where the observation is made pursuant  
25 to a blind procedure, as defined in paragraph (c) of subdivision one of  
26 section 60.25 of this article, a pictorial, photographic, electronic,  
27 filmed or video recorded reproduction of the defendant, under circum-  
28 stances consistent with such rights as an accused person may derive  
29 under the constitution of this state or of the United States, and then  
30 also recognized him or her or the pictorial, photographic, electronic,  
31 filmed or video recorded reproduction of him or her as the same person  
32 whom he or she had observed on the first or incriminating occasion, may,  
33 in addition to making an identification of the defendant at the criminal  
34 proceeding on the basis of present recollection as the person whom he or  
35 she observed on the first or incriminating occasion, also describe his  
36 or her previous recognition of the defendant and testify that the person  
37 whom he or she observed or whose pictorial, photographic, electronic,  
38 filmed or video recorded reproduction he or she observed on such second  
39 occasion is the same person whom he or she had observed on the first or  
40 incriminating occasion. Such testimony and such pictorial, photograph-  
41 ic, electronic, filmed or video recorded reproduction constitutes  
42 evidence in chief.

43 § 6. The criminal procedure law is amended by adding a new section  
44 60.80 to read as follows:

45 § 60.80 Eyewitness identification procedures.

46 In any array and any live lineup identification procedure conducted by  
47 a public servant, the following procedures shall be followed:

48 1. The identification procedure shall be conducted as a "blind proce-  
49 dure" as defined in subparagraph (i) of paragraph (c) of subdivision one  
50 of section 60.25 of this article.

51 2. Prior to any such identification procedure, the eyewitness shall be  
52 instructed that:

53 (a) the perpetrator may or may not be among the persons in the iden-  
54 tification procedure;

55 (b) the administrator does not know who the perpetrator is;

1 (c) the eyewitness should not feel compelled to make an identifica-  
2 tion;

3 (d) the investigation will continue whether or not an identification  
4 is made; and

5 (e) the procedure requires the administrator to ask and then document  
6 a statement, made in the witness's own words, of the witness's level of  
7 confidence in the accuracy of any identification.

8 3. (a) Unless impracticable, the photograph of the suspect used in a  
9 photo array shall be contemporary and resemble the suspect's appearance  
10 at the time of the offense. When such is impracticable, the investigator  
11 shall document, in reasonably contemporaneous written form, the reasons  
12 therefor.

13 (b) In a photo array, there shall be no characteristics of the photo-  
14 graphs themselves or the background on which they are placed that would  
15 make any photograph stand out.

16 (c) A photo array or live lineup shall be composed so that the fillers  
17 generally resemble the eyewitness's description of the perpetrator,  
18 while ensuring that the suspect does not stand out from the fillers.

19 (d) If there are multiple eyewitnesses, each eyewitness shall view the  
20 photo array or live lineup separately, the suspect shall be placed in a  
21 different position in the live lineup and/or photo array for each  
22 eyewitness, and the eyewitnesses shall not be permitted to communicate  
23 with each other until all of the identification procedures have been  
24 completed.

25 4. (a) Nothing shall be said to an eyewitness that might influence his  
26 or her identification of any particular person in the live lineup or  
27 photo array.

28 (b) If the eyewitness identifies a person as the perpetrator, the  
29 eyewitness shall not be provided any information concerning such person  
30 before the administrator obtains the eyewitness's confidence statement  
31 about the selection.

32 5. (a) A record of the identification procedure shall be made that  
33 includes all identification and non-identification results obtained  
34 during the identification procedures.

35 (b) (i) A video recording shall be made of the entire identification  
36 procedure, including but not limited to the setting up of the procedure  
37 and the instructions and statements of witnesses and the statement or  
38 statements made in compliance with paragraph (e) of subdivision two of  
39 this section.

40 (ii) Notwithstanding the requirements of subparagraph (i) of this  
41 paragraph, following a written motion of the prosecutor, and after an  
42 opportunity for a hearing, the court may find that a video recording was  
43 not required if the people show by clear and convincing evidence that  
44 (A) the video recording equipment malfunctioned while the recording of  
45 the identification procedure was attempted; (B) video recording equip-  
46 ment was not reasonably available because it was being used to record  
47 other identification procedures in accordance with this section, and no  
48 such identification procedure could reasonably have been delayed; or (C)  
49 such identification procedure was made at a location not equipped with  
50 an appropriate recording device, it was not reasonably possible, under  
51 the circumstances, to bring equipment to such location or move the  
52 procedure to a location at which appropriate video recording was avail-  
53 able, and the reason for using the location was not to subvert the  
54 intent of the law.

1 (iii) Video recording, as required by this paragraph, shall be  
2 conducted in accordance with standards consistent with this paragraph  
3 established in regulations by the division of criminal justice services.

4 6. The following definitions shall apply to this section:

5 (a) "Blind" means at the time the identification is made, each public  
6 servant administering the identification procedure and with whom the  
7 witness communicates does not know which person in the array is the  
8 suspect.

9 (b) "Eyewitness" or "witness" means a person who observes another  
10 person at or near the scene of an offense or upon some other occasion  
11 relevant to the investigation or case.

12 (c) "Filler" means either a person or a photograph of a person who is  
13 not suspected of the offense under investigation and is included in an  
14 identification procedure.

15 (d) "Identification procedure" means a live lineup or a photo array.

16 (e) "Live lineup" means an identification procedure in which a group  
17 of persons, including the suspected perpetrator of an offense and other  
18 persons not suspected of the offense, is displayed to an eyewitness for  
19 the purpose of determining whether the eyewitness identifies the suspect  
20 as the perpetrator.

21 (f) "Array" means any photographic array.

22 (g) "Photographic array" or "photo array" means an identification  
23 procedure in which an array of photographs, including a photograph of  
24 the suspected perpetrator of an offense and other persons not suspected  
25 of the offense, is displayed to an eyewitness either in hard copy form  
26 or via computer for the purpose of determining whether the eyewitness  
27 identifies the suspect as the perpetrator.

28 § 7. Subdivision 6 of section 710.20 of the criminal procedure law, as  
29 amended by chapter 8 of the laws of 1976 and as renumbered by chapter  
30 481 of the laws of 1983, is amended to read as follows:

31 6. Consists of potential testimony regarding an observation of the  
32 defendant either at the time or place of the commission of the offense  
33 or upon some other occasion relevant to the case, which potential testi-  
34 mony would not be admissible upon the prospective trial of such charge  
35 owing to an improperly made previous identification of the defendant or  
36 identification of a pictorial, photographic, electronic, filmed or video  
37 recorded reproduction of the defendant by the prospective witness. A  
38 claim that such previous identification of the defendant or identifica-  
39 tion of a pictorial, photographic, electronic, filmed or video recorded  
40 reproduction of the defendant by a prospective witness did not comply  
41 with paragraph (c) of subdivision one of section 60.25 or section 60.80  
42 of this chapter or with the protocols promulgated in accordance with  
43 subdivision twenty-one of section eight hundred thirty-seven of the  
44 executive law shall not, in and of itself, constitute a legal basis to  
45 suppress evidence in response to a motion made pursuant to this subdivi-  
46 sion.

47 § 8. Subdivision 1 of section 710.30 of the criminal procedure law, as  
48 separately amended by chapters 8 and 194 of the laws of 1976, is amended  
49 to read as follows:

50 1. Whenever the people intend to offer at a trial (a) evidence of a  
51 statement made by a defendant to a public servant, which statement if  
52 involuntarily made would render the evidence thereof suppressible upon  
53 motion pursuant to subdivision three of section 710.20 of this article,  
54 or (b) testimony regarding an observation of the defendant either at the  
55 time or place of the commission of the offense or upon some other occa-  
56 sion relevant to the case, to be given by a witness who has previously

1 identified him or her or a pictorial, photographic, electronic, filmed  
2 or video recorded reproduction of him or her as such, they must serve  
3 upon the defendant a notice of such intention, specifying the evidence  
4 intended to be offered.

5 § 9. Section 343.3 of the family court act, as added by chapter 920 of  
6 the laws of 1982, is amended to read as follows:

7 § 343.3. Rules of evidence; identification by means of previous recog-  
8 nition in absence of present identification. 1. In any juvenile delin-  
9 quency proceeding in which the respondent's commission of a crime is in  
10 issue, testimony as provided in subdivision two may be given by a  
11 witness when:

12 (a) such witness testifies that:

13 (i) he or she observed the person claimed by the presentment agency to  
14 be the respondent either at the time and place of the commission of the  
15 crime or upon some other occasion relevant to the case; and

16 (ii) on a subsequent occasion he or she observed, under circumstances  
17 consistent with such rights as an accused person may derive under the  
18 constitution of this state or of the United States, a person, or, where  
19 the observation is made pursuant to a blind procedure as defined in  
20 paragraph (c) of this subdivision, a pictorial, photographic, electron-  
21 ic, filmed or video recorded reproduction of a person whom he or she  
22 recognized as the same person whom he or she had observed on the first  
23 incriminating occasion; and

24 (iii) he or she is unable at the proceeding to state, on the basis of  
25 present recollection, whether or not the respondent is the person in  
26 question; and

27 (b) it is established that the respondent is in fact the person whom  
28 the witness observed and recognized or whose pictorial, photographic,  
29 electronic, filmed or video recorded reproduction the witness observed  
30 and recognized on the second occasion. Such fact may be established by  
31 testimony of another person or persons to whom the witness promptly  
32 declared his or her recognition on such occasion and by such pictorial,  
33 photographic, electronic, filmed or video recorded reproduction.

34 (c) (i) For purposes of this section, a "blind procedure" is one in  
35 which the witness identifies a person in an array of pictorial, photo-  
36 graphic, electronic, filmed or video recorded reproductions under  
37 circumstances that comply with the applicable provisions of section  
38 60.80 of the criminal procedure law and the protocols promulgated in  
39 accordance with subdivision twenty-one of section eight hundred thirty-  
40 seven of the executive law and where, at the time the identification is  
41 made, each public servant administering such procedure and with whom the  
42 witness communicates with respect to the conducting of such procedure  
43 does not know which person in the array is the suspect.

44 (ii) The failure of a public servant to follow such a procedure shall  
45 result in the preclusion of testimony regarding the identification  
46 procedure as evidence in chief, but shall not, in of of itself, consti-  
47 tute a legal basis to suppress evidence made pursuant to subdivision six  
48 of section 710.20 of the criminal procedure law. This paragraph, in and  
49 of itself, neither limits nor expands subdivision six of section 710.20  
50 of the criminal procedure law.

51 2. Under circumstances prescribed in subdivision one of this section,  
52 such witness may testify at the proceeding that the person whom he or  
53 she observed and recognized or whose pictorial, photographic, electron-  
54 ic, filmed or video recorded reproduction he or she observed and recog-  
55 nized on the second occasion is the same person whom he or she observed  
56 on the first or incriminating occasion. Such testimony, together with

1 the evidence that the respondent is in fact the person whom the witness  
2 observed and recognized or whose pictorial, photographic, electronic,  
3 filmed or video recorded reproduction he or she observed and recognized  
4 on the second occasion, constitutes evidence in chief.

5 § 10. Section 343.4 of the family court act, as added by chapter 920  
6 of the laws of 1982, is amended to read as follows:

7 § 343.4. Rules of evidence; identification by means of previous recog-  
8 nition, in addition to present identification. In any juvenile delin-  
9 quency proceeding in which the respondent's commission of a crime is in  
10 issue, a witness who testifies that: (a) he or she observed the person  
11 claimed by the presentment agency to be the respondent either at the  
12 time and place of the commission of the crime or upon some other occa-  
13 sion relevant to the case, and (b) on the basis of present recollection,  
14 the respondent is the person in question, and (c) on a subsequent occa-  
15 sion he or she observed the respondent, or, where the observation is  
16 made pursuant to a blind procedure, a pictorial, photographic, electron-  
17 ic, filmed or video recorded reproduction of the respondent under  
18 circumstances consistent with such rights as an accused person may  
19 derive under the constitution of this state or of the United States, and  
20 then also recognized him or her or the pictorial, photographic, elec-  
21 tronic, filmed or video recorded reproduction of him or her as the same  
22 person whom he or she had observed on the first or incriminating occa-  
23 sion, may, in addition to making an identification of the respondent at  
24 the delinquency proceeding on the basis of present recollection as the  
25 person whom he or she observed on the first or incriminating occasion,  
26 also describe his or her previous recognition of the respondent and  
27 testify that the person whom he or she observed or whose pictorial,  
28 photographic, electronic, filmed or video recorded reproduction he or  
29 she observed on such second occasion is the same person whom he or she  
30 had observed on the first or incriminating occasion. Such testimony and  
31 such pictorial, photographic, electronic, filmed or video recorded  
32 reproduction constitutes evidence in chief. For purposes of this  
33 section, a "blind procedure" shall be as defined in subparagraph (i) of  
34 paragraph (c) of subdivision one of section 343.3 of this part.

35 § 11. Section 837 of the executive law is amended by adding a new  
36 subdivision 21 to read as follows:

37 21. Promulgate by regulation a standardized and detailed written  
38 protocol that is grounded in evidence-based principles for the adminis-  
39 tration of photographic array and live lineup identification procedures  
40 for police agencies and standardized forms for use by such agencies in  
41 the reporting and recording of such identification procedure. Such  
42 protocol shall be consistent in all respects with section 60.80 of the  
43 criminal procedure law.

44 § 12. Subdivision 4 of section 840 of the executive law is amended by  
45 adding a new paragraph (c) to read as follows:

46 (c) Disseminate the written policies and procedures promulgated in  
47 accordance with section 60.80 of the criminal procedure law and subdivi-  
48 sion twenty-one of section eight hundred thirty-seven of this article to  
49 all police departments and law enforcement agencies in this state and  
50 implement a training program for all current and new police officers and  
51 for relevant law enforcement officials regarding the policies and proce-  
52 dures established pursuant to section 60.80 of the criminal procedure  
53 law and subdivision twenty-one of section eight hundred thirty-seven of  
54 this article.

55 § 13. Section 722-e of the county law, as added by chapter 878 of the  
56 laws of 1965, is amended to read as follows:

1 § 722-e. Expenses. All expenses for providing counsel and services  
2 other than counsel hereunder shall be a county charge or in the case of  
3 a county wholly located within a city a city charge to be paid out of an  
4 appropriation for such purposes. Such expenses for the provision of  
5 counsel and services, in cases of persons charged with a crime or  
6 offense, shall be reimbursed by the state from the indigent legal  
7 services fund established by section ninety-eight-b of the state finance  
8 law to the county or city providing such counsel and services according  
9 to the reimbursement rate pursuant to subdivisions (a) through (g) of  
10 this section. For the state fiscal year beginning:

11 (a) on April first, two thousand eighteen, the state shall provide  
12 reimbursement for not less than twenty-five percent of such expenses;

13 (b) on April first, two thousand nineteen, the state shall provide  
14 reimbursement for not less than thirty-five percent of such expenses;

15 (c) on April first, two thousand twenty, the state shall provide  
16 reimbursement for not less than forty-five percent of such expenses;

17 (d) on April first, two thousand twenty-one, the state shall provide  
18 reimbursement for not less than fifty-five percent of such expenses,

19 (e) on April first, two thousand twenty-two, the state shall provide  
20 reimbursement for not less than sixty-five percent of such expenses;

21 (f) on April first, two thousand twenty-three, the state shall provide  
22 reimbursement for not less than seventy-five percent of such expenses;  
23 and

24 (g) every year thereafter, the state shall provide reimbursement for  
25 the full amount of such expenses.

26 Provided, however, that any such expenses incurred for the provision  
27 of counsel and services as a result of the implementation of a plan  
28 established pursuant to subdivision four of section eight hundred thir-  
29 ty-two of the executive law, including any interim steps taken to imple-  
30 ment such plan, shall be fully reimbursed by the state from the indigent  
31 legal services fund to the county or city providing such services. The  
32 state shall appropriate funds sufficient to provide for the reimburse-  
33 ment required by this section.

34 § 14. Section 832 of the executive law is amended by adding a new  
35 subdivision 4 to read as follows:

36 4. Additional duties and responsibilities. The office shall, in  
37 consultation with the indigent legal services board established pursuant  
38 to section eight hundred thirty-three of this article, have the follow-  
39 ing duties and responsibilities:

40 (a) Counsel at arraignment. Develop and implement a written plan to  
41 ensure that each criminal defendant who is eligible for publicly funded  
42 legal representation is represented by counsel in person at his or her  
43 arraignment; provided, however, that a timely arraignment with counsel  
44 shall not be delayed pending a determination of a defendant's eligibil-  
45 ity.

46 (i) For the purposes of the plan developed pursuant to this subdivi-  
47 sion, the term "arraignment" shall mean the first appearance by a person  
48 charged with a crime before a judge or magistrate, with the exception of  
49 an appearance where no prosecutor appears and no action occurs other  
50 than the adjournment of the criminal process and the unconditional  
51 release of the person charged (in which event "arraignment" shall mean  
52 the person's next appearance before a judge or magistrate).

53 (ii) The written plan developed pursuant to this subdivision shall be  
54 completed by December first, two thousand seventeen and shall include  
55 interim steps for each county and the city of New York for achieving  
56 compliance with the plan.

1 (iii) Each county and the city of New York shall, in consultation with  
2 the office, undertake good faith efforts to implement the plan and such  
3 plan shall be fully implemented and adhered to in each county and the  
4 city of New York by April first, two thousand twenty-three. Pursuant to  
5 section seven hundred twenty-two-e of the county law, the state shall  
6 reimburse each county and the city of New York for any costs incurred as  
7 a result of implementing such plan.

8 (iv) The office shall, on an ongoing basis, monitor and periodically  
9 report on the implementation of, and compliance with, the plan in each  
10 county and the city of New York.

11 (b) Caseload relief. Develop and implement a written plan that estab-  
12 lishes numerical caseload/workload standards for each provider of  
13 constitutionally mandated publicly funded representation in criminal  
14 cases for people who are unable to afford counsel.

15 (i) Such standards shall apply to all providers whether public defen-  
16 der, legal aid society, assigned counsel program or conflict defender in  
17 each county and the city of New York.

18 (ii) The written plan developed pursuant to this subdivision shall be  
19 completed by December first, two thousand seventeen and shall include  
20 interim steps for each county and the city of New York for achieving  
21 compliance with the plan. Such plan shall include the number of attor-  
22 neys, investigators and other non-attorney staff and the amount of  
23 in-kind resources necessary for each provider of mandated representation  
24 to implement such plan.

25 (iii) Each county and the city of New York shall, in consultation  
26 with the office, undertake good faith efforts to implement the  
27 caseload/workload standards and such standards shall be fully imple-  
28 mented and adhered to in each county and the city of New York by April  
29 first, two thousand twenty-three. Pursuant to section seven hundred  
30 twenty-two-e of the county law, the state shall reimburse each county  
31 and the city of New York for any costs incurred as a result of imple-  
32 menting such plan.

33 (iv) The office shall, on an ongoing basis, monitor and periodically  
34 report on the implementation of, and compliance with, the plan in each  
35 county and the city of New York.

36 (c) Initiatives to improve the quality of indigent defense. (i) Devel-  
37 op and implement a written plan to improve the quality of constitu-  
38 tionally mandated publicly funded representation in criminal cases for  
39 people who are unable to afford counsel and ensure that attorneys  
40 providing such representation: (A) receive effective supervision and  
41 training; (B) have access to and appropriately utilize investigators,  
42 interpreters and expert witnesses on behalf of clients; (C) communicate  
43 effectively with their clients; (D) have the necessary qualifications  
44 and experience; and (E) in the case of assigned counsel attorneys, are  
45 assigned to cases in accordance with article eighteen-b of the county  
46 law and in a manner that accounts for the attorney's level of experience  
47 and caseload/workload.

48 (ii) The written plan developed pursuant to this subdivision shall be  
49 completed by December first, two thousand seventeen and shall include  
50 interim steps for each county and the city of New York for achieving  
51 compliance with the plan.

52 (iii) Each county and the city of New York shall, in consultation with  
53 the office, undertake good faith efforts to implement the initiatives to  
54 improve the quality of indigent defense and such initiatives shall be  
55 fully implemented and adhered to in each county and the city of New York  
56 by April first, two thousand twenty-three. Pursuant to section seven

1 hundred twenty-two-e of the county law, the state shall reimburse each  
2 county and the city of New York for any costs incurred as a result of  
3 implementing such plan.

4 (iv) The office shall, on an ongoing basis, monitor and periodically  
5 report on the implementation of, and compliance with, the plan in each  
6 county and the city of New York.

7 (d) Appropriation of funds. In no event shall a county and a city of  
8 New York be obligated to undertake any steps to implement the written  
9 plans under paragraphs (a), (b) and (c) of this subdivision until funds  
10 have been appropriated by the state for such purpose.

11 § 15. Nothing in sections thirteen or fourteen of this act is intended  
12 to nor shall diminish the obligations of the defendants or to diminish  
13 the rights of the plaintiffs arising out of the "stipulation and order  
14 of settlement" in Hurrell-Herring, et al., v. the State of New York,  
15 Albany County Supreme Court Index # 8866-07, entered by the court on or  
16 about March 11, 2015.

17 § 16. Subdivision 3 of section 98-b of the state finance law, as  
18 amended by section 2 of part E of chapter 56 of the laws of 2010, is  
19 amended to read as follows:

20 3. Amounts distributed from such fund shall be limited to amounts  
21 appropriated therefor and shall be distributed as follows:

22 (a) The office of court administration may expend a portion of the  
23 funds available in such fund to provide assigned counsel paid in accord-  
24 ance with section thirty-five of the judiciary law, up to an annual sum  
25 of twenty-five million dollars.

26 (b) [An] In addition to the amounts paid to each county and the city  
27 of New York pursuant to section seven hundred twenty-two-e of the county  
28 law and in accordance with sections eight hundred thirty-two and eight  
29 hundred thirty-three of the executive law an annual amount [of forty  
30 million dollars shall be made available to the city of New York from  
31 such fund for the provision of services pursuant to article eighteen-B  
32 of the county law; provided that the city of New York shall continue to  
33 provide at minimum the aggregate amount of funding for public defense  
34 services including, but not limited to, the amount of funding for  
35 contractors of public defense services and individual defense attorneys,  
36 that it provided, pursuant to article eighteen-B of the county law  
37 during its two thousand nine--two thousand ten fiscal year] shall be  
38 paid to such counties and city equal to the amount paid from such fund  
39 to such counties and city in March two thousand ten.

40 (c) [Within the first fifteen days of March two thousand eleven, each  
41 county other than a county wholly contained within the city of New York,  
42 shall receive ninety percent of the amount paid to such county in March  
43 two thousand ten. Within the first fifteen days of March two thousand  
44 twelve, each county other than a county wholly contained within the city  
45 of New York shall receive seventy-five percent of the amount paid to  
46 such county in March two thousand ten. Within the first fifteen days of  
47 March two thousand thirteen, each county other than a county wholly  
48 contained within the city of New York shall receive fifty percent of the  
49 amount paid to such county in March two thousand ten. Within the first  
50 fifteen days of March two thousand fourteen, each county other than a  
51 county wholly contained within the city of New York shall receive twen-  
52 ty-five percent of the amount paid to such county in March two thousand  
53 ten. For all state fiscal years following the two thousand thirteen--two  
54 thousand fourteen fiscal year, there shall be no required annual  
55 payments pursuant to this paragraph. Notwithstanding the provisions of  
56 this paragraph, for each of the four required payments made to counties



1 within the first fifteen days of March two thousand eleven, two thousand  
2 twelve, two thousand thirteen and two thousand fourteen, Hamilton and  
3 Orleans counties shall receive such percentage payments based on the  
4 amounts that each county would have received in March two thousand ten  
5 had it satisfied the maintenance of effort requirement set forth in  
6 paragraph (c) of subdivision four of this section in effect on such  
7 date.

8 (d)] Remaining amounts within such fund, after accounting for annual  
9 payments required in paragraphs (a) [,] and (b) [and (c)] of this subdivi-  
10 sion and subparagraph (iii) of paragraph (a) of subdivision two of  
11 this section shall be distributed in accordance with sections eight  
12 hundred thirty-two and eight hundred thirty-three of the executive law.

13 § 17. Section 14 of part J of chapter 62 of the laws of 2003 amending  
14 the county law and other laws relating to fees collected, as amended by  
15 section 7 of part K of chapter 56 of the laws of 2010, is amended to  
16 read as follows:

17 § 14. Notwithstanding the provisions of any other law: (a) the fee  
18 collected by the office of court administration for the provision of  
19 criminal history searches and other searches for data kept electron-  
20 ically by the unified court system shall be [~~sixty-five~~] one hundred  
21 dollars provided, however, that where a person requests a copy of his or  
22 her own criminal history record, the office of court administration may,  
23 pursuant to a policy established in writing by the chief administrative  
24 judge, waive or reduce the fee required by this section when such person  
25 demonstrates financial hardship; (b) [~~thirty-five~~] fifty dollars of each  
26 such fee collected shall be deposited in the indigent legal services  
27 fund established by section 98-b of the state finance law, as added by  
28 section twelve of this act, (c) nine dollars of each such fee collected  
29 shall be deposited in the legal services assistance fund established by  
30 section 98-c of the state finance law, as added by section nineteen of  
31 this act, (d) sixteen dollars of each such fee collected shall be depos-  
32 ited to the judiciary data processing offset fund established by section  
33 94-b of the state finance law, and (e) the remainder shall be deposited  
34 in the general fund.

35 § 18. Subdivision 4 of section 468-a of the judiciary law, as amended  
36 by section 9 of part K of chapter 56 of the laws of 2010, is amended to  
37 read as follows:

38 4. The biennial registration fee shall be [~~three~~] four hundred [~~seven-~~  
39 ~~ty-five~~] twenty-five dollars, sixty dollars of which shall be allocated  
40 to and be deposited in a fund established pursuant to the provisions of  
41 section ninety-seven-t of the state finance law, [~~fifty~~] one hundred  
42 dollars of which shall be allocated to and shall be deposited in a fund  
43 established pursuant to the provisions of section ninety-eight-b of the  
44 state finance law, twenty-five dollars of which shall be allocated to be  
45 deposited in a fund established pursuant to the provisions of section  
46 ninety-eight-c of the state finance law, and the remainder of which  
47 shall be deposited in the attorney licensing fund. Such fee shall be  
48 required of every attorney who is admitted and licensed to practice law  
49 in this state, whether or not the attorney is engaged in the practice of  
50 law in this state or elsewhere, except attorneys who certify to the  
51 chief administrator of the courts that they have retired from the prac-  
52 tice of law.

53 § 19. This act shall take effect immediately; provided, however, that  
54 sections one through twelve of this act shall take effect on the nineti-  
55 eth day after it shall have become a law.

1

## PART E

2 Section 1. Subdivision 2 of section 112 of the correction law, as  
3 amended by section 19 of subpart A of part C of chapter 62 of the laws  
4 of 2011, is amended to read as follows:

5 2. The commissioner shall have the power and duty of determining the  
6 conditions of release of persons who may be presumptively released,  
7 conditionally released or subject to a period of post-release super-  
8 vision under an indeterminate or determinate sentence of imprisonment,  
9 other than persons who have been granted parole by the board of parole  
10 pursuant to subdivision two of section two hundred fifty-nine-i of the  
11 executive law, and shall have the management and control of persons  
12 released on community supervision and of all matters relating to such  
13 persons' effective reentry into the community, as well as all contracts  
14 and fiscal concerns thereof. The commissioner shall have the power and  
15 it shall be his or her duty to inquire into all matters connected with  
16 said community supervision. The commissioner shall make such rules and  
17 regulations, not in conflict with the statutes of this state, for the  
18 governance of the officers and other employees of the department  
19 assigned to said community supervision, and in regard to the duties to  
20 be performed by them, as he or she deems proper and shall cause such  
21 rules and regulations to be furnished to each employee assigned to  
22 perform community supervision. The commissioner shall also prescribe a  
23 system of accounts and records to be kept, which shall be uniform. The  
24 commissioner shall also make rules and regulations for a record of  
25 photographs and other means of identifying each inmate released to  
26 community supervision. The commissioner shall appoint officers and other  
27 employees of the department who are assigned to perform community super-  
28 vision.

29 § 2. Subdivision 1 of section 206 of the correction law, as added by  
30 section 32 of subpart A of part C of chapter 62 of the laws of 2011, is  
31 amended to read as follows:

32 1. All requests for presumptive release or conditional release shall  
33 be made in writing on forms prescribed and furnished by the department.  
34 Within one month from the date any such application is received, if it  
35 appears that the applicant is eligible for presumptive release or condi-  
36 tional release or will be eligible for such release during such month,  
37 the conditions of release shall be fixed in accordance with rules  
38 prescribed by the [board of parole] commissioner. Such conditions shall  
39 be substantially the same as conditions imposed upon parolees.

40 § 3. Subdivision 3 of section 70.45 of the penal law, as added by  
41 chapter 1 of the laws of 1998, is amended to read as follows:

42 3. Conditions of post-release supervision. [The] For persons who have  
43 been granted parole by the board of parole pursuant to subdivision two  
44 of section two hundred fifty-nine-i of the executive law, such board [of  
45 parole] shall establish and impose conditions of post-release super-  
46 vision in the same manner and to the same extent as it may establish and  
47 impose conditions in accordance with the executive law upon persons who  
48 are granted parole [or conditional release]; for all other persons  
49 released to post-release supervision said conditions shall be estab-  
50 lished and imposed by the commissioner of corrections and community  
51 supervision; provided that, notwithstanding any other provision of law,  
52 the board of parole or the commissioner, as the case may be, may impose  
53 as a condition of post-release supervision that for a period not exceed-  
54 ing six months immediately following release from the underlying term of  
55 imprisonment the person be transferred to and participate in the

1 programs of a residential treatment facility as that term is defined in  
2 subdivision six of section two of the correction law. [Upon release from  
3 the underlying term of imprisonment, the person] All individuals  
4 released to post-release supervision shall be furnished with a written  
5 statement setting forth the conditions of [post-release supervision]  
6 release in sufficient detail to provide for the person's conduct and  
7 supervision.

8 § 4. Subdivision 6 of section 410.91 of the criminal procedure law, as  
9 amended by section 76 of subpart B of part C of chapter 62 of the laws  
10 of 2011, is amended to read as follows:

11 6. Upon delivery of the defendant to the reception center, he or she  
12 shall be given a copy of the conditions of parole by a representative of  
13 the department of corrections and community supervision and shall  
14 acknowledge receipt of a copy of the conditions in writing. The condi-  
15 tions shall be established by the commissioner of corrections and commu-  
16 nity supervision in accordance with [article twelve-B] section one  
17 hundred twelve of the [executive] correction law [and the rules and  
18 regulations of the board of parole]. Thereafter and while the parolee  
19 is participating in the intensive drug treatment program provided at the  
20 drug treatment campus, the department of corrections and community  
21 supervision shall assess the parolee's special needs and shall develop  
22 an intensive program of parole supervision that will address the  
23 parolee's substance abuse history and which shall include periodic  
24 urinalysis testing. Unless inappropriate, such program shall include the  
25 provision of treatment services by a community-based substance abuse  
26 service provider which has a contract with the department of corrections  
27 and community supervision.

28 § 5. Subdivision 2 of section 259-c of the executive law, as amended  
29 by section 38-b of subpart A of part C of chapter 62 of the laws of  
30 2011, is amended to read as follows:

31 2. have the power and duty of determining the conditions of release of  
32 the person who [may be presumptively released, conditionally released or  
33 subject to a period of post-release supervision] has been granted parole  
34 pursuant to subdivision two of section two hundred fifty-nine-i of this  
35 article under an indeterminate or determinate sentence of imprisonment;

36 § 6. Paragraph (b) of subdivision 5 of section 70.45 of the penal law,  
37 as amended by section 127-j of subpart B of part C of chapter 62 of the  
38 laws of 2011, is amended to read as follows:

39 (b) Upon the completion of the period of post-release supervision, the  
40 running of such sentence or sentences of imprisonment shall resume and  
41 only then shall the remaining portion of any maximum or aggregate maxi-  
42 mum term previously held in abeyance be credited with and diminished by  
43 such period of post-release supervision. In the event such period of  
44 post-release supervision is reduced pursuant to subdivision six of this  
45 section, the remaining portion of any maximum or aggregate maximum term  
46 previously held in abeyance shall be credited with and diminished by  
47 such reduced period of post-release supervision. The person shall then  
48 be under the jurisdiction of the department of corrections and community  
49 supervision for the remaining portion of such maximum or aggregate maxi-  
50 mum term.

51 § 7. Section 70.45 of the penal law is amended by adding a new subdi-  
52 vision 6 to read as follows:

53 6. Earned reduction of community supervision. (a) (i) After a period  
54 of community supervision has commenced pursuant to paragraph (a) of  
55 subdivision five of this section or section 70.40 of this article, such  
56 period shall be reduced by three months upon the completion of each

1 uninterrupted six-month period of community supervision served thereaft-  
2 er, provided:

3 (A) the person is not subject to any sentence with a maximum term of  
4 life imprisonment, or any sentence imposed for an offense defined in  
5 article one hundred thirty, two hundred sixty-three, four hundred eight-  
6 y-five or four hundred ninety of this title, or an attempt or a conspir-  
7 acy to commit any such offense; and

8 (B) the person is at liberty during the entire six-month period; and

9 (C) the person is not declared delinquent by the department of  
10 corrections and community supervision as of a date within said six-month  
11 period.

12 (ii) Notwithstanding the provisions of clauses (B) and (C) of subpara-  
13 graph (i) of this paragraph, in the case of a person alleged to have  
14 violated community supervision pursuant to subdivision three of section  
15 two hundred fifty-nine-i of the executive law, where such violation  
16 charge or charges are not sustained, the period of such person's  
17 detention awaiting disposition of such violation charge (and no other  
18 charge or charges) shall be restored to an uninterrupted period of  
19 community supervision, for purposes of this section, unless, after  
20 notice to such person and an opportunity to be heard, the department of  
21 corrections and community supervision determines that one or more  
22 sustained violations of disciplinary rules during such period of  
23 detention justifies denial of such restoration.

24 (b) No reduction shall be granted pursuant to this subdivision for the  
25 six months immediately preceding the completion of a period of community  
26 supervision.

27 (c) Except as provided in paragraph (a) of this subdivision, the six-  
28 month period shall not commence or continue to run while the person is  
29 in custody for any reason; no reduction shall be granted for the period  
30 between the commencement of the six-month period and the date on which  
31 the person was taken into custody if such period was less than six  
32 months and, in such case, the next six-month period shall not commence  
33 until the person's next release from custody.

34 (d) Except as provided in paragraph (a) of this subdivision, a decla-  
35 ration of delinquency shall interrupt the running of the six-month peri-  
36 od retroactively as of the date of delinquency; no reduction shall be  
37 granted for the period between the commencement of the six-month period  
38 and the date of delinquency if such period was less than six months and,  
39 in such case, the next six-month period shall not commence until the  
40 person's next release from custody.

41 (e) When a person is subject to more than one period of community  
42 supervision, the reduction authorized in this subdivision shall be  
43 applied to every period of community supervision to which the person is  
44 subject at the commencement of the six-month period. In the event a  
45 person becomes subject to an additional period of community supervision  
46 after the six-month period of a previously imposed period of community  
47 supervision has commenced, the six-month period of the additional period  
48 of community supervision shall commence as provided in paragraph (a) of  
49 this subdivision.

50 (f) The reduction applied to a period of community supervision pursu-  
51 ant to this subdivision shall not be applied to any other period of  
52 community supervision, except as provided in subdivision five of section  
53 70.30 of this article.

54 § 8. Paragraph (c) of subdivision 1 of section 803-b of the correction  
55 law, as amended by chapter 412 of the laws of 2010, is amended to read  
56 as follows:

- 1 (c) "significant programmatic accomplishment" means that the inmate:  
2 (i) participates in no less than two years of college programming; or  
3 (ii) obtains [a masters of professional studies degree] sixty college  
4 semester credits, an associate's degree, bachelor's degree, or master's  
5 degree; or  
6 (iii) successfully participates as an inmate program associate for no  
7 less than two years; or  
8 (iv) receives a certification from the state department of labor for  
9 his or her successful participation in an apprenticeship program; or  
10 (v) successfully works as an inmate hospice aid for a period of no  
11 less than two years; or  
12 (vi) successfully works in the division of correctional industries'  
13 optical program for no less than two years and receives a certification  
14 as an optician from the American board of opticianry; or  
15 (vii) receives an asbestos handling certificate from the department of  
16 labor upon successful completion of the training program and then works  
17 in the division of correctional industries' asbestos abatement program  
18 as a hazardous materials removal worker or group leader for no less than  
19 eighteen months; or  
20 (viii) successfully completes the course curriculum and passes the  
21 minimum competency screening process performance examination for sign  
22 language interpreter, and then works as a sign language interpreter for  
23 deaf inmates for no less than one year; or  
24 (ix) successfully works in the puppies behind bars program for a peri-  
25 od of no less than two years; or  
26 (x) successfully participates in a vocational culinary arts program  
27 for a period of no less than two years and earns a certificate that is  
28 recognized by the national restaurant association; or  
29 (xi) successfully completes the four hundred ninety hour training  
30 program while assigned to a department of motor vehicles call center,  
31 and continues to work at such call center for an additional twenty-one  
32 months.

33 § 9. Subdivision 4 of section 70.00 of the penal law, as amended by  
34 chapter 738 of the laws of 2004, is amended to read as follows:

35 4. Alternative definite sentence for class C, D and E felonies. When a  
36 person, other than a second or persistent felony offender, is sentenced  
37 for a class C, D or [class] E felony, and the court, having regard to  
38 the nature and circumstances of the crime and to the history and charac-  
39 ter of the defendant, is of the opinion that a sentence of imprisonment  
40 is necessary but that it would be unduly harsh to impose an indetermi-  
41 nate or a determinate sentence, the court may impose a definite sentence  
42 of imprisonment and fix a term of one year or less.

43 § 10. Subdivision 2 of section 70.06 of the penal law, as amended by  
44 section 38 of chapter 7 of the laws of 2007, is amended and a new subdi-  
45 vision 8 is added to read as follows:

46 2. Authorized sentence. Except as provided in subdivision [five or]  
47 six or eight of this section, or as provided in subdivision five of  
48 section 70.80 of this article, when the court has found, pursuant to the  
49 provisions of the criminal procedure law, that a person is a second  
50 felony offender the court must impose an indeterminate sentence of  
51 imprisonment. The maximum term of such sentence must be in accordance  
52 with the provisions of subdivision three of this section and the minimum  
53 period of imprisonment under such sentence must be in accordance with  
54 subdivision four of this section.

55 8. Alternative sentence for certain class D or E felony. When a second  
56 felony offender is sentenced for a class D or class E felony, other than

1 an offense defined in article one hundred twenty-five of this chapter or  
2 an offense requiring registration as a sex offender pursuant to article  
3 six-C of the correction law, and the court, having regard to the nature  
4 and circumstances of the crime and to the history and character of the  
5 defendant, is of the opinion that it would be unduly harsh to impose an  
6 indeterminate sentence of imprisonment, the court may impose a definite  
7 sentence of imprisonment and fix a term of one year or less, or it may  
8 sentence the defendant to probation pursuant to the provisions of  
9 section 65.00 of this title, or it may impose both a definite sentence  
10 of imprisonment and a sentence of probation as provided for in paragraph  
11 (d) of subdivision two of section 60.01 of this title.

12 § 11. This act shall take effect April 1, 2017, provided, however:

13 a. that sections six and seven of this act shall take effect June 1,  
14 2017;

15 b. that the amendments to subdivision 2 of section 259-c of the execu-  
16 tive law made by section five of this act shall not affect the expira-  
17 tion of such subdivision and shall be deemed to expire therewith;

18 c. that the amendments to subdivision 2 of section 70.06 of the penal  
19 law made by section ten of this act shall not affect the expiration of  
20 such subdivision and shall be deemed to expire therewith; and

21 d. that sections nine and ten of this act shall apply to offenses  
22 committed on or after such date and shall also apply to offenses commit-  
23 ted before such date, where the sentence upon conviction has not yet  
24 been imposed.

25

## PART F

26 Section 1. Subdivision 2 of section 216 of the executive law is renum-  
27 bered subdivision 3 and a new subdivision 2 is added to read as follows:

28 2. There shall be within the bureau of criminal investigation a hate  
29 crime task force. The superintendent shall assign to it such personnel  
30 as may be required for the purpose of preventing, investigating, and  
31 detecting hate crimes as defined in article four hundred eighty-five and  
32 sections 240.30 and 240.31 of the penal law. The task force shall issue  
33 reports and publications, in conjunction with the division of human  
34 rights, in order to: inform persons of all rights and remedies, includ-  
35 ing penalties, provided under article fifteen of this chapter as well as  
36 article four hundred eighty-five and sections 240.30 and 240.31 of the  
37 penal law and to combat against discrimination because of age, race,  
38 creed, color, national origin, sexual orientation, military status, sex,  
39 disability, familial status, domestic violence victim status, genetic  
40 predisposition status, or marital status.

41 § 2. The first report issued by the hate crime task force, as required  
42 in subdivision 2 of section 216 of the executive law, shall be issued  
43 within ninety days of the effective date of this act. Subsequent  
44 reports shall be issued annually thereafter.

45 § 3. This act shall take effect immediately.

46

## PART G

47 Section 1. Subdivisions 11 and 12 of section 631 of the executive law,  
48 subdivision 11 as added by chapter 543 of the laws of 1995 and subdivi-  
49 sion 12 as amended by chapter 188 of the laws of 2014, are amended to  
50 read as follows:

51 11. Notwithstanding the provisions of subdivisions one, two and three  
52 of this section, an individual who was a victim of either the crime of:

1 menacing in the second degree as defined in subdivision one of section  
2 120.14 of the penal law; menacing in the third degree as defined in  
3 section 120.15 of the penal law; unlawful imprisonment in the first  
4 degree as defined in section 135.10 of the penal law[,]; kidnapping in  
5 the second degree as defined in section 135.20 of the penal law [or];  
6 kidnapping in the first degree as defined in section 135.25 of the penal  
7 law; criminal mischief in the fourth degree as defined in subdivision  
8 four of section 145.00 of the penal law; robbery in the third degree as  
9 defined in section 160.05 of the penal law; robbery in the second degree  
10 as defined in subdivision one, paragraph b of subdivision two or subdivi-  
11 vision three of section 160.10 of the penal law; or robbery in the first  
12 degree as defined in subdivisions two, three and four of section 160.15  
13 of the penal law who has not been physically injured as a direct result  
14 of such crime shall only be eligible for an award that includes loss of  
15 earnings [or support] and the unreimbursed costs of counseling provided  
16 to such victim on account of mental or emotional stress resulting from  
17 the incident in which the crime occurred.

18 12. Notwithstanding the provisions of subdivisions one, two and three  
19 of this section, an individual who was a victim of either the crime of  
20 menacing in the second degree as defined in subdivision two or three of  
21 section 120.14 of the penal law, menacing in the first degree as defined  
22 in section 120.13 of the penal law, criminal obstruction of breathing or  
23 blood circulation as defined in section 121.11 of the penal law, harass-  
24 ment in the second degree as defined in [subdivision two or three of]  
25 section 240.26 of the penal law, harassment in the first degree as  
26 defined in section 240.25 of the penal law, aggravated harassment in the  
27 second degree as defined in subdivision three or five of section 240.30  
28 of the penal law, aggravated harassment in the first degree as defined  
29 in subdivision two of section 240.31 of the penal law, criminal contempt  
30 in the first degree as defined in [paragraph (ii) or (iv) of] subdivi-  
31 sion (b) or subdivision (c) of section 215.51 of the penal law, or  
32 stalking in the fourth, third, second or first degree as defined in  
33 sections 120.45, 120.50, 120.55 and 120.60 of the penal law, respective-  
34 ly, or a hate crime as defined in section 485.05 of the penal law who  
35 has not been physically injured as a direct result of such crime shall  
36 only be eligible for an award that includes loss of earning or support,  
37 the unreimbursed cost of repair or replacement of essential personal  
38 property that has been lost, damaged or destroyed as a direct result of  
39 such crime, the unreimbursed cost for security devices to enhance the  
40 personal protection of such victim, transportation expenses incurred for  
41 necessary court [expenses] appearances in connection with the prose-  
42 cution of such crime, the unreimbursed costs of counseling provided to  
43 such victim on account of mental or emotional stress resulting from the  
44 incident in which the crime occurred, the unreimbursed cost of securing  
45 a crime scene, reasonable relocation expenses, and for occupational or  
46 job training.

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

50

## PART H

51 Section 1. Subdivision 5 of section 621 of the executive law, as  
52 amended by chapter 74 of the laws of 2007, is amended to read as  
53 follows:

1 5. "Victim" shall mean (a) a person who suffers personal physical  
2 injury as a direct result of a crime; (b) a person who is the victim of  
3 either the crime of (1) unlawful imprisonment in the first degree as  
4 defined in section 135.10 of the penal law, (2) kidnapping in the second  
5 degree as defined in section 135.20 of the penal law, (3) kidnapping in  
6 the first degree as defined in section 135.25 of the penal law, (4)  
7 menacing in the first degree as defined in section 120.13 of the penal  
8 law, (5) criminal obstruction of breathing or blood circulation as  
9 defined in section 121.11 of the penal law, (6) harassment in the second  
10 degree as defined in section 240.26 of the penal law, (7) harassment in  
11 the first degree as defined in section 240.25 of the penal law, (8)  
12 aggravated harassment in the second degree as defined in subdivision  
13 three or five of section 240.30 of the penal law, (9) aggravated harass-  
14 ment in the first degree as defined in subdivision two of section 240.31  
15 of the penal law, (10) criminal contempt in the first degree as defined  
16 in subdivision (b) or subdivision (c) of section 215.51 of the penal  
17 law, (11) stalking in the fourth, third, second or first degree as  
18 defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law,  
19 (12) labor trafficking as defined in section 135.35 of the penal law, or  
20 [(5)] (13) sex trafficking as defined in section 230.34 of the penal  
21 law; a vulnerable elderly person or an incompetent or physically disa-  
22 bled person as defined in section 260.31 of the penal law who incurs a  
23 loss of savings as defined in subdivision twenty-four of this section;  
24 or a person who has had a frivolous lawsuit filed against them.

25 § 2. Section 621 of the executive law is amended by adding a new  
26 subdivision 24 to read as follows:

27 24. "Loss of savings" shall mean the result of any act or series of  
28 acts of larceny as defined in article one hundred fifty-five of the  
29 penal law, indicated by a criminal justice agency as defined in subdivi-  
30 sion one of section six hundred thirty-one of this article, in which  
31 cash is stolen from a vulnerable elderly person or an incompetent or  
32 physically disabled person as defined in section 260.31 of the penal  
33 law.

34 § 3. Subdivision 2 of section 631 of the executive law, as amended by  
35 chapter 162 of the laws of 2008, is amended to read as follows:

36 2. Any award made pursuant to this article shall be in an amount not  
37 exceeding out-of-pocket expenses, including indebtedness reasonably  
38 incurred for medical or other services necessary as a result of the  
39 injury upon which the claim is based; loss of earnings or support  
40 resulting from such injury not to exceed thirty thousand dollars; loss  
41 of savings not to exceed thirty thousand dollars; burial expenses not  
42 exceeding six thousand dollars of a victim who died as a direct result  
43 of a crime; the costs of crime scene cleanup and securing of a crime  
44 scene not exceeding twenty-five hundred dollars; reasonable relocation  
45 expenses not exceeding twenty-five hundred dollars; and the unreimbursed  
46 cost of repair or replacement of articles of essential personal property  
47 lost, damaged or destroyed as a direct result of the crime. An award for  
48 loss of earnings shall include earnings lost by a parent or guardian as  
49 a result of the hospitalization of a child victim under age eighteen for  
50 injuries sustained as a direct result of a crime. In addition to the  
51 medical or other services necessary as a result of the injury upon which  
52 the claim is based, an award may be made for rehabilitative occupational  
53 training for the purpose of job retraining or similar employment-orient-  
54 ed rehabilitative services based upon the claimant's medical and employ-  
55 ment history. For the purpose of this subdivision, rehabilitative occu-  
56 pational training shall include but not be limited to educational



1 training and expenses. An award for rehabilitative occupational training  
2 may be made to a victim, or to a family member of a victim where neces-  
3 sary as a direct result of a crime.

4 § 4. Section 631 of the executive law is amended by adding a new  
5 subdivision 3-a to read as follows:

6 3-a. Any award made for loss of savings shall, unless reduced pursuant  
7 to other provisions of this article, be in an amount equal to the actual  
8 loss sustained.

9 § 5. Subdivision 5 of section 631 of the executive law is amended by  
10 adding a new paragraph (f) to read as follows:

11 (f) Notwithstanding the provisions of paragraph (a) of this subdivi-  
12 sion, the office shall disregard for this purpose the responsibility of  
13 the victim for his or her own loss of savings.

14 § 6. Section 631 of the executive law is amended by adding a new  
15 subdivision 8-a to read as follows:

16 8-a. Notwithstanding the provisions of subdivision one of this  
17 section, a vulnerable elderly person or an incompetent or physically  
18 disabled person, as defined in section 260.31 of the penal law, who has  
19 not been physically injured as a direct result of a crime, shall be  
20 eligible for an award that includes loss of savings.

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

24

## PART I

25 Section 1. The executive law is amended by adding a new section 203-a  
26 to read as follows:

27 § 203-a. Additional duties of the commissioner regarding flood related  
28 losses. In accordance with 44 CFR 75.11 of the code of federal regu-  
29 lations, in the event that state-owned structures and their contents are  
30 damaged as the result of flood related losses, flood, and/or flood  
31 related hazards occurring in areas identified by the federal insurance  
32 administrator as A, AO, AH, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO,  
33 AR/AH, AR/A, A99, M, V, VO, V1-30, VE, and E Zones, the commissioner of  
34 general services shall pay an amount not less than the limits of cover-  
35 age that would be applicable if such state-owned structures and their  
36 contents had been covered by standard flood insurance policies, as  
37 defined in 44 CFR 59.1, for the repair, restoration, or replacement of  
38 such state-owned structures and contents, and shall maintain and update,  
39 not less frequently than annually, an inventory of all state-owned  
40 structures and their contents within such zones.

41 § 2. This act shall take effect immediately.

42

## PART J

43 Section 1. Short title. This act shall be known as the "New York State  
44 Buy American Act".

45 § 2. Section 146 of the state finance law is REPEALED and a new  
46 section 146 is added to read as follows:

47 § 146. The New York State Buy American Act. 1. Use of American materi-  
48 als. (a) Notwithstanding any other provision of law, each contract for  
49 the construction, reconstruction, alteration or improvement of a public  
50 building of public works made by a public agency shall contain a  
51 provision that the iron, steel, and manufactured products used or  
52 supplied in the performance of the contract or any subcontract thereto

1 and permanently incorporated into the public building or public works  
2 shall be manufactured in the United States.

3 (b) For the purposes of section one hundred sixty-three of this chap-  
4 ter, no bidder shall be deemed to be the lowest responsible and reliable  
5 bidder and no bid shall be deemed the best value unless the bid offered  
6 by such bidder will comply with the contract term required by paragraph  
7 (a) of this subdivision.

8 (c) The provisions of paragraph (a) of this subdivision shall not  
9 apply in any case or category of cases in which the executive head of a  
10 public agency finds:

11 (i) that the application of this section would be inconsistent with  
12 the public interest;

13 (ii) that such materials and products are not produced in the United  
14 States in sufficient and reasonably available quantities and of a satis-  
15 factory quality; or

16 (iii) that inclusion of domestic material will increase the cost of  
17 the overall project contract by more than twenty-five percent.

18 (d) If the executive receives a request for a waiver under paragraph  
19 (c) of this subdivision, the executive shall provide notice of and an  
20 opportunity for public comment on the request at least thirty days  
21 before making a finding based on the request.

22 (e) A notice provided under paragraph (d) of this subdivision shall:

23 (i) summarize the information available to the executive concerning  
24 the request, including whether the request is being made under subpara-  
25 graph (i), (ii) or (iii) of paragraph (c) of this subdivision;

26 (ii) be posted prominently on the official public internet web site of  
27 the agency; and

28 (iii) be provided by electronic means to any person, firm or corpo-  
29 ration that has made a written or electronic request to the public agen-  
30 cy for notice of waiver actions by the executive within five (5) years  
31 prior to the date of notice.

32 (f) If the executive issues a waiver under paragraph (c) of this  
33 subdivision, the executive shall publish in the same manner as the  
34 original notice a detailed justification for the waiver that:

35 (i) addresses the public comments received under paragraph (d) of this  
36 subdivision; and

37 (ii) is published before the waiver takes effect.

38 (g) If it has been determined by a court or federal or state agency  
39 that any person intentionally:

40 (i) affixed a label bearing a "Made in America" inscription, or any  
41 inscription with the same meaning, to any iron, steel or manufactured  
42 product used in projects to which this section applies, sold in or  
43 shipped to the United States that was not made in the United States; or

44 (ii) represented that any iron, steel or manufactured product used in  
45 projects to which this section applies that was not produced in the  
46 United States, was produced in the United States;

47 then that person shall be ineligible to receive any contract or subcon-  
48 tract with this state pursuant to the debarment or suspension provisions  
49 provided under section one hundred thirty-nine-a of this article.

50 (h) This section shall be applied in a manner consistent with the  
51 state's obligations under any applicable international agreements  
52 pertaining to government procurement.

53 2. Definitions. For the purposes of this section, the following words  
54 shall have the following meanings unless specified otherwise:

55 (a) "Executive" means the executive head of a public agency subject to  
56 this section;

1 (b) "Public agency" means a governmental entity as that term is  
2 defined in section one hundred thirty-nine-j of this article;

3 (c) "manufactured in the United States" means: (i) in the case of an  
4 iron or steel product all manufacturing must take place in the United  
5 States, from the initial melting stage through the application of coat-  
6 ings, except metallurgical processes involving the refinement of steel  
7 additives; and

8 (ii) in the case of a manufactured product, a product will be consid-  
9 ered manufactured in the United States if:

10 (A) all of its manufacturing processes take place in the United  
11 States, and

12 (B) more than sixty percent of the components of the manufactured  
13 good, by cost, are of domestic origin. If, under the terms of this  
14 subparagraph, a component is determined to be of domestic origin, its  
15 entire cost may be used in calculating the cost of domestic content of  
16 an end product.

17 (d) "United States" means the United States of America and includes  
18 all territory, continental or insular, subject to the jurisdiction of  
19 the United States.

20 § 3. Section 2603-a of the public authorities law is REPEALED and a  
21 new section 2877-a is added to read as follows:

22 § 2877-a. The New York State Buy American Act. 1. Use of American  
23 materials. (a) Notwithstanding any other provision of law, each contract  
24 for the construction, reconstruction, alteration or improvement of a  
25 public building or public works made by a public authority shall contain  
26 a provision that the iron, steel, and manufactured products used or  
27 supplied in the performance of the contract or any subcontract thereto  
28 and permanently incorporated into the public building or public works  
29 shall be manufactured in the United States.

30 (b) No bidder shall be deemed to be the lowest responsible and reli-  
31 able bidder and no bid shall be deemed the best value unless the bid  
32 offered by such bidder will comply with the contract term required by  
33 paragraph (a) of this subdivision.

34 (c) The provisions of paragraph (a) of this subdivision shall not  
35 apply in any case or category of cases in which the executive head of a  
36 public agency finds:

37 (i) that the application of this section would be inconsistent with  
38 the public interest;

39 (ii) that such materials and products are not produced in the United  
40 States in sufficient and reasonably available quantities and of a satis-  
41 factory quality; or

42 (iii) that inclusion of domestic material will increase the cost of  
43 the overall project contract by more than twenty-five percent.

44 (d) If the executive receives a request for a waiver under paragraph  
45 (c) of this subdivision, the executive shall provide notice of and an  
46 opportunity for public comment on the request at least thirty days  
47 before making a finding based on the request.

48 (e) A notice provided under paragraph (d) of this subdivision shall:

49 (i) summarize the information available to the executive concerning  
50 the request, including whether the request is being made under subpara-  
51 graph (i), (ii) or (iii) of paragraph (c) of this subdivision;

52 (ii) be posted prominently on the official public internet web site of  
53 the agency; and

54 (iii) be provided by electronic means to any person, firm or corpo-  
55 ration that has made a written or electronic request to the public agen-

1 cy for notice of waiver actions by the executive within five (5) years  
2 prior to the date of notice.

3 (f) If the executive issues a waiver under paragraph (c) of this  
4 subdivision, the executive shall publish in the same manner as the  
5 original notice a detailed justification for the waiver that:

6 (i) addresses the public comments received under paragraph (d) of this  
7 subdivision; and

8 (ii) is published before the waiver takes effect.

9 (g) If it has been determined by a court or federal or state agency  
10 that any person intentionally:

11 (i) affixed a label bearing a "Made in America" inscription, or any  
12 inscription with the same meaning, to any iron, steel or manufactured  
13 product used in projects to which this section applies, sold in or  
14 shipped to the United States that was not made in the United States; or

15 (ii) represented that any iron, steel, or manufactured product used in  
16 projects to which this section applies that was not produced in the  
17 United States, was produced in the United States;

18 then that person shall be ineligible to receive any contract or subcon-  
19 tract with this State pursuant to the debarment and suspension  
20 provisions provided under section one hundred thirty-nine-a of the state  
21 finance law.

22 (h) This section shall be applied in a manner consistent with the  
23 state's obligations under any applicable international agreements  
24 pertaining to government procurement.

25 2. Definitions. For the purpose of this section, the following words  
26 shall have the following meanings unless specified otherwise:

27 (a) "Executive" means the executive head of a public agency subject to  
28 this section;

29 (b) "Public agency" means a state, local or interstate authority as  
30 those terms are defined in section two of this chapter;

31 (c) "Manufactured in the United States" means: (i) in the case of an  
32 iron or steel product all manufacturing must take place in the United  
33 States, from the initial melting stage through the application of coat-  
34 ings, except metallurgical processes involving the refinement of steel  
35 additives; and

36 (ii) in the case of a manufactured product, a product will be consid-  
37 ered manufactured in the United States if:

38 (A) all of its manufacturing processes take place in the United  
39 States, and

40 (B) more than sixty percent of the components of the manufactured  
41 good, by cost, are of domestic origin. If, under the terms of this part,  
42 a component is determined to be of domestic origin, its entire cost may  
43 be used in calculating the cost of domestic content of an end product.

44 (d) "United States" means the United States of America and includes  
45 all territory, continental or insular, subject to the jurisdiction of  
46 the United States.

47 § 4. Section 38 of the highway law is amended by adding a new subdivi-  
48 sion 10 to read as follows:

49 10. Use of American materials. (a) Notwithstanding any other provision  
50 of law, each contract for the construction, reconstruction, alteration  
51 or improvement of a highway or other public works made by a public agen-  
52 cy shall contain a provision that the iron, steel, and manufactured  
53 products used or supplied in the performance of the contract or any  
54 subcontract thereto and permanently incorporated into the public build-  
55 ing or public works shall be manufactured in the United States.

1 (b) No bidder shall be deemed to be the lowest responsible and reli-  
2 able bidder and no bid shall be deemed the best value unless the bid  
3 offered by such bidder will comply with the contract term required by  
4 paragraph (a) of this subdivision.

5 (c) The provisions of paragraph (a) of this subdivision shall not  
6 apply in any case or category of cases in which the executive head of a  
7 public agency finds:

8 (i) that the application of this subdivision would be inconsistent  
9 with the public interest;

10 (ii) that such materials and products are not produced in the United  
11 States in sufficient and reasonably available quantities and of a satis-  
12 factory quality; or

13 (iii) that inclusion of domestic material will increase the cost of  
14 the overall project contract by more than twenty-five percent.

15 (d) If the executive receives a request for a waiver under paragraph  
16 (c) of this subdivision, the executive shall provide notice of and an  
17 opportunity for public comment on the request of at least thirty days  
18 before making a finding based on the request.

19 (e) A notice provided under paragraph (d) of this subdivision shall:

20 (i) summarize the information available to the executive concerning  
21 the request, including whether the request is being made under subpara-  
22 graph (i), (ii) or (iii) of paragraph (c) of this subdivision;

23 (ii) be posted prominently on the official public internet web site of  
24 the agency; and

25 (iii) be provided by electronic means to any person, firm or corpo-  
26 ration that has made a written or electronic request to the public agen-  
27 cy for notice of waiver actions by the executive within five (5) years  
28 prior to the date of notice.

29 (f) If the executive issues a waiver under paragraph (c) of this  
30 subdivision, the executive shall publish in the same manner as the  
31 original notice a detailed justification for the waiver that:

32 (i) addresses the public comments received under paragraph (d) of this  
33 subdivision; and

34 (ii) is published before the waiver takes effect.

35 (g) If it has been determined by a court of federal or state agency  
36 that any person intentionally:

37 (i) affixed a label bearing a "Made in America" inscription, or any  
38 inscription with the same meaning, to any iron, steel or manufactured  
39 product used in projects to which this subdivision applies, sold in or  
40 shipped to the United States that was not made in the United States; or

41 (ii) represented that any iron, steel, or manufactured product used in  
42 projects to which this section applies that was not produced in the  
43 United States, was produced in the United States;

44 then that person shall be ineligible to receive any contract or subcon-  
45 tract with this state pursuant to the debarment or suspension provisions  
46 provided under section one hundred thirty-nine-a of the state finance  
47 law.

48 (h) This subdivision shall be applied in a manner consistent with the  
49 state's obligations under any applicable international agreements  
50 pertaining to government procurement.

51 (i) Definitions. For the purpose of this subdivision, the following  
52 words shall have the following meanings unless specified otherwise:

53 (i) "Executive" means the executive head of a public agency subject to  
54 this subdivision.

55 (ii) "Public agency" means a governmental entity as that term is  
56 defined in section one hundred thirty-nine-j of the state finance law;

1 (iii) "Manufactured in the United States" means: (A) in the case of an  
2 iron or steel product all manufacturing must take place in the United  
3 States, from the initial melting stage through the application of coat-  
4 ings, except metallurgical processes involving the refinement of steel  
5 additives; and

6 (B) in the case of a manufactured product, a product will be consid-  
7 ered manufactured in the United States if:

8 (1) all of its manufacturing processes take place in the United  
9 States, and

10 (2) more than sixty percent of the components of the manufactured  
11 good, by cost, are of domestic origin. If, under the terms of this part,  
12 a component is determined to be of domestic origin, its entire cost may  
13 be used in calculating the cost of domestic content of an end product.

14 (iv) "United States" means the United States of America and includes  
15 all territory, continental or insular, subject to the jurisdiction of  
16 the United States.

17 § 5. Section 103 of the general municipal law is amended by adding a  
18 new subdivision 17 to read as follows:

19 17. Use of American materials. (a) Notwithstanding any other provision  
20 of law, each contract for the construction, reconstruction, alteration  
21 or improvement of a public building or public works made by a public  
22 agency of a political subdivision shall contain a provision that the  
23 iron, steel, and manufactured products used or supplied in the perform-  
24 ance of the contract or any subcontract thereto and permanently incorpo-  
25 rated into the public building or public works shall be manufactured in  
26 the United States.

27 (b) No bidder shall be deemed to be the lowest responsible and reli-  
28 able bidder and no bid shall be deemed the best value unless the bid  
29 offered by such bidder will comply with the contract term required by  
30 paragraph (a) of this subdivision.

31 (c) The provisions of paragraph (a) of this subdivision shall not  
32 apply in any case or category of cases in which the executive head of a  
33 public agency finds:

34 (i) that the application of this subdivision would be inconsistent  
35 with the public interest;

36 (ii) that such materials and products are not produced in the United  
37 States in sufficient and reasonably available quantities and of a satis-  
38 factory quality; or

39 (iii) that inclusion of domestic material will increase the cost of  
40 the overall project contract by more than twenty-five percent.

41 (d) If the executive receives a request for a waiver under paragraph  
42 (c) of this subdivision, the executive shall provide notice of an oppor-  
43 tunity for public comment on the request at least thirty days before  
44 making a finding based on the request.

45 (e) A notice provided under paragraph (d) of this subdivision shall:

46 (i) summarize the information available to the executive concerning  
47 the request, including whether the request is being made under subpara-  
48 graph (i), (ii) or (iii) of paragraph (c) of this subdivision;

49 (ii) be posted prominently on the official public internet web site of  
50 the agency; and

51 (iii) be provided by electronic means to any person, firm or corpo-  
52 ration that has made a written or electronic request to the public agen-  
53 cy for notice of waiver actions by the executive within five (5) years  
54 prior to the date of notice.

1 (f) If the executive issues a waiver under paragraph (c) of this  
2 subdivision, the executive shall publish in the same manner as the  
3 original notice a detailed justification for the waiver that:

4 (i) addresses the public comments received under paragraph (d) of this  
5 subdivision; and

6 (ii) is published before the waiver takes effect.

7 (g) If it has been determined by a court or federal or state agency  
8 that any person intentionally:

9 (i) affixed a label bearing a "Made in America" inscription, or any  
10 inscription with the same meaning, to any iron, steel or manufactured  
11 product used in projects to which this subdivision applies, sold in or  
12 shipped to the United States that was not made in the United States; or

13 (ii) represented that any iron, steel, or manufactured product used in  
14 projects to which this section applies that was not produced in the  
15 United States, was produced in the United States;

16 then that person shall be ineligible to receive any contract or subcon-  
17 tract with this state pursuant to the debarment or suspension provisions  
18 provided under section one hundred thirty-nine-a of the state finance  
19 law.

20 (h) This subdivision shall be applied in a manner consistent with the  
21 state's obligations under any applicable international agreements  
22 pertaining to government procurement.

23 (i) Definitions. For the purpose of this subdivision, the following  
24 words shall have the following meanings unless specified otherwise:

25 (i) "Executive" means the executive head of a public agency subject to  
26 this subdivision;

27 (ii) "Public agency" means a governmental entity as that term is  
28 defined in section one hundred thirty-nine-j of the state finance law;

29 (iii) "Manufactured in the United States" means: (A) in the case of an  
30 iron or steel product all manufacturing must take place in the United  
31 States, from the initial melting stage through the application of coat-  
32 ings, except metallurgical processes involving the refinement of steel  
33 additives; and

34 (B) in the case of a manufactured product, a product will be consid-  
35 ered manufactured in the United States if:

36 (1) all of its manufacturing processes take place in the United  
37 States, and

38 (2) more than sixty percent of the components of the manufactured  
39 good, by cost, are of domestic origin. If, under the terms of this part,  
40 a component is determined to be of domestic origin, its entire cost may  
41 be used in calculating the cost of domestic content of an end product.

42 (iv) "United States" means the United States of America and includes  
43 all territory, continental or insular, subject to the jurisdiction of  
44 the United States.

45 § 6. Section 8 of the public buildings law is amended by adding a new  
46 subdivision 8 to read as follows:

47 8. Use of American materials. (a) Notwithstanding any other provision  
48 of law, each contract for the construction, reconstruction, alteration  
49 or improvement of a state building made by a public agency shall contain  
50 a provision that the iron, steel, and manufactured products used or  
51 supplied in the performance of the contract of any subcontract thereto  
52 and permanently incorporated into the public building or public works  
53 shall be manufactured in the United States.

54 (b) No bidder shall be deemed to be the lowest responsible and reli-  
55 able bidder and no bid shall be deemed the best value unless the bid

1 offered by such bidder will comply with the contract term required by  
2 paragraph (a) of this subdivision.

3 (c) The provisions of paragraph (a) of this subdivision shall not  
4 apply in any case or category of cases in which the executive head of a  
5 public agency finds:

6 (i) that the application of this subdivision would be inconsistent  
7 with the public interest;

8 (ii) that such materials and products are not produced in the United  
9 States in sufficient and reasonably available quantities and of a satis-  
10 factory quality; or

11 (iii) that inclusion of domestic material will increase the cost of  
12 the overall project contract by more than twenty-five percent.

13 (d) If the executive receives a request for a waiver under paragraph  
14 (c) of this subdivision, the executive shall provide notice of and an  
15 opportunity for public comment on the request at least thirty days  
16 before making a finding based on the request.

17 (e) A notice provided under paragraph (d) of this subdivision shall:

18 (i) summarize the information available to the executive concerning  
19 the request, including whether the request is being made under subpara-  
20 graph (i), (ii) or (iii) of paragraph (c) of this subdivision;

21 (ii) be posted prominently on the official public internet web site of  
22 the agency; and

23 (iii) be provided by electronic means to any person, firm or corpo-  
24 ration that has made a written or electronic request to the public agen-  
25 cy for notice of waiver actions by the executive within five (5) years  
26 prior to the date of notice.

27 (f) If the executive issues a waiver under paragraph (c) of this  
28 subdivision, the executive shall publish in the same manner as the  
29 original notice a detailed justification of the waiver that:

30 (i) addresses the public comments received under paragraph (d) of this  
31 subdivision; and

32 (ii) is published before the waiver takes effect.

33 (g) If it has been determined by a court or federal or state agency  
34 that any person intentionally:

35 (i) affixed a label bearing a "Made in America" inscription, or any  
36 inscription with the same meaning, to any iron, steel or manufactured  
37 product used in projects to which this subdivision applies, sold in or  
38 shipped to the United States that was not made in the United States; or

39 (ii) represented that any iron, steel, or manufactured product used in  
40 projects to which this section applies that was not produced in the  
41 United States, was produced in the United States;

42 then that person shall be ineligible to receive any contract or subcon-  
43 tract with this state pursuant to the debarment or suspension provisions  
44 provided under section one hundred thirty-nine-a of the state finance  
45 law.

46 (h) This subdivision shall be applied in a manner consistent with the  
47 state's obligations under any applicable international agreements  
48 pertaining to government procurement.

49 (i) Definitions. For the purpose of this subdivision, the following  
50 words shall have the following meanings unless otherwise specified:

51 (i) "Executive" means the executive head of a public agency subject to  
52 this subdivision;

53 (ii) "Public agency" means a governmental entity as that term is  
54 defined in section one hundred thirty-nine-j of the state finance law;

55 (iii) "Manufactured in the United States" means: (A) in the case of an  
56 iron or steel product all manufacturing must take place in the United



1 States, from the initial melting stage through the application of coat-  
2 ings, except metallurgical processes involving the refinement of steel  
3 additives; and

4 (B) in the case of a manufactured product, a product will be consid-  
5 ered manufactured in the United States if:

6 (1) all of its manufacturing processes take place in the United  
7 States, and

8 (2) more than sixty percent of the components of the manufactured  
9 good, by cost, are of domestic origin. If, under the terms of this part,  
10 a component is determined to be of domestic origin, its entire cost may  
11 be used in calculating the cost of domestic content of an end product.

12 (iv) "United States" means the United States of America and includes  
13 all territory, continental or insular, subject to the jurisdiction of  
14 the United States.

15 § 7. Severability. If any provisions of this act, or the application  
16 thereof to any person or circumstance, is held invalid, such invalidity  
17 shall not affect other provisions or applications of this act which can  
18 be given effect without the invalid provisions or application, and to  
19 that extent, the provisions of this act are declared to be severable.

20 § 8. This act shall take effect immediately.

21

#### PART K

22 Section 1. Employees of the division of military and naval affairs in  
23 the unclassified service of the state, who are substantially engaged in  
24 the performance of duties to support business and financial services,  
25 administrative services, payroll administration, time and attendance,  
26 benefit administration and other transactional human resources func-  
27 tions, may be transferred to the office of general services in accord-  
28 ance with the provisions of section 45 of the civil service law as if  
29 the state had taken over a private entity. No employee who is trans-  
30 ferred pursuant to this act shall suffer a reduction in basic annual  
31 salary as a result of the transfer.

32 § 2. This act shall take effect immediately and shall have been deemed  
33 to have been in full force and effect on and after March 31, 2015 and  
34 shall remain in effect until March 31, 2020 when it shall be deemed  
35 repealed.

36

#### PART L

37 Section 1. Section 3 of chapter 674 of the laws of 1993, amending the  
38 public buildings law relating to value limitations on contracts, as  
39 amended by section 1 of part M of chapter 55 of the laws of 2015, is  
40 amended to read as follows:

41 § 3. This act shall take effect immediately and shall remain in full  
42 force and effect only until June 30, [2017] 2019.

43 § 2. The public buildings law is amended by adding a new section 8-a  
44 to read as follows:

45 § 8-a. Contracts for work performed at secure facilities. 1. For the  
46 purposes of this section, "secure facility" shall mean (a) a building,  
47 property, or facility under the jurisdiction of the department of  
48 corrections and community supervision, the office of mental health, the  
49 office of children and family services, or the office for people with  
50 developmental disabilities, and where inmates, patients, or residents  
51 who dwell within such building, property, or facility have limited or  
52 restricted ingress and egress or (b) any other facility of the state



1 that is determined to be a secure facility by the commissioner of gener-  
2 al services because of potential risks to the life, safety, or health of  
3 the public or of the inhabitants of such facility.

4 2. Generation of list of eligible bidders. (a) The office of general  
5 services shall establish a list of eligible bidders for contracts for  
6 the work of construction, reconstruction, alteration, repair, or  
7 improvement of or at a secure facility by issuing on a quarterly basis  
8 an invitation to contractors to be so listed. The invitation to contrac-  
9 tors shall be advertised quarterly in the procurement opportunities  
10 newsletter published by the department of economic development, in the  
11 public notification service of the office of general services, and by  
12 newspaper advertisement as provided in section eight of this article.  
13 The office of general services shall seek to provide prime contract  
14 opportunities for minority- and women-owned business enterprises and  
15 service-disabled veteran-owned business enterprises in the letting of  
16 construction contracts in or at a secure facility and shall comply with  
17 the provisions of articles fifteen-A and seventeen-B of the executive  
18 law. The office of general services may remove any bidder from such list  
19 for determination or finding of non-responsibility.

20 (b) Respondents to such invitation to contractors shall receive from  
21 the office of general services a standardized questionnaire, and the  
22 time frame in which to respond shall be set forth therein.

23 (c) The criteria that shall be used by the office of general services  
24 to include a prospective contractor on the list of eligible bidders  
25 shall include, but not be limited to: (i) experience with projects that  
26 have been completed in secure facilities by the contractor, as either a  
27 prime contractor or a subcontractor, within the last five years, (ii)  
28 violations of secure facility regulations and rules, (iii) type of  
29 licenses that the contractor holds, (iv) terminations on prior jobs, (v)  
30 assessment of liquidated damages on earlier projects, (vi) contractor's  
31 ability to secure bonding, (vii) insurability, (viii) financial  
32 strength, (ix) status as a certified minority- or women-owned business  
33 enterprise or service-disabled veteran-owned business enterprise, and  
34 (x) any other criteria that the commissioner of general services shall  
35 determine to be relevant.

36 (d) If the office of general services makes a determination not to  
37 include a contractor on the list of eligible bidders, the office of  
38 general services shall provide written notice to the contractor, includ-  
39 ing the reason for the determination and notifying the contractor that  
40 the contractor shall have fifteen days from the receipt of such notice  
41 to mail or submit for delivery a written request for reconsideration.  
42 The contractor shall also be notified of the opportunity to present any  
43 evidence as to why the contractor should be included on the list of  
44 eligible bidders. The reconsideration request shall be determined  
45 promptly. The office of general services shall give the contractor writ-  
46 ten notice of the determination concerning the reconsideration request  
47 and the reasons therefor.

48 (e) Bidders for contracts for the work of construction, recon-  
49 struction, alteration, repair, or improvement of or at a secure facility  
50 may, at the discretion of the commissioner of general services, be  
51 solicited solely from the list of eligible bidders established pursuant  
52 to this subdivision, and such contracts shall be awarded in accordance  
53 with section eight of this article, provided that solicitations for bids  
54 or proposals shall also be advertised in the public notification service  
55 of the office of general services, the procurement opportunities news-

1 letter published by the department of economic development and the state  
2 register.

3 (f) The office of general services shall engage in outreach efforts to  
4 minority- and women-owned business enterprises, service-disabled veter-  
5 an-owned business enterprises and small businesses, to inform them of  
6 opportunities and procedures for inclusion on the list of eligible  
7 bidders established pursuant to this section. Such outreach shall  
8 include but not limited to, advertising procurement opportunities in a  
9 variety of publications representative of all regions of the state, on  
10 social media, on the office of general services, empire state develop-  
11 ment corporation, and department of economic development websites, and  
12 through workshops, training sessions, and other seminars available to  
13 minority- and women-owned business enterprises, service-disabled veter-  
14 an-owned business enterprises and small businesses. The office of gener-  
15 al services shall coordinate its efforts pursuant to this paragraph with  
16 other state agencies.

17 (g) All solicitations for bids or proposals issued pursuant to this  
18 section shall include information referring potential bidders or propo-  
19 sers to directories of minority- and women-owned business enterprises  
20 and service-disabled veteran-owned business enterprises in order to  
21 encourage the use of minority- and women-owned business enterprises and  
22 service-disabled veteran-owned business enterprises.

23 (h) All decisions made and approaches taken pursuant to this section,  
24 including but not limited to, the decisions on whether to use the list  
25 established pursuant to this section and the rationale for such decision  
26 shall be documented in a procurement record as defined in section one  
27 hundred sixty-three of the state finance law.

28 3. Notwithstanding the provisions of subdivision one of section eight  
29 of this article, drawings and specifications when prepared for the work  
30 of construction, reconstruction, alteration, repair, or improvement of a  
31 secure facility shall be filed in accordance with the provisions of  
32 subdivision one of section eight of this article, except that such draw-  
33 ings and specifications may not be open to public inspection at the  
34 discretion of the commissioner of general services.

35 § 3. Subdivision 2 of section 8 of the public buildings law, as  
36 amended by chapter 840 of the laws of 1980, is amended to read as  
37 follows:

38 2. The said department or other agency having jurisdiction shall,  
39 except as otherwise provided in this chapter, advertise for proposals  
40 for such work of construction, reconstruction, alteration, repair or  
41 improvement, or, upon the request of said department or other agency,  
42 the commissioner of general services is authorized to advertise for and  
43 to receive and open such proposals for such work of construction, recon-  
44 struction, alteration, repair or improvement, and upon the opening of  
45 such proposals he shall, in appropriate cases, transmit to said depart-  
46 ment or other agency a tabulation of such proposals. Except as provided  
47 in [section] sections eight-a and twenty of this chapter, such adver-  
48 tisement for proposals shall be printed in a newspaper published in the  
49 city of Albany, and in such other newspaper or newspapers as will be  
50 most likely to give adequate notice to contractors of the work contem-  
51 plated and of the invitation to submit proposals therefor. Such adver-  
52 tisement shall be published for such time and in such manner as shall be  
53 determined by the commissioner of general services. Such advertisement  
54 shall be a public notice which shall contain a brief description of the  
55 work of construction, reconstruction, alteration, repair or improvement,  
56 a reference to the drawings and specifications therefor and where they

1 may be seen and obtained, the time when and the place where the  
2 proposals invited by such advertisement will be received, the require-  
3 ment of a deposit with the proposal, the requirement of a bond to accom-  
4 pany the contract and in such amount as may be prescribed for the faith-  
5 ful performance of the contract, and such other matters as the  
6 commissioner of general services may deem advisable.

7 § 4. Subdivision 1 of section 143 of the state finance law, as amended  
8 by chapter 43 of the laws of 1969, is amended to read as follows:

9 1. Notwithstanding any inconsistent provision of any general or  
10 special law, the board, division, department, bureau, agency, officer or  
11 commission of the state charged with the duty of preparing plans and  
12 specifications for and awarding or entering into contracts for the  
13 performance of public work shall require the payment of a fixed sum of  
14 money, not exceeding one hundred dollars, for each copy of such plans  
15 and specifications, by persons or corporations desiring a copy thereof.  
16 Any person or corporation desiring a copy of such plans and specifica-  
17 tions and making the deposit required by this section shall be furnished  
18 with one copy of the plans and specifications, except that in the case  
19 of a contract for the performance of public work at a secure facility,  
20 as defined in section eight-a of the public buildings law, the plans and  
21 specifications shall be furnished to only those contractors that are on  
22 the eligible list of bidders established pursuant to section eight-a of  
23 the public buildings law and that have requested copies of such plans  
24 and specifications. In the case where the commissioner of general  
25 services in his or her discretion has solicited contractors other than  
26 those on such eligible list of bidders for the performance of public  
27 work at a secure facility, such contractors shall be furnished with  
28 plans and specifications pursuant to this section.

29 § 5. This act shall take effect immediately.

30 PART M

31 Intentionally Omitted

32 PART N

33 Section 1. Subdivisions 1, 2, 3, 4, 5 and 6 of section 162 of the  
34 state finance law, subdivisions 1, 3, 4 and 6 as added by chapter 83 of  
35 the laws of 1995, subdivision 2 as amended by chapter 501 of the laws of  
36 2002, paragraph a of subdivision 2, paragraphs a and b of subdivision 3,  
37 subparagraph (i) of paragraph a of subdivision 4, subdivision 5, para-  
38 graphs a and d of subdivision 6 as amended by section 164 of subpart B  
39 of part C of chapter 62 of the laws of 2011, paragraph b of subdivision  
40 2 as amended by chapter 519 of the laws of 2003, subparagraph (iii) of  
41 paragraph b of subdivision 4 as amended by chapter 430 of the laws of  
42 1997, and paragraph e of subdivision 6 as amended by chapter 265 of the  
43 laws of 2013, are amended to read as follows:

44 1. Purpose. To advance special social and economic goals, selected  
45 providers shall have preferred source status for the purposes of  
46 procurement in accordance with the provisions of this section. Procure-  
47 ment from these providers shall be exempted from the competitive  
48 procurement provisions of section one hundred sixty-three of this arti-  
49 cle and other competitive procurement statutes. Such exemption shall  
50 apply to commodities produced, manufactured or assembled, including  
51 those repackaged when the labor and materials for such repackaging adds

1 value to the commodity, to meet the form, function and utility required  
2 by state agencies, in New York state and, where so designated, services  
3 provided by those sources in accordance with this section.

4 2. Preferred status. Preferred status as prescribed in this section  
5 shall be accorded to:

6 a. Commodities produced by the correctional industries program of the  
7 department of corrections and community supervision and provided to the  
8 state pursuant to subdivision two of section one hundred eighty-four of  
9 the correction law and asbestos abatement services performed by the  
10 correctional industries program of the department of corrections and  
11 community supervision;

12 b. Commodities and services produced by any qualified charitable non-  
13 profit-making agency for the blind approved for such purposes by the  
14 commissioner of the office of children and family services;

15 [c. Commodities and services produced by any special employment  
16 program serving mentally ill persons, which shall not be required to be  
17 incorporated and which is operated by facilities within the office of  
18 mental health and is approved for such purposes by the commissioner of  
19 mental health;]

20 [d.] c. Commodities and services produced by any qualified charitable  
21 non-profit-making agency for other [severely] significantly disabled  
22 persons approved for such purposes by the commissioner of education, or  
23 incorporated under the laws of this state and approved for such purposes  
24 by the commissioner of education;

25 [e.] d. Commodities and services produced by a qualified veterans'  
26 workshop providing job and employment-skills training to veterans where  
27 such a workshop is operated by the United States department of veterans  
28 affairs and is manufacturing products or performing services within this  
29 state and where such workshop is approved for such purposes by the  
30 commissioner of education; or

31 [f.] e. Commodities and services produced by any qualified charitable  
32 non-profit-making workshop for veterans approved for such purposes by  
33 the commissioner of education, or incorporated under the laws of this  
34 state and approved for such purposes by the commissioner of education.

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

37 a. By December thirty-first, nineteen hundred ninety-five, the commis-  
38 sioner, in consultation with the commissioners of corrections and commu-  
39 nity supervision, the office of children and family services, the office  
40 of temporary and disability assistance, mental health and education,  
41 shall prepare a list of all commodities and services that are available  
42 and are being provided as of said date, for purchase by state agencies,  
43 public benefit corporations or political subdivisions from those enti-  
44 ties accorded preference or priority status under this section. Such  
45 list may include references to catalogs and other descriptive literature  
46 which are available directly from any provider accorded preferred status  
47 under this section. The commissioner shall make this list available to  
48 prospective vendors, state agencies, public benefit corporations, poli-  
49 tical subdivisions and other interested parties. Thereafter, new or  
50 substantially different commodities or services may only be made avail-  
51 able by preferred sources for purchase by more than one state agency,  
52 public benefit corporation or political subdivision after addition to  
53 said list.

54 b. After January first, nineteen hundred ninety-six, upon the applica-  
55 tion of the commissioner of corrections and community supervision, the  
56 commissioner of the office of children and family services, the office

1 of temporary and disability assistance, the commissioner of mental  
2 health or the commissioner of education, or a non-profit-making facili-  
3 tating agency designated by one of the said commissioners pursuant to  
4 paragraph e of subdivision six of this section, the state procurement  
5 council may recommend that the commissioner: (i) add commodities or  
6 services to, or (ii) in order to [insure] ensure that such list reflects  
7 current production and/or availability of commodities and services,  
8 delete at the request of a preferred source, commodities or services  
9 from, the list established by paragraph a of this subdivision. The coun-  
10 cil may make a non-binding recommendation to the relevant preferred  
11 source to delete a commodity or service from such list. Additions may be  
12 made only for new services or commodities, or for services or commod-  
13 ities that are substantially different from those reflected on said list  
14 for that provider. The decision to recommend the addition of services or  
15 commodities shall be based upon a review of relevant factors as deter-  
16 mined by the council including costs and benefits to be derived from  
17 such addition and shall include an analysis by the office of general  
18 services conducted pursuant to subdivision six of this section. Unless  
19 the state procurement council shall make a recommendation to the commis-  
20 sioner on any such application within one hundred twenty days of receipt  
21 thereof, such application shall be deemed recommended. In the event that  
22 the state procurement council shall deny any such application, the  
23 commissioner or non-profit-making facilitating agency which submitted  
24 such application may, within thirty days of such denial, appeal such  
25 denial to the commissioner of general services who shall review all  
26 materials submitted to the state procurement council with respect to  
27 such application and who may request such further information or materi-  
28 al as is deemed necessary. Within sixty days of receipt of all informa-  
29 tion or materials deemed necessary, the commissioner shall render a  
30 written final decision on the application which shall be binding upon  
31 the applicant and upon the state procurement council.

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

36 4. Priority accorded preferred sources. Except as provided in the New  
37 York state printing and public documents law, priority among preferred  
38 sources shall be accorded as follows:

39 a. (i) When commodities are available, in the form, function and util-  
40 ity required by a state agency, public authority, commission, public  
41 benefit corporation or political subdivision, said commodities must be  
42 purchased first from the correctional industries program of the depart-  
43 ment of corrections and community supervision;

44 (ii) When commodities are available, in the form, function and utility  
45 required by, a state agency or political subdivision or public benefit  
46 corporation having their own purchasing agency, and such commodities are  
47 not available pursuant to subparagraph (i) of this paragraph, said  
48 commodities shall then be purchased from approved charitable non-pro-  
49 fit-making agencies for the blind;

50 (iii) When commodities are available, in the form, function and utili-  
51 ty required by, a state agency or political subdivision or public bene-  
52 fit corporation having their own purchasing agency, and such commodities  
53 are not available pursuant to subparagraphs (i) and (ii) of this para-  
54 graph, said commodities shall then be purchased from a qualified non-  
55 profit-making agency for other [severely] significantly disabled



1 persons, [a qualified special employment program for mentally ill  
2 persons,] or a qualified veterans' workshop;

3 b. When services are available, in the form, function and utility  
4 required by, a state agency or political subdivision or public benefit  
5 corporation having their own purchasing agency, equal priority shall be  
6 accorded the services rendered and offered for sale by the correctional  
7 industries program of the department of corrections and community super-  
8 vision, by qualified non-profit-making agencies for the blind and those  
9 for the other [severely] significantly disabled, by qualified special  
10 employment programs for mentally ill persons and by qualified veterans'  
11 workshops. In the case of services:

12 (i) state agencies or political subdivisions or public benefit corpo-  
13 rations having their own purchasing agency shall [make reasonable  
14 efforts to provide a notification] provide a written scope of services  
15 describing their requirements to those preferred sources, or to the  
16 facilitating entity identified in paragraph e of subdivision six of this  
17 section, which provide the required services as indicated on the offi-  
18 cial public list maintained by the office of general services pursuant  
19 to subdivision three of this section and identify the time frame within  
20 which written questions may be submitted by the preferred source, the  
21 date answers to such questions will be provided, the date by which a  
22 written proposal by the preferred source must be submitted and the esti-  
23 dated contract start date;

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

34 (iii) if, within ten days of the notification required by subparagraph  
35 (i) of this paragraph, no preferred source or facilitating entity iden-  
36 tified in paragraph e of subdivision six of this section [indicates  
37 intent to provide the service,] submits a written proposal within the  
38 time frame identified pursuant to subparagraph (i) of this paragraph,  
39 then the service shall be procured in accordance with section one  
40 hundred sixty-three of this article. If, after such period, a preferred  
41 source elects to bid on the service, award shall be made in accordance  
42 with section one hundred sixty-three of this article or as otherwise  
43 provided by law;

44 (iv) the state procurement council shall establish guidelines to  
45 assist the commissioner and state agencies, political subdivisions and  
46 public benefit corporations in developing the scope of services, setting  
47 reasonable time frames, issuing requests for information and determining  
48 the reasonableness of prices of services. The state procurement council  
49 shall also establish guidelines in order to promote transparency and  
50 accountability in the contracting process. Such guidelines shall  
51 include, but not be limited to, procedures to provide fair and equitable  
52 methods for the notification and distribution of opportunities among  
53 members of a facilitating agency, the types of appropriate documentation  
54 to support such contract awards, and procedures for reviews of facili-  
55 tating agencies to ensure compliance with the provisions of this

1 section. Such guidelines shall be posted on the website of the office  
2 of general services.

3 [c. For the purposes of commodities and services produced by special  
4 employment programs operated by facilities approved or operated by the  
5 office of mental health, facilities within the office of mental health  
6 shall be exempt from the requirements of subparagraph (i) of paragraph a  
7 of this subdivision. When such requirements of the office of mental  
8 health cannot be met pursuant to subparagraph (ii) or (iii) of paragraph  
9 a of this subdivision, or paragraph b of this subdivision, the office of  
10 mental health may purchase commodities and services which are compet-  
11 itive in price and comparable in quality to those which could otherwise  
12 be obtained in accordance with this article, from special employment  
13 programs operated by facilities within the office of mental health or  
14 other programs approved by the office of mental health.]

15 5. Prices charged by the department of corrections and community  
16 supervision. The prices to be charged for commodities produced and  
17 services provided by the correctional industries program of the depart-  
18 ment of corrections and community supervision shall be established by  
19 the commissioner of corrections and community supervision in accordance  
20 with section one hundred eighty-six of the correction law.

21 a. The prices established by the commissioner of corrections and  
22 community supervision shall be based upon costs as determined pursuant  
23 to this subdivision, but shall not exceed a reasonable fair market price  
24 determined at or within ninety days before the time of sale. Fair market  
25 price as used herein means the price at which a vendor of the same or  
26 similar product or service who is regularly engaged in the business of  
27 selling such product or service offers to sell such product or service  
28 under similar terms in the same market. Costs shall be determined in  
29 accordance with an agreement between the commissioner of corrections and  
30 community supervision and the director of the budget.

31 b. A purchaser of any such product or service may, at any time prior  
32 to or within thirty days of the time of sale, appeal the purchase price  
33 in accordance with section one hundred eighty-six of the correction law,  
34 on the basis that it unreasonably exceeds fair market price. Such an  
35 appeal shall be decided by a majority vote of a three-member price  
36 review board consisting of the director of the budget, the commissioner  
37 of corrections and community supervision and the commissioner or their  
38 representatives. The decision of the review board shall be final.

39 6. Prices charged by agencies for the blind, other [severely] signif-  
40 icantly disabled and veterans' workshops.

41 a. (i) Except with respect to the correctional industries program of  
42 the department of corrections and community supervision, it shall be the  
43 duty of the commissioner to determine, and from time to time review, the  
44 prices of all commodities [and to approve the price of all services]  
45 provided by preferred sources as specified in this section offered to  
46 state agencies, political subdivisions or public benefit corporations  
47 having their own purchasing office.

48 (ii) With respect to the purchase of services, it shall be the duty of  
49 the commissioner to review and to approve the price of all services  
50 offered to be provided by preferred sources in response to the written  
51 scope of services issued by the state agency, political subdivision or  
52 public benefit corporation. The facilitating entities identified in  
53 paragraph e of this subdivision shall provide to the commissioner, with-  
54 in a reasonable time following request, sufficient information to deter-  
55 mine price reasonableness including but not limited to a pricing appli-  
56 cation in the format requested, comparable price information from



1 private contracts and contracts executed by private vendors accorded  
2 preferred source status under a partnering arrangement pursuant to  
3 subdivision seven of this section, and, where appropriate, the provider  
4 of such information may request that such information be exempted from  
5 disclosure in accordance with the provisions of paragraph (a) of subdi-  
6 vision five of section eighty-nine of the public officers law. State  
7 agencies, political subdivisions, or public benefit corporations may  
8 issue a request for information to assist the commissioner in establish-  
9 ing prevailing market prices.

10 b. In determining and revising the prices of such commodities or  
11 services, consideration shall be given to the reasonable costs of labor,  
12 materials and overhead necessarily incurred by such preferred sources  
13 under efficient methods of procurement, production, performance and  
14 administration; however, the prices of such products and services shall  
15 be as close to prevailing market price as practicable, but in no event  
16 greater than fifteen percent above, the prevailing market prices among  
17 responsive offerors for the same or equivalent commodities or services.

18 c. Such qualified charitable non-profit-making agencies for the blind  
19 and other [severely] significantly disabled may make purchases of mate-  
20 rials, equipment or supplies, except printed material, from centralized  
21 contracts for commodities in accordance with the conditions set by the  
22 office of general services; provided that the qualified charitable non-  
23 profit-making agency for the blind or other [severely] significantly  
24 disabled shall accept sole responsibility for any payment due the  
25 vendor.

26 d. Such qualified charitable non-profit-making agencies for the blind  
27 and other [severely] significantly disabled may make purchases of mate-  
28 rials, equipment and supplies directly from the correctional industries  
29 program administered by the commissioner of corrections and community  
30 supervision, subject to such rules as may be established from time to  
31 time pursuant to the correction law; provided that the qualified chari-  
32 table non-profit-making agency for the blind or other [severely] signif-  
33 icantly disabled shall accept sole responsibility for any payment due  
34 the department of corrections and community supervision.

35 e. The commissioner of the office of children and family services  
36 shall appoint the New York state commission for the blind, or other  
37 non-profit-making agency, other than the agency representing the other  
38 [severely] significantly disabled, to facilitate the distribution of  
39 orders among qualified non-profit-making charitable agencies for the  
40 blind. The state commissioner of education shall appoint a non-profit-  
41 making agency, other than the agency representing the blind, to facili-  
42 tate the distribution of orders among qualified non-profit-making chari-  
43 table agencies for the other [severely] significantly disabled and the  
44 veterans' workshops. [The state commissioner of mental health shall  
45 facilitate the distribution of orders among qualified special employment  
46 programs operated or approved by the office of mental health serving  
47 mentally ill persons.]

48 f. The commissioner may request the state comptroller to conduct  
49 audits and examinations to be made of all records, books and data of any  
50 agency for the blind or the other [severely] significantly disabled,  
51 [any special employment program for mentally ill persons] or any veter-  
52 ans' workshops qualified under this section to determine the costs of  
53 manufacture or the rendering of services and the manner and efficiency  
54 of production and administration of such agency or special employment  
55 program or veterans' workshop with relation to any product or services  
56 purchased by a state agency or political subdivision or public benefit

1 corporation and to furnish the results of such audit and examination to  
2 the commissioner for such action as he or she may deem appropriate under  
3 this section.

4 § 2. This act shall take effect on the one hundred eightieth day after  
5 it shall have become a law.

6 PART O

7 Section 1. Intentionally omitted.

8 § 2. Intentionally omitted.

9 § 3. Section 95 of the workers' compensation law, as amended by chap-  
10 ter 135 of the laws of 1998, is amended to read as follows:

11 § 95. Record and audit of payrolls. (1) Every employer who is insured  
12 in the state insurance fund shall keep a true and accurate record of the  
13 number of [his] its employees, the classification of its employees,  
14 information regarding employee accidents and the wages paid by [him]  
15 such employer, as well as such records relating to any person performing  
16 services under a subcontract with such employer that is not covered  
17 under the subcontractor's own workers' compensation insurance policy,  
18 and shall furnish, upon demand, a sworn statement of the same. Such  
19 record and any other records of an employer containing such information  
20 pertaining to any policy period including, but not limited to, any  
21 ledgers, journals, registers, vouchers, contracts, tax returns and  
22 reports, payroll and distribution records, and computer programs for  
23 retrieving data, certificates of insurance pertaining to subcontractors  
24 and any other business records specified by the rules of the board shall  
25 be open to inspection by the state insurance fund at any time and as  
26 often as may be necessary to verify the number of employees [and], the  
27 amount of the payroll, the classification of employees and information  
28 regarding employee accidents. Any employer who shall fail to keep  
29 [such] any record required in this section, who shall willfully fail to  
30 furnish such record or who shall willfully falsify any such record[,]  
31 shall be guilty of a misdemeanor and subject to a fine of not less than  
32 five thousand dollars nor more than ten thousand dollars in addition to  
33 any other penalties otherwise provided by law, except that any such  
34 employer that has previously been subject to criminal penalties under  
35 this section within the prior ten years shall be guilty of a class E  
36 felony, and subject to a fine of not less than ten thousand dollars nor  
37 more than twenty-five thousand dollars in addition to any penalties  
38 otherwise provided by law.

39 (2) Employers subject to [subdivision] subsection (e) of section two  
40 thousand three hundred four of the insurance law and subdivision two of  
41 section eighty-nine of this article shall keep a true and accurate  
42 record of hours worked for all construction classification employees.  
43 The willful failure to keep such record, or the knowing falsification of  
44 any such record, may be prosecuted as insurance fraud in accordance with  
45 the provisions of section 176.05 of the penal law.

46 § 4. Subdivision 1 of section 131 of the workers' compensation law, as  
47 amended by chapter 6 of the laws of 2007, is amended to read as follows:

48 (1) Every employer subject to the provisions of this chapter shall  
49 keep a true and accurate record of the number of [his or her] its  
50 employees, the classification of its employees, information regarding  
51 employee accidents and the wages paid by [him or her] such employer for  
52 a period of four years after each entry therein, [which] as well as such  
53 records relating to any person performing services under a subcontract  
54 of such employer that is not covered under the subcontractor's own work-

1 ers' compensation insurance policy. Such records shall be open to  
2 inspection at any time, and as often as may be necessary to verify the  
3 same by investigators of the board, by the authorized auditors, account-  
4 ants or inspectors of the carrier with whom the employer is insured, or  
5 by the authorized auditors, accountants or inspectors of any workers'  
6 compensation insurance rating board or bureau operating under the  
7 authority of the insurance law and of which board or bureau such carrier  
8 is a member or the group trust of which the employer is a member. Any  
9 and all records required by law to be kept by such employer upon which  
10 the employer makes or files a return concerning wages paid to employees  
11 or any other records of an employer containing such information relevant  
12 to any policy period including but not limited to, any ledgers, jour-  
13 nals, registers, vouchers, contracts, tax returns and reports, payroll  
14 and distribution records, and computer programs for retrieving data,  
15 certificates of insurance pertaining to subcontractors and any other  
16 business records specified by the rules of the board shall form part of  
17 the records described in this section and shall be open to inspection in  
18 the same manner as provided in this section. Any employer who shall fail  
19 to keep such records, who shall willfully fail to furnish such record as  
20 required in this section or who shall falsify any such records, shall be  
21 guilty of a misdemeanor and subject to a fine of not less than five nor  
22 more than ten thousand dollars in addition to any other penalties other-  
23 wise provided by law, except that any such employer that has previously  
24 been subject to criminal penalties under this section within the prior  
25 ten years shall be guilty of a class E felony, and subject to a fine of  
26 not less than ten nor more than twenty-five thousand dollars in addition  
27 to any penalties otherwise provided by law.

28 § 5. This act shall take effect on the ninetieth day after it shall  
29 have become a law and shall be applicable to policies issued or renewed  
30 after such date.

31 PART P

32 Intentionally Omitted

33 PART Q

34 Intentionally Omitted

35 PART R

36 Intentionally Omitted

37 PART S

38 Intentionally Omitted

39 PART T

40 Intentionally Omitted

1

PART U

2

Intentionally Omitted

3

PART V

4 Section 1. Section 292 of the executive law is amended by adding a new  
5 subdivision 35 to read as follows:

6 35. The term "educational institution", when used in this article,  
7 shall mean:

8 (a) any education corporation or association which holds itself out to  
9 the public to be non-sectarian and exempt from taxation pursuant to the  
10 provisions of article four of the real property tax law; or

11 (b) any public school, including any school district, board of cooper-  
12 ative educational services, public college, or public university.

13 § 2. Subdivision 4 of section 296 of the executive law, as amended by  
14 chapter 106 of the laws of 2003, is amended to read as follows:

15 4. It shall be an unlawful discriminatory practice for an [education  
16 corporation or association which holds itself out to the public to be  
17 non-sectarian and exempt from taxation pursuant to the provisions of  
18 article four of the real property tax law] educational institution to  
19 deny the use of its facilities to any person otherwise qualified, or to  
20 permit the harassment of any student or applicant, by reason of his  
21 race, color, religion, disability, national origin, sexual orientation,  
22 military status, sex, age or marital status, except that any such insti-  
23 tution which establishes or maintains a policy of educating persons of  
24 one sex exclusively may admit students of only one sex.

25 § 3. This act shall take effect immediately.

26

PART W

27

Intentionally Omitted

28

PART X

29 Section 1. Paragraph (a) of subdivision 2 of section 438 of the  
30 economic development law, as added by section 1 of part A of chapter 68  
31 of the laws of 2013, is amended to read as follows:

32 (a) The commissioner shall prepare an annual report to the governor  
33 and the legislature commencing on January first, two thousand eighteen  
34 and annually thereafter. Such report shall include the number of busi-  
35 ness applicants, number of businesses approved, the names and addresses  
36 of the businesses located within a tax-free NY area, total amount of  
37 benefits distributed, benefits received per business, number of net new  
38 jobs created, net new jobs created per business, new investment per  
39 business, the types of industries represented and such other information  
40 as the commissioner determines is necessary to evaluate the progress of  
41 the START-UP NY program. Such report shall, at a minimum, include annual  
42 program data and information attributable solely to the preceding twelve  
43 month period. In addition, the report shall include cumulative annual  
44 program data including all net new jobs previously recorded, adjusted  
45 for net new jobs which have been subsequently lost. Cumulative data  
46 shall be presented separate and distinct from annual program data

1 reporting. Such report shall be posted as a separate document on the  
2 department's website.

3 § 2. This act shall take effect immediately.

4

PART Y

5 Section 1. Section 522 of the labor law, as amended by chapter 720 of  
6 the laws of 1953, is amended to read as follows:

7 § 522. Total unemployment and partial unemployment. "Total unemploy-  
8 ment" means the total lack of any employment [on any day] during any  
9 week. "Partial employment" means any employment during any week that is  
10 less than full-time employment so long as the compensation paid is less  
11 than the claimant's weekly benefit rate plus the claimant's partial  
12 benefit credit. The term "employment" as used in this section means any  
13 employment including that not defined in this title.

14 § 2. Section 523 of the labor law is REPEALED and a new section 523 is  
15 added to read as follows:

16 § 523. Effective week. "Effective week" means (a) a week during which  
17 a claimant performs no services for which the claimant is paid compen-  
18 sation, or (b) a week during which a claimant performs services on a  
19 part-time basis for which the claimant is paid compensation that is less  
20 than the claimant's weekly benefit rate plus his or her partial benefit  
21 credit.

22 § 3. The labor law is amended by adding a new section 525 to read as  
23 follows:

24 § 525. Partial benefit credit. "Partial benefit credit" means that  
25 part of the compensation, if any, paid to a claimant with respect to a  
26 week for which benefits are claimed under the provisions of this law  
27 which is not in excess of fifty per centum of the individual's weekly  
28 benefit rate, or one hundred dollars, whichever is the greater. Such  
29 partial benefit credit, if not a multiple of one dollar, shall be  
30 computed to the next higher multiple of one dollar.

31 § 4. Subdivision 4 of section 527 of the labor law, as amended by  
32 chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the  
33 laws of 1984, is amended to read as follows:

34 4. General condition. A valid original claim may be filed only in a  
35 week [in which the claimant has at least one effective day of unemploy-  
36 ment] that qualifies as an effective week of unemployment for the claim-  
37 ant.

38 § 5. Subparagraph 2 of paragraph (e) of subdivision 1 of section 581  
39 of the labor law, as amended by chapter 282 of the laws of 2002 and  
40 clause (v) as added by chapter 106 of the laws of 2007, is amended to  
41 read as follows:

42 (2) Benefits payable to any claimant with respect to the claimant's  
43 then current benefit year shall be charged, when paid, to the account of  
44 the last employer prior to the filing of a valid original claim in an  
45 amount equal to seven times the claimant's benefit rate. Thereafter,  
46 such charges shall be made to the account of each employer in the base  
47 period used to establish the valid original claim in the same proportion  
48 that the remuneration paid by each employer to the claimant during that  
49 base period bears to the remuneration paid by all employers to the  
50 claimant during that base period except as provided below:

51 (i) In those instances where the claimant may not utilize wages paid  
52 to establish entitlement based upon subdivision ten of section five  
53 hundred ninety of this article and an educational institution is the  
54 claimant's last employer prior to the filing of the claim for benefits,

1 or the claimant performed services in such educational institution in  
2 such capacity while employed by an educational service agency which is  
3 the claimant's last employer prior to the filing of the claim for bene-  
4 fits, such employer shall not be liable for benefit charges for the  
5 first [twenty-eight effective days] seven effective weeks of benefits  
6 paid as otherwise provided by this section. Under such circumstances,  
7 benefits paid shall be charged to the general account. In addition,  
8 wages paid during the base period by such educational institutions, or  
9 for services in such educational institutions for claimants employed by  
10 an educational service agency shall not be considered base period wages  
11 during periods that such wages may not be used to gain entitlement to  
12 benefits pursuant to subdivision ten of section five hundred ninety of  
13 this article.

14 (ii) In those instances where the claimant may not utilize wages paid  
15 to establish entitlement based upon subdivision eleven of section five  
16 hundred ninety of this article and an educational institution is the  
17 claimant's last employer prior to the filing of the claim for benefits,  
18 or the claimant performed services in such educational institution in  
19 such capacity while employed by an educational service agency which is  
20 the claimant's last employer prior to the filing of the claim for bene-  
21 fits, such employer shall not be liable for benefit charges for the  
22 first [twenty-eight effective days] seven effective weeks of benefits  
23 paid as otherwise provided by this section. Under such circumstances,  
24 benefits paid will be charged to the general account. In addition, wages  
25 paid during the base period by such educational institutions, or for  
26 services in such educational institutions for claimants employed by an  
27 educational service agency shall not be considered base period wages  
28 during periods that such wages may not be used to gain entitlement to  
29 benefits pursuant to subdivision eleven of section five hundred ninety  
30 of this article. However, in those instances where a claimant was not  
31 afforded an opportunity to perform services for the educational institu-  
32 tion for the next academic year or term after reasonable assurance was  
33 provided, such employer shall be liable for benefit charges as provided  
34 for in this paragraph for any retroactive payments made to the claimant.

35 (iii) In those instances where the federal government is the claim-  
36 ant's last employer prior to the filing of the claim for benefits and  
37 such employer is not a base-period employer, payments equaling the first  
38 [twenty-eight effective days] seven effective weeks of benefits as  
39 otherwise prescribed by this section shall be charged to the general  
40 account. In those instances where the federal government is the claim-  
41 ant's last employer prior to the filing of the claim for benefits and a  
42 base-period employer, such employer shall be liable for charges for all  
43 benefits paid on such claim in the same proportion that the remuneration  
44 paid by such employer during the base period bears to the remuneration  
45 paid by all employers during the base period. In addition, benefit  
46 payment charges for the first [twenty-eight effective days] seven effec-  
47 tive weeks of benefits other than those chargeable to the federal  
48 government as prescribed above shall be made to the general account.

49 (iv) In those instances where a combined wage claim is filed pursuant  
50 to interstate reciprocal agreements and the claimant's last employer  
51 prior to the filing of the claim is an out-of-state employer and such  
52 employer is not a base-period employer, benefit payments equaling the  
53 first [twenty-eight effective days] seven effective weeks of benefits as  
54 otherwise prescribed by this section shall be charged to the general  
55 account. In those instances where the out-of-state employer is the last  
56 employer prior to the filing of the claim for benefits and a base-period

1 employer such employer shall be liable for charges for all benefits paid  
2 on such claim in the same proportion that the remuneration paid by such  
3 employer during the base period bears to the remuneration paid by all  
4 employers during the base period. In addition, benefit payment charges  
5 for the [twenty-eight effective days] seven effective weeks of benefits  
6 other than those chargeable to the out-of-state employer as prescribed  
7 above shall be made to the general account.

8 (v) In those instances where the last employer prior to the filing of  
9 a valid original claim has paid total remuneration to the claimant  
10 during the period from the start of the base period used to establish  
11 the benefit claim until the date of the claimant's filing of the valid  
12 original claim in an amount less than or equal to six times the claim-  
13 ant's benefit rate and the last employer has substantiated such amount  
14 to the satisfaction of the commissioner within ten days of the commis-  
15 sioner's original notice of potential charges to such last employer's  
16 account, benefits shall be charged as follows: benefits payable to the  
17 claimant with respect to the claimant's then current benefit year shall  
18 be charged, when paid, to the account of such last employer prior to the  
19 filing of a valid original claim in an amount equal to the lowest whole  
20 number (one, two, three, four, five, or six) times the claimant's bene-  
21 fit rate where the product of such lowest whole number times the claim-  
22 ant's benefit rate is equal to or greater than such total remuneration  
23 paid by such last employer to the claimant. Thereafter, such charges  
24 shall be made to the account of each employer in the base period used to  
25 establish the valid original claim in the same proportion that the  
26 remuneration paid by each employer to the claimant during that base  
27 period bears to the remuneration paid by all employers to the claimant  
28 during that base period. Notice of such recalculation of potential  
29 charges shall be given to the last employer and each employer of the  
30 claimant in the base period used to establish the valid original claim.

31 § 6. Subdivision 1 of section 590 of the labor law, as amended by  
32 chapter 645 of the laws of 1951, is amended to read as follows:

33 1. Entitlement to benefits. A claimant shall be entitled to accumulate  
34 effective [days] weeks for the purpose of benefit rights only if he has  
35 complied with the provisions of this article regarding the filing of his  
36 claim, including the filing of a valid original claim, registered as  
37 totally or partially unemployed, reported his subsequent employment and  
38 unemployment, and reported for work or otherwise given notice of the  
39 continuance of his unemployment.

40 § 7. Subdivision 3 of section 590 of the labor law, as amended by  
41 chapter 645 of the laws of 1951, is amended to read as follows:

42 3. Compensable periods. Benefits shall be paid for each [accumulation  
43 of] effective [days within a] week.

44 § 8. Subdivision 4 of section 590 of the labor law, as amended by  
45 chapter 457 of the laws of 1987, is amended to read as follows:

46 4. Duration. Benefits shall not be paid [for more than one hundred and  
47 four effective days] in an amount greater than twenty-six times the  
48 claimant's weekly benefit rate in any benefit year, except as provided  
49 in section six hundred one and subdivision two of section five hundred  
50 ninety-nine of this chapter.

51 § 9. Subdivision 5 of section 590 of the labor law is amended by  
52 adding two new paragraphs (c) and (d) to read as follows:

53 (c) Benefit for partial unemployment. Except as provided in paragraph  
54 (d) of this subdivision, any claimant who is partially unemployed with  
55 respect to any effective week shall be paid, with respect to such effec-  
56 tive week, a benefit equal to his weekly benefit rate less the total of

1 the remuneration, if any, paid or payable to him with respect to such  
2 week for services performed which is in excess of his partial benefit  
3 credit.

4 (d) Benefit for partial unemployment for certain claimants working one  
5 day in a week. Any claimant who is partially unemployed with respect to  
6 any effective week but whose employment is limited to one day during  
7 that effective week and whose remuneration paid or payable to him with  
8 respect to such week for services performed is less than his weekly  
9 benefit rate shall be paid, with respect to such effective week, a bene-  
10 fit equal to three-quarters of his weekly benefit rate, or if higher,  
11 the benefit calculated pursuant to paragraph (c) of this subdivision.

12 § 10. Subdivision 6 of section 590 of the labor law, as added by chap-  
13 ter 720 of the laws of 1953 and as renumbered by chapter 675 of the laws  
14 of 1977, is amended to read as follows:

15 6. Notification requirement. No effective [day] week shall be counted  
16 for any purposes except effective [days] weeks as to which notification  
17 has been given in a manner prescribed by the commissioner.

18 § 11. Subdivision 7 of section 590 of the labor law, as amended by  
19 chapter 415 of the laws of 1983, is amended to read as follows:

20 7. Waiting period. A claimant shall not be entitled to accumulate  
21 effective [days] weeks for the purpose of benefit payments until he has  
22 accumulated a waiting period of [four effective days either wholly with-  
23 in the week in which he established his valid original claim or partly  
24 within such week and partly within his benefit year initiated by such  
25 claim] one effective week.

26 § 12. Subdivision 1 of section 591 of the labor law, as amended by  
27 chapter 413 of the laws of 2003, is amended to read as follows:

28 1. Unemployment. Benefits, except as provided in section five hundred  
29 ninety-one-a of this title, shall be paid only to a claimant who is  
30 totally unemployed or partially unemployed and who is unable to engage  
31 in his usual employment or in any other for which he is reasonably  
32 fitted by training and experience. A claimant who is receiving benefits  
33 under this article shall not be denied such benefits pursuant to this  
34 subdivision or to subdivision two of this section because of such claim-  
35 ant's service on a grand or petit jury of any state or of the United  
36 States.

37 § 13. Subdivision 1 of section 591 of the labor law, as amended by  
38 chapter 446 of the laws of 1981, is amended to read as follows:

39 1. Unemployment. Benefits shall be paid only to a claimant who is  
40 totally unemployed or partially unemployed and who is unable to engage  
41 in his usual employment or in any other for which he is reasonably  
42 fitted by training and experience. A claimant who is receiving benefits  
43 under this article shall not be denied such benefits pursuant to this  
44 subdivision or to subdivision two of this section because of such claim-  
45 ant's service on a grand or petit jury of any state or of the United  
46 States.

47 § 14. Paragraph (a) of subdivision 3 of section 591 of the labor law  
48 is REPEALED and a new paragraph (a) is added to read as follows:

49 (a) Compensation paid to a claimant for any day during a paid vacation  
50 period, or for a paid holiday, shall be considered compensation from  
51 employment.

52 § 15. Subparagraph (i) of paragraph (b) of subdivision 2 of section  
53 591-a of the labor law, as amended by section 14 of part 0 of chapter 57  
54 of the laws of 2013, is amended to read as follows:

55 (i) requirements relating to total unemployment and partial unemploy-  
56 ment, as defined in section five hundred twenty-two of this article,



1 availability for work and search for work, as set forth in subdivision  
2 two of section five hundred ninety-one of this title and refusal to  
3 accept work, as set forth in subdivision two of section five hundred  
4 ninety-three of this title, are not applicable to such individuals;

5 § 16. Subdivision 2 of section 592 of the labor law, as amended by  
6 chapter 415 of the laws of 1983, is amended to read as follows:

7 2. Concurrent payments prohibited. No [days] weeks of total unemploy-  
8 ment or partial unemployment shall be deemed to occur in any week with  
9 respect to which [or a part of which] a claimant has received or is  
10 seeking unemployment benefits under an unemployment compensation law of  
11 any other state or of the United States, provided that this provision  
12 shall not apply if the appropriate agency of such other state or of the  
13 United States finally determines that he is not entitled to such unem-  
14 ployment benefits.

15 § 17. Paragraph (a) of subdivision 1 of section 593 of the labor law,  
16 as amended by section 15 of part 0 of chapter 57 of the laws of 2013, is  
17 amended to read as follows:

18 (a) No [days] weeks of total unemployment or partial unemployment  
19 shall be deemed to occur after a claimant's voluntary separation without  
20 good cause from employment until he or she has subsequently worked in  
21 employment and earned remuneration at least equal to ten times his or  
22 her weekly benefit rate. In addition to other circumstances that may be  
23 found to constitute good cause, including a compelling family reason as  
24 set forth in paragraph (b) of this subdivision, voluntary separation  
25 from employment shall not in itself disqualify a claimant if circum-  
26 stances have developed in the course of such employment that would have  
27 justified the claimant in refusing such employment in the first instance  
28 under the terms of subdivision two of this section or if the claimant,  
29 pursuant to an option provided under a collective bargaining agreement  
30 or written employer plan which permits waiver of his or her right to  
31 retain the employment when there is a temporary layoff because of lack  
32 of work, has elected to be separated for a temporary period and the  
33 employer has consented thereto.

34 § 18. The opening paragraph of subdivision 2 of section 593 of the  
35 labor law, as amended by section 15 of part 0 of chapter 57 of the laws  
36 of 2013, is amended to read as follows:

37 No [days] weeks of total unemployment or partial unemployment shall be  
38 deemed to occur beginning with the [day on] week in which a claimant,  
39 without good cause, refuses to accept an offer of employment for which  
40 he or she is reasonably fitted by training and experience, including  
41 employment not subject to this article, until he or she has subsequently  
42 worked in employment and earned remuneration at least equal to ten times  
43 his or her weekly benefit rate. Except that claimants who are not  
44 subject to a recall date or who do not obtain employment through a union  
45 hiring hall and who are still unemployed after receiving ten weeks of  
46 benefits shall be required to accept any employment proffered that such  
47 claimants are capable of performing, provided that such employment would  
48 result in a wage not less than eighty percent of such claimant's high  
49 calendar quarter wages received in the base period and not substantially  
50 less than the prevailing wage for similar work in the locality as  
51 provided for in paragraph (d) of this subdivision. No refusal to accept  
52 employment shall be deemed without good cause nor shall it disqualify  
53 any claimant otherwise eligible to receive benefits if:

54 § 19. Subdivision 3 of section 593 of the labor law, as amended by  
55 section 15 of part 0 of chapter 57 of the laws of 2013, is amended to  
56 read as follows:

1 3. Misconduct. No [days] weeks of total unemployment or partial unem-  
2 ployment shall be deemed to occur after a claimant lost employment  
3 through misconduct in connection with his or her employment until he or  
4 she has subsequently worked in employment and earned remuneration at  
5 least equal to ten times his or her weekly benefit rate.

6 § 20. Subdivision 4 of section 593 of the labor law, as amended by  
7 chapter 589 of the laws of 1998, is amended to read as follows:

8 4. Criminal acts. No [days] weeks of total unemployment or partial  
9 unemployment shall be deemed to occur during a period of twelve months  
10 after a claimant loses employment as a result of an act constituting a  
11 felony in connection with such employment, provided the claimant is duly  
12 convicted thereof or has signed a statement admitting that he or she has  
13 committed such an act. Determinations regarding a benefit claim may be  
14 reviewed at any time. Any benefits paid to a claimant prior to a deter-  
15 mination that the claimant has lost employment as a result of such act  
16 shall not be considered to have been accepted by the claimant in good  
17 faith. In addition, remuneration paid to the claimant by the affected  
18 employer prior to the claimant's loss of employment due to such criminal  
19 act may not be utilized for the purpose of establishing entitlement to a  
20 subsequent, valid original claim. The provisions of this subdivision  
21 shall apply even if the employment lost as a result of such act is not  
22 the claimant's last employment prior to the filing of his or her claim.

23 § 21. Subdivisions 1 and 2 of section 594 of the labor law, as amended  
24 by section 16 of part 0 of chapter 57 of the laws of 2013, are amended  
25 to read as follows:

26 (1) A claimant who has wilfully made a false statement or represen-  
27 tation to obtain any benefit under the provisions of this article shall  
28 forfeit benefits for at least the first [four] one but not more than the  
29 first [eighty] twenty effective [days] weeks following discovery of such  
30 offense for which he or she otherwise would have been entitled to  
31 receive benefits. Such penalty shall apply only once with respect to  
32 each such offense.

33 (2) For the purpose of subdivision four of section five hundred ninety  
34 of this article, the claimant shall be deemed to have received benefits  
35 for such forfeited effective [days] weeks.

36 § 22. Subdivision 1 of section 596 of the labor law, as amended by  
37 chapter 204 of the laws of 1982, is amended to read as follows:

38 1. Claim filing and certification to unemployment. A claimant shall  
39 file a claim for benefits at the local state employment office serving  
40 the area in which he was last employed or in which he resides within  
41 such time and in such manner as the commissioner shall prescribe. He  
42 shall disclose whether he owes child support obligations, as hereafter  
43 defined. If a claimant making such disclosure is eligible for benefits,  
44 the commissioner shall notify the state or local child support enforce-  
45 ment agency, as hereafter defined, that the claimant is eligible.

46 A claimant shall correctly report any [days] weeks of employment and  
47 any compensation he received for such employment, including employments  
48 not subject to this article, and the [days on] weeks during which he was  
49 totally unemployed or partially unemployed and shall make such reports  
50 in accordance with such regulations as the commissioner shall prescribe.

51 § 23. Subdivision 4 of section 596 of the labor law, as added by chap-  
52 ter 705 of the laws of 1944, as renumbered by section 148-a of part B of  
53 chapter 436 of the laws of 1997 and such section as renumbered by chap-  
54 ter 663 of the laws of 1946, is amended to read as follows:

55 4. Registration and reporting for work. A claimant shall register as  
56 totally unemployed or partially unemployed at a local state employment

1 office serving the area in which he was last employed or in which he  
2 resides in accordance with such regulations as the commissioner shall  
3 prescribe. After so registering, such claimant shall report for work at  
4 the same local state employment office or otherwise give notice of the  
5 continuance of his unemployment as often and in such manner as the  
6 commissioner shall prescribe.

7 § 24. Paragraph (a) of subdivision 2 of section 599 of the labor law,  
8 as amended by chapter 593 of the laws of 1991, is amended to read as  
9 follows:

10 (a) Notwithstanding any other provision of this chapter, a claimant  
11 attending an approved training course or program under this section may  
12 receive additional benefits of up to [one hundred four] twenty-six  
13 effective [days] weeks following exhaustion of regular and, if in  
14 effect, any other extended benefits, provided that entitlement to a new  
15 benefit claim cannot be established. Certification of continued satis-  
16 factory participation and progress in such training course or program  
17 must be submitted to the commissioner prior to the payment of any such  
18 benefits. The duration of such additional benefits shall in no case  
19 exceed twice the number of effective [days] weeks of regular benefits to  
20 which the claimant is entitled at the time the claimant is accepted in,  
21 or demonstrates application for appropriate training.

22 § 25. The opening paragraph and paragraph (e) of subdivision 2 of  
23 section 601 of the labor law, as amended by chapter 35 of the laws of  
24 2009, are amended to read as follows:

25 Extended benefits shall be payable to a claimant for effective [days]  
26 weeks occurring [in any week] within an eligibility period, provided the  
27 claimant

28 (e) is not claiming benefits pursuant to an interstate claim filed  
29 under the interstate benefit payment plan in a state where an extended  
30 benefit period is not in effect, except that this condition shall not  
31 apply with respect to the first [eight] two effective [days] weeks for  
32 which extended benefits shall otherwise be payable pursuant to an inter-  
33 state claim filed under the interstate benefit payment plan; and

34 § 26. Paragraphs (b) and (c) of subdivision 3 of section 601 of the  
35 labor law, as amended by chapter 35 of the laws of 2009, are amended to  
36 read as follows:

37 (b) for not more than [fifty-two] thirteen effective [days] weeks with  
38 respect to his or her applicable benefit year, with a total maximum  
39 amount equal to fifty percentum of the total maximum amount of regular  
40 benefits payable in such benefit year, and

41 (c) if a claimant's benefit year ends within an extended benefit peri-  
42 od, the remaining balance of extended benefits to which he or she would  
43 be entitled, if any, shall be reduced by the number of effective [days]  
44 weeks for which he or she was entitled to receive trade readjustment  
45 allowances under the federal trade act of nineteen hundred seventy-four  
46 during such benefit year, and

47 § 27. Subdivision 4 of section 601 of the labor law, as amended by  
48 chapter 35 of the laws of 2009, is amended to read as follows:

49 4. Charging of extended benefits. The provisions of paragraph (e) of  
50 subdivision one of section five hundred eighty-one of this article shall  
51 apply to benefits paid pursuant to the provisions of this section, and  
52 if they were paid for effective [days occurring in] weeks following the  
53 end of a benefit year, they shall be deemed paid with respect to that  
54 benefit year. However, except for governmental entities as defined in  
55 section five hundred sixty-five and Indian tribes as defined in section  
56 five hundred sixty-six of this article, only one-half of the amount of

1 such benefits shall be debited to the employers' account; the remainder  
2 thereof shall be debited to the general account, and such account shall  
3 be credited with the amount of payments received in the fund pursuant to  
4 the provisions of the federal-state extended unemployment compensation  
5 act. Notwithstanding the foregoing, where the state has entered an  
6 extended benefit period triggered pursuant to subparagraph one of para-  
7 graph (a) of subdivision one of this section for which federal law  
8 provides for one hundred percent federal sharing of the costs of bene-  
9 fits, all charges shall be debited to the general account and such  
10 account shall be credited with the amount of payments received in the  
11 fund pursuant to the provisions of the federal-state extended unemploy-  
12 ment compensation act or other federal law providing for one hundred  
13 percent federal sharing for the cost of such benefits.

14 § 28. Paragraph (b) of subdivision 5 of section 601 of the labor law,  
15 as amended by chapter 35 of the laws of 2009, is amended to read as  
16 follows:

17 (b) No [days] weeks of total unemployment or partial unemployment  
18 shall be deemed to occur [in any week] within an eligibility period  
19 during which a claimant fails to accept any offer of suitable work or  
20 fails to apply for suitable work to which he or she was referred by the  
21 commissioner, who shall make such referral if such work is available, or  
22 during which he or she fails to engage actively in seeking work by  
23 making a systematic and sustained effort to obtain work and providing  
24 tangible evidence of such effort, and until he or she has worked in  
25 employment during at least four subsequent weeks and earned remuneration  
26 of at least four times his or her benefit rate.

27 § 29. Paragraph (e) of subdivision 5 of section 601 of the labor law,  
28 as amended by chapter 35 of the laws of 2009, is amended to read as  
29 follows:

30 (e) No [days] weeks of total unemployment or partial unemployment  
31 shall be deemed to occur [in any week] within an eligibility period  
32 under section five hundred ninety-three of this article, until he or she  
33 has subsequently worked in employment in accordance with the require-  
34 ments set forth in section five hundred ninety-three of this article.

35 § 30. Section 603 of the labor law, as amended by section 21 of part 0  
36 of chapter 57 of the laws of 2013, is amended to read as follows:

37 § 603. Definitions. For purposes of this title: "Total unemployment"  
38 shall mean the total lack of any employment [on any day] during any week  
39 and "partial unemployment" shall mean any employment during any week  
40 that is less than full-time employment so long as the compensation paid  
41 is less than the claimant's weekly benefit rate plus the claimant's  
42 partial benefit credit, other than with an employer applying for a  
43 shared work program. "Work force" shall mean the total work force, a  
44 clearly identifiable unit or units thereof, or a particular shift or  
45 shifts. The work force subject to reduction shall consist of no less  
46 than two employees.

47 § 31. This act shall take effect immediately, provided that the amend-  
48 ments to subdivision 1 of section 591 of the labor law made by section  
49 twelve of this act shall be subject to the expiration and reversion of  
50 such subdivision pursuant to section 10 of chapter 413 of the laws of  
51 2003, as amended, when upon such date the provisions of section thirteen  
52 of this act shall take effect; provided further that the amendments to  
53 section 591-a of the labor law made by section fifteen of this act shall  
54 not affect the repeal of such section and shall be deemed repealed ther-  
55ewith.

1

## PART Z

2 Section 1. The state comptroller is hereby authorized and directed to  
3 loan money in accordance with the provisions set forth in subdivision 5  
4 of section 4 of the state finance law to the following funds and/or  
5 accounts:

- 6 1. Proprietary vocational school supervision account (20452).
- 7 2. Local government records management account (20501).
- 8 3. Child health plus program account (20810).
- 9 4. EPIC premium account (20818).
- 10 5. Education - New (20901).
- 11 6. VLT - Sound basic education fund (20904).
- 12 7. Sewage treatment program management and administration fund  
13 (21000).
- 14 8. Hazardous bulk storage account (21061).
- 15 9. Federal grants indirect cost recovery account (21065).
- 16 10. Low level radioactive waste account (21066).
- 17 11. Recreation account (21067).
- 18 12. Public safety recovery account (21077).
- 19 13. Environmental regulatory account (21081).
- 20 14. Natural resource account (21082).
- 21 15. Mined land reclamation program account (21084).
- 22 16. Great lakes restoration initiative account (21087).
- 23 17. Environmental protection and oil spill compensation fund (21200).
- 24 18. Public transportation systems account (21401).
- 25 19. Metropolitan mass transportation (21402).
- 26 20. Operating permit program account (21451).
- 27 21. Mobile source account (21452).
- 28 22. Statewide planning and research cooperative system account  
29 (21902).
- 30 23. New York state thruway authority account (21905).
- 31 24. Mental hygiene program fund account (21907).
- 32 25. Mental hygiene patient income account (21909).
- 33 26. Financial control board account (21911).
- 34 27. Regulation of racing account (21912).
- 35 28. New York Metropolitan Transportation Council account (21913).
- 36 29. State university dormitory income reimbursable account (21937).
- 37 30. Criminal justice improvement account (21945).
- 38 31. Environmental laboratory reference fee account (21959).
- 39 32. Clinical laboratory reference system assessment account (21962).
- 40 33. Indirect cost recovery account (21978).
- 41 34. High school equivalency program account (21979).
- 42 35. Multi-agency training account (21989).
- 43 36. Interstate reciprocity for post-secondary distance education  
44 account (23800).
- 45 37. Bell jar collection account (22003).
- 46 38. Industry and utility service account (22004).
- 47 39. Real property disposition account (22006).
- 48 40. Parking account (22007).
- 49 41. Asbestos safety training program account (22009).
- 50 42. Batavia school for the blind account (22032).
- 51 43. Investment services account (22034).
- 52 44. Surplus property account (22036).
- 53 45. Financial oversight account (22039).
- 54 46. Regulation of Indian gaming account (22046).
- 55 47. Rome school for the deaf account (22053).



- 1 48. Seized assets account (22054).
- 2 49. Administrative adjudication account (22055).
- 3 50. Federal salary sharing account (22056).
- 4 51. New York City assessment account (22062).
- 5 52. Cultural education account (22063).
- 6 53. Local services account (22078).
- 7 54. DHCR mortgage servicing account (22085).
- 8 55. Department of motor vehicles compulsory insurance account (22087).
- 9 56. Housing indirect cost recovery account (22090).
- 10 57. DHCR-HCA application fee account (22100).
- 11 58. Low income housing monitoring account (22130).
- 12 59. Corporation administration account (22135).
- 13 60. Montrose veteran's home account (22144).
- 14 61. Deferred compensation administration account (22151).
- 15 62. Rent revenue other New York City account (22156).
- 16 63. Rent revenue account (22158).
- 17 64. Tax revenue arrearage account (22168).
- 18 65. State university general income offset account (22654).
- 19 66. Lake George park trust fund account (22751).
- 20 67. State police motor vehicle law enforcement account (22802).
- 21 68. Highway safety program account (23001).
- 22 69. DOH drinking water program account (23102).
- 23 70. NYCCC operating offset account (23151).
- 24 71. Commercial gaming revenue account (23701).
- 25 72. Commercial gaming regulation account (23702).
- 26 73. Highway use tax administration account (23801).
- 27 74. Highway and bridge capital account (30051).
- 28 75. Aviation purpose account (30053).
- 29 76. State university residence hall rehabilitation fund (30100).
- 30 77. State parks infrastructure account (30351).
- 31 78. Clean water/clean air implementation fund (30500).
- 32 79. Hazardous waste remedial cleanup account (31506).
- 33 80. Youth facilities improvement account (31701).
- 34 81. Housing assistance fund (31800).
- 35 82. Housing program fund (31850).
- 36 83. Highway facility purpose account (31951).
- 37 84. Information technology capital financing account (32215).
- 38 85. New York racing account (32213).
- 39 86. Capital miscellaneous gifts account (32214).
- 40 87. New York environmental protection and spill remediation account.
- 41 88. Mental hygiene facilities capital improvement fund (32300).
- 42 89. Correctional facilities capital improvement fund (32350).
- 43 90. New York State Storm Recovery Capital Fund (33000).
- 44 91. OGS convention center account (50318).
- 45 92. Empire Plaza Gift Shop (50327).
- 46 93. Centralized services fund (55000).
- 47 94. Archives records management account (55052).
- 48 95. Federal single audit account (55053).
- 49 96. Civil service EHS occupational health program account (55056).
- 50 97. Banking services account (55057).
- 51 98. Cultural resources survey account (55058).
- 52 99. Neighborhood work project account (55059).
- 53 100. Automation & printing chargeback account (55060).
- 54 101. OFT NYT account (55061).
- 55 102. Data center account (55062).
- 56 103. Intrusion detection account (55066).

- 1 104. Domestic violence grant account (55067).
- 2 105. Centralized technology services account (55069).
- 3 106. Labor contact center account (55071).
- 4 107. Human services contact center account (55072).
- 5 108. Tax contact center account (55073).
- 6 109. Executive direction internal audit account (55251).
- 7 110. CIO Information technology centralized services account (55252).
- 8 111. Health insurance internal service account (55300).
- 9 112. Civil service employee benefits division administrative account
- 10 (55301).
- 11 113. Correctional industries revolving fund (55350).
- 12 114. Employees health insurance account (60201).
- 13 115. Medicaid management information system escrow fund (60900).
- 14 § 1-a. The state comptroller is hereby authorized and directed to loan
- 15 money in accordance with the provisions set forth in subdivision 5 of
- 16 section 4 of the state finance law to any account within the following
- 17 federal funds, provided the comptroller has made a determination that
- 18 sufficient federal grant award authority is available to reimburse such
- 19 loans:
- 20 1. Federal USDA-food and nutrition services fund (25000).
- 21 2. Federal health and human services fund (25100).
- 22 3. Federal education fund (25200).
- 23 4. Federal block grant fund (25250).
- 24 5. Federal miscellaneous operating grants fund (25300).
- 25 6. Federal unemployment insurance administration fund (25900).
- 26 7. Federal unemployment insurance occupational training fund (25950).
- 27 8. Federal emergency employment act fund (26000).
- 28 9. Federal capital projects fund (31350).
- 29 § 2. Notwithstanding any law to the contrary, and in accordance with
- 30 section 4 of the state finance law, the comptroller is hereby authorized
- 31 and directed to transfer, upon request of the director of the budget, on
- 32 or before March 31, 2018, up to the unencumbered balance or the follow-
- 33 ing amounts:
- 34 Economic Development and Public Authorities:
- 35 1. \$175,000 from the miscellaneous special revenue fund, underground
- 36 facilities safety training account (22172), to the general fund.
- 37 2. An amount up to the unencumbered balance from the miscellaneous
- 38 special revenue fund, business and licensing services account (21977),
- 39 to the general fund.
- 40 3. \$14,810,000 from the miscellaneous special revenue fund, code
- 41 enforcement account (21904), to the general fund.
- 42 4. \$3,000,000 from the general fund to the miscellaneous special
- 43 revenue fund, tax revenue arrearage account (22168).
- 44 Education:
- 45 1. \$2,394,714,000 from the general fund to the state lottery fund,
- 46 education account (20901), as reimbursement for disbursements made from
- 47 such fund for supplemental aid to education pursuant to section 92-c of
- 48 the state finance law that are in excess of the amounts deposited in
- 49 such fund for such purposes pursuant to section 1612 of the tax law.
- 50 2. \$966,634,000 from the general fund to the state lottery fund, VLT
- 51 education account (20904), as reimbursement for disbursements made from
- 52 such fund for supplemental aid to education pursuant to section 92-c of
- 53 the state finance law that are in excess of the amounts deposited in
- 54 such fund for such purposes pursuant to section 1612 of the tax law.
- 55 3. Moneys from the state lottery fund (20900) up to an amount deposit-
- 56 ed in such fund pursuant to section 1612 of the tax law in excess of the



1 current year appropriation for supplemental aid to education pursuant to  
2 section 92-c of the state finance law.

3 4. \$300,000 from the New York state local government records manage-  
4 ment improvement fund, local government records management account  
5 (20501), to the New York state archives partnership trust fund, archives  
6 partnership trust maintenance account (20351).

7 5. \$900,000 from the general fund to the miscellaneous special revenue  
8 fund, Batavia school for the blind account (22032).

9 6. \$900,000 from the general fund to the miscellaneous special revenue  
10 fund, Rome school for the deaf account (22053).

11 7. \$343,400,000 from the state university dormitory income fund  
12 (40350) to the miscellaneous special revenue fund, state university  
13 dormitory income reimbursable account (21937).

14 8. \$20,000,000 from any of the state education department special  
15 revenue and internal service funds to the miscellaneous special revenue  
16 fund, indirect cost recovery account (21978).

17 9. \$8,318,000 from the general fund to the state university income  
18 fund, state university income offset account (22654), for the state's  
19 share of repayment of the STIP loan.

20 10. \$40,000,000 from the state university income fund, state universi-  
21 ty hospitals income reimbursable account (22656) to the general fund for  
22 hospital debt service for the period April 1, 2017 through March 31,  
23 2018.

24 11. An amount up to \$13,540,000 from the general fund to the state  
25 university income fund, state university general revenue account  
26 (22653).

27 Environmental Affairs:

28 1. \$16,000,000 from any of the department of environmental conserva-  
29 tion's special revenue federal funds to the environmental conservation  
30 special revenue fund, federal indirect recovery account (21065).

31 2. \$5,000,000 from any of the department of environmental conserva-  
32 tion's special revenue federal funds to the conservation fund (21150) as  
33 necessary to avoid diversion of conservation funds.

34 3. \$3,000,000 from any of the office of parks, recreation and historic  
35 preservation capital projects federal funds and special revenue federal  
36 funds to the miscellaneous special revenue fund, federal grant indirect  
37 cost recovery account (22188).

38 4. \$1,000,000 from any of the office of parks, recreation and historic  
39 preservation special revenue federal funds to the miscellaneous special  
40 revenue fund, I love NY water account (21930).

41 5. \$28,000,000 from the general fund to the environmental protection  
42 fund, environmental protection fund transfer account (30451).

43 6. \$1,800,000 from the general fund to the hazardous waste remedial  
44 fund, hazardous waste oversight and assistance account (31505).

45 Family Assistance:

46 1. \$7,000,000 from any of the office of children and family services,  
47 office of temporary and disability assistance, or department of health  
48 special revenue federal funds and the general fund, in accordance with  
49 agreements with social services districts, to the miscellaneous special  
50 revenue fund, office of human resources development state match account  
51 (21967).

52 2. \$4,000,000 from any of the office of children and family services  
53 or office of temporary and disability assistance special revenue federal  
54 funds to the miscellaneous special revenue fund, family preservation and  
55 support services and family violence services account (22082).



1 3. \$18,670,000 from any of the office of children and family services,  
2 office of temporary and disability assistance, or department of health  
3 special revenue federal funds and any other miscellaneous revenues  
4 generated from the operation of office of children and family services  
5 programs to the general fund.

6 4. \$140,000,000 from any of the office of temporary and disability  
7 assistance or department of health special revenue funds to the general  
8 fund.

9 5. \$2,500,000 from any of the office of temporary and disability  
10 assistance special revenue funds to the miscellaneous special revenue  
11 fund, office of temporary and disability assistance program account  
12 (21980).

13 6. \$7,400,000 from any of the office of children and family services,  
14 office of temporary and disability assistance, department of labor, and  
15 department of health special revenue federal funds to the office of  
16 children and family services miscellaneous special revenue fund, multi-  
17 agency training contract account (21989).

18 7. \$65,000,000 from the miscellaneous special revenue fund, youth  
19 facility per diem account (22186), to the general fund.

20 8. \$621,850 from the general fund to the combined gifts, grants, and  
21 bequests fund, WB Hoyt Memorial account (20128).

22 9. \$3,100,000 from the miscellaneous special revenue fund, state  
23 central registry (22028), to the general fund.

24 General Government:

25 1. \$1,566,000 from the miscellaneous special revenue fund, examination  
26 and miscellaneous revenue account (22065) to the general fund.

27 2. \$8,083,000 from the general fund to the health insurance revolving  
28 fund (55300).

29 3. \$192,400,000 from the health insurance reserve receipts fund  
30 (60550) to the general fund.

31 4. \$150,000 from the general fund to the not-for-profit revolving loan  
32 fund (20650).

33 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the  
34 general fund.

35 6. \$3,000,000 from the miscellaneous special revenue fund, surplus  
36 property account (22036), to the general fund.

37 7. \$19,000,000 from the miscellaneous special revenue fund, revenue  
38 arrearage account (22024), to the general fund.

39 8. \$1,826,000 from the miscellaneous special revenue fund, revenue  
40 arrearage account (22024), to the miscellaneous special revenue fund,  
41 authority budget office account (22138).

42 9. \$1,000,000 from the miscellaneous special revenue fund, parking  
43 services account (22007), to the general fund, for the purpose of reim-  
44 bursing the costs of debt service related to state parking facilities.

45 10. \$21,783,000 from the general fund to the centralized services  
46 fund, COPS account (55013).

47 11. \$8,960,000 from the general fund to the agencies internal service  
48 fund, central technology services account (55069), for the purpose of  
49 enterprise technology projects.

50 12. \$15,000,000 from the miscellaneous special revenue fund, workers'  
51 compensation account (21995), to the miscellaneous capital projects  
52 fund, workers' compensation board IT business process design fund,  
53 (32218).

54 Health:

55 1. A transfer from the general fund to the combined gifts, grants and  
56 bequests fund, breast cancer research and education account (20155), up

1 to an amount equal to the monies collected and deposited into that  
2 account in the previous fiscal year.

3 2. A transfer from the general fund to the combined gifts, grants and  
4 bequests fund, prostate cancer research, detection, and education  
5 account (20183), up to an amount equal to the moneys collected and  
6 deposited into that account in the previous fiscal year.

7 3. A transfer from the general fund to the combined gifts, grants and  
8 bequests fund, Alzheimer's disease research and assistance account  
9 (20143), up to an amount equal to the moneys collected and deposited  
10 into that account in the previous fiscal year.

11 4. \$30,555,000 from the HCRA resources fund (20800) to the miscella-  
12 neous special revenue fund, empire state stem cell trust fund account  
13 (22161).

14 5. \$6,000,000 from the miscellaneous special revenue fund, certificate  
15 of need account (21920), to the miscellaneous capital projects fund,  
16 healthcare IT capital subfund (32216).

17 6. \$2,000,000 from the miscellaneous special revenue fund, vital  
18 health records account (22103), to the miscellaneous capital projects  
19 fund, healthcare IT capital subfund (32216)

20 7. \$2,000,000 from the miscellaneous special revenue fund, profes-  
21 sional medical conduct account (22088), to the miscellaneous capital  
22 projects fund, healthcare IT capital subfund (32216).

23 8. \$58,921,000 from the HCRA resources fund (20800) to the capital  
24 projects fund (30000).

25 8-a. \$12,500,000 from the HCRA resources fund (20800) to the miscella-  
26 neous special revenue fund, mental hygiene program fund account (21907).

27 9. \$4,540,000 from the general fund to the medical marihuana trust  
28 fund, health operation and oversight account (23755).

29 10. \$1,086,000 from the miscellaneous special revenue fund, certifi-  
30 cate of need account (21920), to the general fund.

31 Labor:

32 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and  
33 penalty account (21923), to the child performer's protection fund, child  
34 performer protection account (20401).

35 2. \$8,400,000 from the miscellaneous special revenue fund, DOL fee and  
36 penalty account (21923), to the general fund.

37 3. \$3,300,000 from the unemployment insurance interest and penalty  
38 fund, unemployment insurance special interest and penalty account  
39 (23601), to the general fund.

40 Mental Hygiene:

41 1. \$10,000,000 from the miscellaneous special revenue fund, mental  
42 hygiene patient income account (21909), to the miscellaneous special  
43 revenue fund, federal salary sharing account (22056).

44 2. \$1,800,000,000 from the general fund to the miscellaneous special  
45 revenue fund, mental hygiene patient income account (21909).

46 3. \$1,680,000,000 from the general fund to the miscellaneous special  
47 revenue fund, mental hygiene program fund account (21907).

48 4. \$100,000,000 from the miscellaneous special revenue fund, mental  
49 hygiene program fund account (21907), to the general fund.

50 5. \$100,000,000 from the miscellaneous special revenue fund, mental  
51 hygiene patient income account (21909), to the general fund.

52 6. \$3,800,000 from the miscellaneous special revenue fund, mental  
53 hygiene patient income account (21909), to the agencies internal service  
54 fund, civil service EHS occupational health program account (55056).

- 1 7. \$11,500,000 from the chemical dependence service fund, substance  
2 abuse services fund account (22700), to the capital projects fund  
3 (30000).
- 4 8. \$3,500,000 from the chemical dependence service fund, substance  
5 abuse services fund account (22700), to the mental hygiene capital  
6 improvement fund (32305).
- 7 Public Protection:
- 8 1. \$1,350,000 from the miscellaneous special revenue fund, emergency  
9 management account (21944), to the general fund.
- 10 2. \$2,087,000 from the general fund to the miscellaneous special  
11 revenue fund, recruitment incentive account (22171).
- 12 3. \$12,000,000 from the general fund to the correctional industries  
13 revolving fund, correctional industries internal service account  
14 (55350).
- 15 4. \$3,000,000 from the federal miscellaneous operating grants fund,  
16 DMNA damage account (25324), to the general fund.
- 17 5. \$8,600,000 from the miscellaneous special revenue fund, criminal  
18 justice improvement account (21945), to the general fund.
- 19 6. \$112,420,000 from the state police motor vehicle law enforcement  
20 and motor vehicle theft and insurance fraud prevention fund, state  
21 police motor vehicle enforcement account (22802), to the general fund  
22 for state operation expenses of the division of state police.
- 23 7. A transfer of the unencumbered balance from the miscellaneous  
24 special revenue fund, seized assets account (22061), to the miscella-  
25 neous special revenue fund, seized assets account (22054).
- 26 8. \$117,500,000 from the general fund to the correctional facilities  
27 capital improvement fund (32350).
- 28 9. \$5,000,000 from the general fund to the dedicated highway and  
29 bridge trust fund (30050) for the purpose of work zone safety activities  
30 provided by the division of state police for the department of transpor-  
31 tation.
- 32 10. \$5,238,000 from the miscellaneous special revenue fund, statewide  
33 public safety communications account (22123), to the capital projects  
34 fund (30000).
- 35 11. \$9,545,000 from the miscellaneous special revenue fund, criminal  
36 justice improvement account (21965), to the general fund.
- 37 12. \$1,000,000 from the general fund to the agencies internal service  
38 fund, neighborhood work project account (55059).
- 39 13. \$5,940,556 from the miscellaneous special revenue fund, finger-  
40 print identification & technology account (21950), to the general fund.
- 41 14. \$4,300,000 from the state police motor vehicle law enforcement and  
42 motor vehicle theft and insurance fraud prevention fund, motor vehicle  
43 theft and insurance fraud account (22801), to the general fund.
- 44 15. \$60,000,000 from the miscellaneous special revenue fund, public  
45 safety communications account (22123), to the general fund.
- 46 16. \$2,000,000 from the general fund to the miscellaneous special  
47 revenue fund, crimes against revenue program account (22015).
- 48 Transportation:
- 49 1. \$17,672,000 from the federal miscellaneous operating grants fund to  
50 the miscellaneous special revenue fund, New York Metropolitan Transpor-  
51 tation Council account (21913).
- 52 2. \$20,147,000 from the federal capital projects fund to the miscella-  
53 neous special revenue fund, New York Metropolitan Transportation Council  
54 account (21913).
- 55 3. \$15,058,017 from the general fund to the mass transportation oper-  
56 ating assistance fund, public transportation systems operating assist-



1 ance account (21401), of which \$12,000,000 constitutes the base need for  
2 operations.

3 4. \$720,000,000 from the general fund to the dedicated highway and  
4 bridge trust fund (30050).

5 5. \$3,662,000 from the miscellaneous special revenue fund, accident  
6 prevention course program account (22094), to the dedicated highway and  
7 bridge trust fund (30050).

8 6. \$3,065,000 from the miscellaneous special revenue fund, motorcycle  
9 safety account (21976), to the dedicated highway and bridge trust fund  
10 (30050).

11 7. \$244,250,000 from the general fund to the MTA financial assistance  
12 fund, mobility tax trust account (23651).

13 8. \$5,000,000 from the miscellaneous special revenue fund, transporta-  
14 tion regulation account (22067) to the dedicated highway and bridge  
15 trust fund (30050), for disbursements made from such fund for motor  
16 carrier safety that are in excess of the amounts deposited in the dedi-  
17 cated highway and bridge trust fund (30050) for such purpose pursuant to  
18 section 94 of the transportation law.

19 9. \$114,000 from the miscellaneous special revenue fund, seized assets  
20 account (21906), to the dedicated highway and bridge trust fund (30050).

21 10. \$500,000 from the clean air fund, mobile source account (21452),  
22 to the general fund.

23 11. Intentionally omitted.

24 12. \$121,548,000 from the mass transportation operating assistance  
25 fund, metropolitan mass transportation operating assistance account  
26 (21402), to the capital projects fund (30000).

27 Miscellaneous:

28 1. \$250,000,000 from the general fund to any funds or accounts for the  
29 purpose of reimbursing certain outstanding accounts receivable balances.

30 2. \$500,000,000 from the general fund to the debt reduction reserve  
31 fund (40000).

32 3. \$450,000,000 from the New York state storm recovery capital fund  
33 (33000) to the revenue bond tax fund (40152).

34 4. \$15,500,000 from the general fund, community projects account GG  
35 (10256), to the general fund, state purposes account (10050).

36 § 3. Notwithstanding any law to the contrary, and in accordance with  
37 section 4 of the state finance law, the comptroller is hereby authorized  
38 and directed to transfer, on or before March 31, 2018:

39 1. Upon request of the commissioner of environmental conservation, up  
40 to \$12,234,600 from revenues credited to any of the department of envi-  
41 ronmental conservation special revenue funds, including \$4,000,000 from  
42 the environmental protection and oil spill compensation fund (21200),  
43 and \$1,793,600 from the conservation fund (21150), to the environmental  
44 conservation special revenue fund, indirect charges account (21060).

45 2. Upon request of the commissioner of agriculture and markets, up to  
46 \$3,000,000 from any special revenue fund or enterprise fund within the  
47 department of agriculture and markets to the general fund, to pay appro-  
48 priate administrative expenses.

49 3. Upon request of the commissioner of agriculture and markets, up to  
50 \$2,000,000 from the state exposition special fund, state fair receipts  
51 account (50051) to the miscellaneous capital projects fund, state fair  
52 capital improvement account (32208).

53 4. Upon request of the commissioner of the division of housing and  
54 community renewal, up to \$6,221,000 from revenues credited to any divi-  
55 sion of housing and community renewal federal or miscellaneous special

1 revenue fund to the miscellaneous special revenue fund, housing indirect  
2 cost recovery account (22090).

3 5. Upon request of the commissioner of the division of housing and  
4 community renewal, up to \$5,500,000 may be transferred from any miscel-  
5 laneous special revenue fund account, to any miscellaneous special  
6 revenue fund.

7 6. Upon request of the commissioner of health up to \$8,500,000 from  
8 revenues credited to any of the department of health's special revenue  
9 funds, to the miscellaneous special revenue fund, administration account  
10 (21982).

11 § 4. On or before March 31, 2018, the comptroller is hereby authorized  
12 and directed to deposit earnings that would otherwise accrue to the  
13 general fund that are attributable to the operation of section 98-a of  
14 the state finance law, to the agencies internal service fund, banking  
15 services account (55057), for the purpose of meeting direct payments  
16 from such account.

17 § 5. Notwithstanding any law to the contrary, upon the direction of  
18 the director of the budget and upon requisition by the state university  
19 of New York, the dormitory authority of the state of New York is  
20 directed to transfer, up to \$22,000,000 in revenues generated from the  
21 sale of notes or bonds, the state university income fund general revenue  
22 account (22653) for reimbursement of bondable equipment for further  
23 transfer to the state's general fund.

24 § 6. Notwithstanding any law to the contrary, and in accordance with  
25 section 4 of the state finance law, the comptroller is hereby authorized  
26 and directed to transfer, upon request of the director of the budget and  
27 upon consultation with the state university chancellor or his or her  
28 designee, on or before March 31, 2018, up to \$16,000,000 from the state  
29 university income fund general revenue account (22653) to the state  
30 general fund for debt service costs related to campus supported capital  
31 project costs for the NY-SUNY 2020 challenge grant program at the  
32 University at Buffalo.

33 § 7. Notwithstanding any law to the contrary, and in accordance with  
34 section 4 of the state finance law, the comptroller is hereby authorized  
35 and directed to transfer, upon request of the director of the budget and  
36 upon consultation with the state university chancellor or his or her  
37 designee, on or before March 31, 2018, up to \$6,500,000 from the state  
38 university income fund general revenue account (22653) to the state  
39 general fund for debt service costs related to campus supported capital  
40 project costs for the NY-SUNY 2020 challenge grant program at the  
41 University at Albany.

42 § 8. Notwithstanding any law to the contrary, the state university  
43 chancellor or his or her designee is authorized and directed to transfer  
44 estimated tuition revenue balances from the state university collection  
45 fund (61000) to the state university income fund, state university  
46 general revenue offset account (22655) on or before March 31, 2018.

47 § 9. Notwithstanding any law to the contrary, and in accordance with  
48 section 4 of the state finance law, the comptroller is hereby authorized  
49 and directed to transfer, upon request of the director of the budget, up  
50 to \$87,864,000 from the general fund to the state university income  
51 fund, state university hospitals income reimbursable account (22656)  
52 during the period July 1, 2017 through June 30, 2018 to reflect ongoing  
53 state subsidy of SUNY hospitals and to pay costs attributable to the  
54 SUNY hospitals' state agency status.

55 § 10. Notwithstanding any law to the contrary, and in accordance with  
56 section 4 of the state finance law, the comptroller is hereby authorized

1 and directed to transfer, upon request of the director of the budget, up  
2 to \$1,015,352,300 from the general fund to the state university income  
3 fund, state university general revenue offset account (22655) during the  
4 period of July 1, 2017 through June 30, 2018 to support operations at  
5 the state university.

6 § 11. Notwithstanding any law to the contrary, and in accordance with  
7 section 4 of the state financial law, the comptroller is hereby author-  
8 ized and directed to transfer, upon request of the director of the budg-  
9 et, up to \$100,000 from the general fund to the state university income  
10 fund, state university general revenue offset account (22655) during the  
11 period of April 1, 2017 through June 30, 2017 to support operations at  
12 the state university.

13 § 12. Notwithstanding any law to the contrary, and in accordance with  
14 section 4 of the state finance law, the comptroller is hereby authorized  
15 and directed to transfer, upon request of the state university chancel-  
16 lor or his or her designee, up to \$55,000,000 from the state university  
17 income fund, state university hospitals income reimbursable account  
18 (22656), for services and expenses of hospital operations and capital  
19 expenditures at the state university hospitals; and the state university  
20 income fund, Long Island veterans' home account (22652) to the state  
21 university capital projects fund (32400) on or before June 30, 2018.

22 § 13. Notwithstanding any law to the contrary, and in accordance with  
23 section 4 of the state finance law, the comptroller, after consultation  
24 with the state university chancellor or his or her designee, is hereby  
25 authorized and directed to transfer moneys, in the first instance, from  
26 the state university collection fund, Stony Brook hospital collection  
27 account (61006), Brooklyn hospital collection account (61007), and Syra-  
28 cuse hospital collection account (61008) to the state university income  
29 fund, state university hospitals income reimbursable account (22656) in  
30 the event insufficient funds are available in the state university  
31 income fund, state university hospitals income reimbursable account  
32 (22656) to permit the full transfer of moneys authorized for transfer,  
33 to the general fund for payment of debt service related to the SUNY  
34 hospitals. Notwithstanding any law to the contrary, the comptroller is  
35 also hereby authorized and directed, after consultation with the state  
36 university chancellor or his or her designee, to transfer moneys from  
37 the state university income fund to the state university income fund,  
38 state university hospitals income reimbursable account (22656) in the  
39 event insufficient funds are available in the state university income  
40 fund, state university hospitals income reimbursable account (22656) to  
41 pay hospital operating costs or to permit the full transfer of moneys  
42 authorized for transfer, to the general fund for payment of debt service  
43 related to the SUNY hospitals on or before March 31, 2018.

44 § 14. Notwithstanding any law to the contrary, upon the direction of  
45 the director of the budget and the chancellor of the state university of  
46 New York or his or her designee, and in accordance with section 4 of the  
47 state finance law, the comptroller is hereby authorized and directed to  
48 transfer monies from the state university dormitory income fund (40350)  
49 to the state university residence hall rehabilitation fund (30100), and  
50 from the state university residence hall rehabilitation fund (30100) to  
51 the state university dormitory income fund (40350), in an amount not to  
52 exceed \$80 million from each fund.

53 § 15. Notwithstanding any law to the contrary, and in accordance with  
54 section 4 of the state finance law, the comptroller is hereby authorized  
55 and directed to transfer monies, upon request of the director of the  
56 budget, on or before March 31, 2018, from and to any of the following

1 accounts: the miscellaneous special revenue fund, patient income account  
2 (21909), the miscellaneous special revenue fund, mental hygiene program  
3 fund account (21907), the miscellaneous special revenue fund, federal  
4 salary sharing account (22056), or the general fund in any combination,  
5 the aggregate of which shall not exceed \$350 million.

6 § 16. Notwithstanding any law to the contrary, and in accordance with  
7 section 4 of the state finance law, the comptroller is hereby authorized  
8 and directed to transfer, at the request of the director of the budget,  
9 up to \$250 million from the unencumbered balance of any special revenue  
10 fund or account, agency fund or account, internal service fund or  
11 account, enterprise fund or account, or any combination of such funds  
12 and accounts, to the general fund. The amounts transferred pursuant to  
13 this authorization shall be in addition to any other transfers expressly  
14 authorized in the 2017-18 budget. Transfers from federal funds, debt  
15 service funds, capital projects funds, the community projects fund, or  
16 funds that would result in the loss of eligibility for federal benefits  
17 or federal funds pursuant to federal law, rule, or regulation as assent-  
18 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of  
19 1951 are not permitted pursuant to this authorization.

20 § 17. Notwithstanding any law to the contrary, and in accordance with  
21 section 4 of the state finance law, the comptroller is hereby authorized  
22 and directed to transfer, at the request of the director of the budget,  
23 up to \$100 million from any non-general fund or account, or combination  
24 of funds and accounts, to the miscellaneous special revenue fund, tech-  
25 nology financing account (22207), the miscellaneous capital projects  
26 fund, information technology capital financing account (32215), or the  
27 centralized technology services account (55069), for the purpose of  
28 consolidating technology procurement and services. The amounts trans-  
29 ferred to the miscellaneous special revenue fund, technology financing  
30 account (22207) pursuant to this authorization shall be equal to or less  
31 than the amount of such monies intended to support information technolo-  
32 gy costs which are attributable, according to a plan, to such account  
33 made in pursuance to an appropriation by law. Transfers to the technolo-  
34 gy financing account shall be completed from amounts collected by non-  
35 general funds or accounts pursuant to a fund deposit schedule or perma-  
36 nent statute, and shall be transferred to the technology financing  
37 account pursuant to a schedule agreed upon by the affected agency  
38 commissioner. Transfers from funds that would result in the loss of  
39 eligibility for federal benefits or federal funds pursuant to federal  
40 law, rule, or regulation as assented to in chapter 683 of the laws of  
41 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to  
42 this authorization.

43 § 18. Notwithstanding any other law to the contrary, up to \$245  
44 million of the assessment reserves remitted to the chair of the workers'  
45 compensation board pursuant to subdivision 6 of section 151 of the work-  
46 ers' compensation law shall, at the request of the director of the budg-  
47 et, be transferred to the state insurance fund, for partial payment and  
48 partial satisfaction of the state's obligations to the state insurance  
49 fund under section 88-c of the workers' compensation law.

50 § 19. Notwithstanding any law to the contrary, and in accordance with  
51 section 4 of the state finance law, the comptroller is hereby authorized  
52 and directed to transfer, at the request of the director of the budget,  
53 up to \$400 million from any non-general fund or account, or combination  
54 of funds and accounts, to the general fund for the purpose of consol-  
55 idating technology procurement and services. The amounts transferred  
56 pursuant to this authorization shall be equal to or less than the amount

1 of such monies intended to support information technology costs which  
2 are attributable, according to a plan, to such account made in pursuance  
3 to an appropriation by law. Transfers to the general fund shall be  
4 completed from amounts collected by non-general funds or accounts pursu-  
5 ant to a fund deposit schedule. Transfers from funds that would result  
6 in the loss of eligibility for federal benefits or federal funds pursu-  
7 ant to federal law, rule, or regulation as assented to in chapter 683 of  
8 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted  
9 pursuant to this authorization.

10 § 20. Notwithstanding any provision of law, rule or regulation to the  
11 contrary, the New York state energy research and development authority  
12 is authorized and directed to make a contribution of \$913,000 to the  
13 state treasury to the credit of the general fund on or before March 31,  
14 2018.

15 § 20-a. Notwithstanding any provision of law, rule or regulation to  
16 the contrary, the New York state energy research and development author-  
17 ity is authorized and directed to transfer to the energy research and  
18 development operating fund established pursuant to section 1859 of the  
19 public authorities law in the amount of \$23,000,000 from proceeds  
20 collected by the authority from the auction or sale of carbon dioxide  
21 emission allowances allocated by the department of environmental conser-  
22 vation on or before March 31, 2017, which amount shall be utilized for  
23 direct grants for community solar electric projects in low-to-moderate  
24 income and environmental justice communities.

25 § 20-b. Notwithstanding any provision of law to the contrary, as  
26 deemed feasible and advisable by its trustees, the power authority of  
27 the state of New York is authorized and directed to transfer to the  
28 state treasury to the credit of the special revenue fund, public service  
29 account (22011) up to \$532,000 for direct and indirect expenses relating  
30 to the department of agriculture and markets' and the office of parks,  
31 recreation and historic preservation's participation in general ratemak-  
32 ing proceedings pursuant to section 65 of the public service law or  
33 certification proceedings pursuant to article 7 or 10 of the public  
34 service law.

35 § 20-c. Notwithstanding any provision of law to the contrary, as  
36 deemed feasible and advisable by its trustees, the power authority of  
37 the state of New York is authorized and directed to transfer to the  
38 state treasury to the credit of the environmental conservation fund,  
39 utility environmental regulation account (21064) up to \$1,650,000 for  
40 direct and indirect expenses relating to the department of environmental  
41 conservation's participation in state energy policy proceedings, or  
42 certification proceedings pursuant to article 7 or 10 of the public  
43 service law.

44 § 20-d. Notwithstanding any provision of law to the contrary, as  
45 deemed feasible and advisable by its trustees, the power authority of  
46 the state of New York is authorized and directed to transfer to the  
47 state treasury to the credit of the special revenue fund, public service  
48 account (22011) up to \$2,158,000 for direct and indirect expenses of the  
49 department of state's utility intervention unit pursuant to subdivision  
50 4 of section 94-a of the executive law for services and expenses of the  
51 State Utility Consumer Advocate, and for services and expenses of inter-  
52 veners for consumer advocacy in utility matters.

53 § 21. Subdivision 5 of section 97-rrr of the state finance law, as  
54 amended by section 21 of part UU of chapter 54 of the laws of 2016, is  
55 amended to read as follows:



1 5. Notwithstanding the provisions of section one hundred seventy-one-a  
2 of the tax law, as separately amended by chapters four hundred eighty-  
3 one and four hundred eighty-four of the laws of nineteen hundred eight-  
4 y-one, and notwithstanding the provisions of chapter ninety-four of the  
5 laws of two thousand eleven, or any other provisions of law to the  
6 contrary, during the fiscal year beginning April first, two thousand  
7 [sixteen] seventeen, the state comptroller is hereby authorized and  
8 directed to deposit to the fund created pursuant to this section from  
9 amounts collected pursuant to article twenty-two of the tax law and  
10 pursuant to a schedule submitted by the director of the budget, up to  
11 [\$3,283,844,000] \$2,849,997,000, as may be certified in such schedule as  
12 necessary to meet the purposes of such fund for the fiscal year begin-  
13 ning April first, two thousand [sixteen] seventeen.

14 § 22. Notwithstanding any law to the contrary, the comptroller is  
15 hereby authorized and directed to transfer, upon request of the director  
16 of the budget, on or before March 31, 2018, the following amounts from  
17 the following special revenue accounts to the capital projects fund  
18 (30000), for the purposes of reimbursement to such fund for expenses  
19 related to the maintenance and preservation of state assets:

20 1. \$43,000 from the miscellaneous special revenue fund, administrative  
21 program account (21982).

22 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes  
23 hospital account (22140).

24 3. \$366,000 from the miscellaneous special revenue fund, New York city  
25 veterans' home account (22141).

26 4. \$513,000 from the miscellaneous special revenue fund, New York  
27 state home for veterans' and their dependents at oxford account (22142).

28 5. \$159,000 from the miscellaneous special revenue fund, western New  
29 York veterans' home account (22143).

30 6. \$323,000 from the miscellaneous special revenue fund, New York  
31 state for veterans in the lower-hudson valley account (22144).

32 7. \$2,550,000 from the miscellaneous special revenue fund, patron  
33 services account (22163).

34 8. \$41,930,000 from the miscellaneous special revenue fund, state  
35 university dormitory income reimbursable account (21937).

36 9. \$830,000 from the miscellaneous special revenue fund, long island  
37 veterans' home account (22652).

38 10. \$5,379,000 from the miscellaneous special revenue fund, state  
39 university general income reimbursable account (22653).

40 11. \$112,556,000 from the miscellaneous special revenue fund, state  
41 university revenue offset account (22655).

42 12. \$557,000 from the miscellaneous special revenue fund, state  
43 university of New York tuition reimbursement account (22659).

44 § 22-a. Intentionally omitted.

45 § 22-b. Intentionally omitted.

46 § 22-c. Subdivision 1 of section 4 of section 1 of part D3 of chapter  
47 62 of the laws of 2003 amending the general business law and other laws  
48 relating to implementing the state fiscal plan for the 2003-2004 state  
49 fiscal year, is amended to read as follows:

50 1. The state representative, upon the execution of a sale agreement on  
51 behalf of the state may sell to the corporation, and the corporation may  
52 purchase, for cash or other consideration and in one or more install-  
53 ments, all or a portion of the state's share. Any such agreement shall  
54 provide, among other matters, that the purchase price payable by the  
55 corporation to the state for such state's share or portion thereof shall  
56 consist of the net proceeds of the bonds issued to finance such purchase

1 price and the residual interests, if any. The residual interests shall  
2 be deposited into [the tobacco settlement fund pursuant to section 92-x  
3 of the state finance law, unless otherwise directed by statute] the  
4 Medicaid management information system (MMIS) statewide escrow fund  
5 within thirty days upon the availability of such residual interests to  
6 fund a portion of the cumulative non-federal share of expenses related  
7 to the state takeover of the local share of Medicaid growth pursuant to  
8 part F of chapter 56 of the laws of 2012. Such deposit shall be in an  
9 amount equal to (a) the amount of residual interests scheduled for  
10 deposit into the MMIS statewide escrow fund in the applicable year's  
11 enacted budget financial plan as updated or (b) the total amount of  
12 residual interests available if the total amount of such residual inter-  
13 ests is less than the total amount of residual interests scheduled for  
14 deposit into the MMIS statewide escrow fund in the applicable year's  
15 enacted budget financial plan as updated. At the discretion of the state  
16 representative, any residual interests which exceed the amount scheduled  
17 for deposit into the MMIS statewide escrow fund in the applicable year's  
18 enacted budget financial plan as updated may either be deposited into  
19 the (i) MMIS escrow fund to fund a portion, as determined by the state  
20 representative, of the cumulative non-Federal share of expenses related  
21 to the State takeover of the local share of Medicaid growth, pursuant to  
22 part F of chapter 56 of the laws of 2012, or (ii) the state general  
23 fund; provided, however that any residual interest derived from other  
24 assets shall be applied as directed by statute. Any such sale shall be  
25 pursuant to one or more sale agreements which may contain such terms and  
26 conditions deemed necessary by the state representative to carry out and  
27 effectuate the purposes of this section, including covenants binding the  
28 state in favor of the corporation and its assignees, including the  
29 owners of its bonds such as covenants with respect to the enforcement at  
30 the expense of the state of the payment provisions of the master settle-  
31 ment agreement, the diligent enforcement at the expense of the state of  
32 the qualifying statute, the application and use of the proceeds of the  
33 sale of the state's share to preserve the tax-exemption on the bonds,  
34 the interest on which is intended to be exempt from federal income tax,  
35 issued to finance the purchase thereof and otherwise as provided in this  
36 act. Notwithstanding the foregoing, neither the state representative nor  
37 the corporation shall be authorized to make any covenant, pledge, prom-  
38 ise or agreement purporting to bind the state with respect to pledged  
39 tobacco revenues, except as otherwise specifically authorized by this  
40 act.

41 § 22-d. Intentionally omitted.

42 § 23. Notwithstanding any other law, rule, or regulation to the  
43 contrary, the state comptroller is hereby authorized and directed to use  
44 any balance remaining in the mental health services fund debt service  
45 appropriation, after payment by the state comptroller of all obligations  
46 required pursuant to any lease, sublease, or other financing arrangement  
47 between the dormitory authority of the state of New York as successor to  
48 the New York state medical care facilities finance agency, and the  
49 facilities development corporation pursuant to chapter 83 of the laws of  
50 1995 and the department of mental hygiene for the purpose of making  
51 payments to the dormitory authority of the state of New York for the  
52 amount of the earnings for the investment of monies deposited in the  
53 mental health services fund that such agency determines will or may have  
54 to be rebated to the federal government pursuant to the provisions of  
55 the internal revenue code of 1986, as amended, in order to enable such  
56 agency to maintain the exemption from federal income taxation on the

1 interest paid to the holders of such agency's mental services facilities  
2 improvement revenue bonds. Annually on or before each June 30th, such  
3 agency shall certify to the state comptroller its determination of the  
4 amounts received in the mental health services fund as a result of the  
5 investment of monies deposited therein that will or may have to be  
6 rebated to the federal government pursuant to the provisions of the  
7 internal revenue code of 1986, as amended.

8 § 24. Subdivision 1 of section 47 of section 1 of chapter 174 of the  
9 laws of 1968, constituting the New York state urban development corpo-  
10 ration act, as amended by section 29 of part UU of chapter 54 of the  
11 laws of 2016, is amended to read as follows:

12 1. Notwithstanding the provisions of any other law to the contrary,  
13 the dormitory authority and the corporation are hereby authorized to  
14 issue bonds or notes in one or more series for the purpose of funding  
15 project costs for the office of information technology services, depart-  
16 ment of law, and other state costs associated with such capital projects  
17 including costs for the division of homeland security and emergency  
18 services associated with Next Generation 911 development. The aggregate  
19 principal amount of bonds authorized to be issued pursuant to this  
20 section shall not exceed [three] five hundred [sixty-four] fifty million  
21 [eight] five hundred forty thousand dollars, excluding bonds issued to  
22 fund one or more debt service reserve funds, to pay costs of issuance of  
23 such bonds, and bonds or notes issued to refund or otherwise repay such  
24 bonds or notes previously issued. Such bonds and notes of the dormitory  
25 authority and the corporation shall not be a debt of the state, and the  
26 state shall not be liable thereon, nor shall they be payable out of any  
27 funds other than those appropriated by the state to the dormitory  
28 authority and the corporation for principal, interest, and related  
29 expenses pursuant to a service contract and such bonds and notes shall  
30 contain on the face thereof a statement to such effect. Except for  
31 purposes of complying with the internal revenue code, any interest  
32 income earned on bond proceeds shall only be used to pay debt service on  
33 such bonds.

34 § 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws  
35 of 1997, relating to the financing of the correctional facilities  
36 improvement fund and the youth facility improvement fund, as amended by  
37 section 30 of part UU of chapter 54 of the laws of 2016, is amended to  
38 read as follows:

39 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
40 notwithstanding the provisions of section 18 of section 1 of chapter 174  
41 of the laws of 1968, the New York state urban development corporation is  
42 hereby authorized to issue bonds, notes and other obligations in an  
43 aggregate principal amount not to exceed seven billion [four] seven  
44 hundred [twenty-four] forty-one million [nine] one hundred ninety-nine  
45 thousand dollars [ \$7,424,999,000 ] \$7,741,199,000, and shall include all  
46 bonds, notes and other obligations issued pursuant to chapter 56 of the  
47 laws of 1983, as amended or supplemented. The proceeds of such bonds,  
48 notes or other obligations shall be paid to the state, for deposit in  
49 the correctional facilities capital improvement fund to pay for all or  
50 any portion of the amount or amounts paid by the state from appropri-  
51 ations or reappropriations made to the department of corrections and  
52 community supervision from the correctional facilities capital improve-  
53 ment fund for capital projects. The aggregate amount of bonds, notes or  
54 other obligations authorized to be issued pursuant to this section shall  
55 exclude bonds, notes or other obligations issued to refund or otherwise  
56 repay bonds, notes or other obligations theretofore issued, the proceeds

1 of which were paid to the state for all or a portion of the amounts  
2 expended by the state from appropriations or reappropriations made to  
3 the department of corrections and community supervision; provided,  
4 however, that upon any such refunding or repayment the total aggregate  
5 principal amount of outstanding bonds, notes or other obligations may be  
6 greater than seven billion [four] seven hundred [twenty-four] forty-one  
7 million [nine] one hundred ninety-nine thousand dollars [\$7,424,999,000]  
8 \$7,741,199,000, only if the present value of the aggregate debt service  
9 of the refunding or repayment bonds, notes or other obligations to be  
10 issued shall not exceed the present value of the aggregate debt service  
11 of the bonds, notes or other obligations so to be refunded or repaid.  
12 For the purposes hereof, the present value of the aggregate debt service  
13 of the refunding or repayment bonds, notes or other obligations and of  
14 the aggregate debt service of the bonds, notes or other obligations so  
15 refunded or repaid, shall be calculated by utilizing the effective  
16 interest rate of the refunding or repayment bonds, notes or other obli-  
17 gations, which shall be that rate arrived at by doubling the semi-annual  
18 interest rate (compounded semi-annually) necessary to discount the debt  
19 service payments on the refunding or repayment bonds, notes or other  
20 obligations from the payment dates thereof to the date of issue of the  
21 refunding or repayment bonds, notes or other obligations and to the  
22 price bid including estimated accrued interest or proceeds received by  
23 the corporation including estimated accrued interest from the sale ther-  
24 eof.

25 § 26. Paragraph (a) of subdivision 2 of section 47-e of the private  
26 housing finance law, as amended by section 31 of part UU of chapter 54  
27 of the laws of 2016, is amended to read as follows:

28 (a) Subject to the provisions of chapter fifty-nine of the laws of two  
29 thousand, in order to enhance and encourage the promotion of housing  
30 programs and thereby achieve the stated purposes and objectives of such  
31 housing programs, the agency shall have the power and is hereby author-  
32 ized from time to time to issue negotiable housing program bonds and  
33 notes in such principal amount as shall be necessary to provide suffi-  
34 cient funds for the repayment of amounts disbursed (and not previously  
35 reimbursed) pursuant to law or any prior year making capital appropri-  
36 ations or reappropriations for the purposes of the housing program;  
37 provided, however, that the agency may issue such bonds and notes in an  
38 aggregate principal amount not exceeding [four] five billion [six] three  
39 hundred [ninety-seven] eighty-four million [four] one hundred [seventy-  
40 four] ninety-nine thousand dollars, plus a principal amount of bonds  
41 issued to fund the debt service reserve fund in accordance with the debt  
42 service reserve fund requirement established by the agency and to fund  
43 any other reserves that the agency reasonably deems necessary for the  
44 security or marketability of such bonds and to provide for the payment  
45 of fees and other charges and expenses, including underwriters'  
46 discount, trustee and rating agency fees, bond insurance, credit  
47 enhancement and liquidity enhancement related to the issuance of such  
48 bonds and notes. No reserve fund securing the housing program bonds  
49 shall be entitled or eligible to receive state funds apportioned or  
50 appropriated to maintain or restore such reserve fund at or to a partic-  
51 ular level, except to the extent of any deficiency resulting directly or  
52 indirectly from a failure of the state to appropriate or pay the agreed  
53 amount under any of the contracts provided for in subdivision four of  
54 this section.

55 § 27. Subdivision (b) of section 11 of chapter 329 of the laws of  
56 1991, amending the state finance law and other laws relating to the

1 establishment of the dedicated highway and bridge trust fund, as amended  
2 by section 32 of part UU of chapter 54 of the laws of 2016, is amended  
3 to read as follows:

4 (b) Any service contract or contracts for projects authorized pursuant  
5 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section  
6 14-k of the transportation law, and entered into pursuant to subdivision  
7 (a) of this section, shall provide for state commitments to provide  
8 annually to the thruway authority a sum or sums, upon such terms and  
9 conditions as shall be deemed appropriate by the director of the budget,  
10 to fund, or fund the debt service requirements of any bonds or any obli-  
11 gations of the thruway authority issued to fund or to reimburse the  
12 state for funding such projects having a cost not in excess of  
13 [\$9,147,234,000] \$9,684,586,000 cumulatively by the end of fiscal year  
14 [2016-17] 2017-18.

15 § 28. Subdivision 1 of section 1689-i of the public authorities law,  
16 as amended by section 33 of part UU of chapter 54 of the laws of 2016,  
17 is amended to read as follows:

18 1. The dormitory authority is authorized to issue bonds, at the  
19 request of the commissioner of education, to finance eligible library  
20 construction projects pursuant to section two hundred seventy-three-a of  
21 the education law, in amounts certified by such commissioner not to  
22 exceed a total principal amount of one hundred [fifty-nine] eighty-four  
23 million dollars.

24 § 29. Subdivision (a) of section 27 of part Y of chapter 61 of the  
25 laws of 2005, relating to providing for the administration of certain  
26 funds and accounts related to the 2005-2006 budget, as amended by  
27 section 34 of part UU of chapter 54 of the laws of 2016, is amended to  
28 read as follows:

29 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
30 notwithstanding any provisions of law to the contrary, the urban devel-  
31 opment corporation is hereby authorized to issue bonds or notes in one  
32 or more series in an aggregate principal amount not to exceed  
33 [\$167,600,000] \$173,600,000, excluding bonds issued to finance one or  
34 more debt service reserve funds, to pay costs of issuance of such bonds,  
35 and bonds or notes issued to refund or otherwise repay such bonds or  
36 notes previously issued, for the purpose of financing capital projects  
37 including IT initiatives for the division of state police, debt service  
38 and leases; and to reimburse the state general fund for disbursements  
39 made therefor. Such bonds and notes of such authorized issuer shall not  
40 be a debt of the state, and the state shall not be liable thereon, nor  
41 shall they be payable out of any funds other than those appropriated by  
42 the state to such authorized issuer for debt service and related  
43 expenses pursuant to any service contract executed pursuant to subdivi-  
44 sion (b) of this section and such bonds and notes shall contain on the  
45 face thereof a statement to such effect. Except for purposes of comply-  
46 ing with the internal revenue code, any interest income earned on bond  
47 proceeds shall only be used to pay debt service on such bonds.

48 § 30. Section 44 of section 1 of chapter 174 of the laws of 1968,  
49 constituting the New York state urban development corporation act, as  
50 amended by section 35 of part UU of chapter 54 of the laws of 2016, is  
51 amended to read as follows:

52 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the  
53 provisions of any other law to the contrary, the dormitory authority and  
54 the corporation are hereby authorized to issue bonds or notes in one or  
55 more series for the purpose of funding project costs for the regional  
56 economic development council initiative, the economic transformation



1 program, state university of New York college for nanoscale and science  
2 engineering, projects within the city of Buffalo or surrounding envi-  
3 rons, the New York works economic development fund, projects for the  
4 retention of professional football in western New York, the empire state  
5 economic development fund, the clarkson-trudeau partnership, the New  
6 York genome center, the cornell university college of veterinary medi-  
7 cine, the olympic regional development authority, projects at nano  
8 Utica, onondaga county revitalization projects, Binghamton university  
9 school of pharmacy, New York power electronics manufacturing consortium,  
10 regional infrastructure projects, high technology manufacturing projects  
11 in Chautauqua and Erie county, an industrial scale research and develop-  
12 ment facility in Clinton county, upstate revitalization initiative  
13 projects, market New York projects, fairground buildings or facilities  
14 used to house and promote agriculture, the state fair, the empire state  
15 trail, the moynihan station development project, the Kingsbridge armory  
16 project, the cultural, arts and public spaces fund, an LGBT memorial, a  
17 life sciences laboratory public health initiative, local fairs, non-pro-  
18 fit cultural centers, NY healthy food and healthy communities, centers  
19 of excellence, and other state costs associated with such projects. The  
20 aggregate principal amount of bonds authorized to be issued pursuant to  
21 this section shall not exceed [four] six billion [six] two hundred  
22 [seventy-one] nine million [seven hundred] fifty-seven thousand dollars,  
23 excluding bonds issued to fund one or more debt service reserve funds,  
24 to pay costs of issuance of such bonds, and bonds or notes issued to  
25 refund or otherwise repay such bonds or notes previously issued. Such  
26 bonds and notes of the dormitory authority and the corporation shall not  
27 be a debt of the state, and the state shall not be liable thereon, nor  
28 shall they be payable out of any funds other than those appropriated by  
29 the state to the dormitory authority and the corporation for principal,  
30 interest, and related expenses pursuant to a service contract and such  
31 bonds and notes shall contain on the face thereof a statement to such  
32 effect. Except for purposes of complying with the internal revenue code,  
33 any interest income earned on bond proceeds shall only be used to pay  
34 debt service on such bonds.

35 2. Notwithstanding any other provision of law to the contrary, in  
36 order to assist the dormitory authority and the corporation in undertak-  
37 ing the financing for project costs for the regional economic develop-  
38 ment council initiative, the economic transformation program, state  
39 university of New York college for nanoscale and science engineering,  
40 projects within the city of Buffalo or surrounding environs, the New  
41 York works economic development fund, projects for the retention of  
42 professional football in western New York, the empire state economic  
43 development fund, the clarkson-trudeau partnership, the New York genome  
44 center, the cornell university college of veterinary medicine, the olym-  
45 pic regional development authority, projects at nano Utica, onondaga  
46 county revitalization projects, Binghamton university school of pharma-  
47 cy, New York power electronics manufacturing consortium, regional  
48 infrastructure projects, high technology manufacturing projects in Chau-  
49 tauqua and Erie county, an industrial scale research and development  
50 facility in Clinton county, upstate revitalization initiative projects,  
51 market New York projects, fairground buildings or facilities used to  
52 house and promote agriculture, the state fair, the empire state trail,  
53 the moynihan station development project, the Kingsbridge armory  
54 project, the cultural, arts and public spaces fund, an LGBT memorial, a  
55 life sciences laboratory public health initiative, local fairs, non-pro-  
56 fit cultural centers, NY healthy food and healthy communities, centers



1 of excellence, and other state costs associated with such projects, the  
2 director of the budget is hereby authorized to enter into one or more  
3 service contracts with the dormitory authority and the corporation, none  
4 of which shall exceed thirty years in duration, upon such terms and  
5 conditions as the director of the budget and the dormitory authority and  
6 the corporation agree, so as to annually provide to the dormitory  
7 authority and the corporation, in the aggregate, a sum not to exceed the  
8 principal, interest, and related expenses required for such bonds and  
9 notes. Any service contract entered into pursuant to this section shall  
10 provide that the obligation of the state to pay the amount therein  
11 provided shall not constitute a debt of the state within the meaning of  
12 any constitutional or statutory provision and shall be deemed executory  
13 only to the extent of monies available and that no liability shall be  
14 incurred by the state beyond the monies available for such purpose,  
15 subject to annual appropriation by the legislature. Any such contract or  
16 any payments made or to be made thereunder may be assigned and pledged  
17 by the dormitory authority and the corporation as security for its bonds  
18 and notes, as authorized by this section.

19 § 31. Subdivisions 1 and 3 of section 1285-p of the public authorities  
20 law, subdivision 1 as amended by section 33 of part I of chapter 60 of  
21 the laws of 2015 and subdivision 3 as amended by section 36 of part UU  
22 of chapter 54 of the laws of 2016, is amended to read as follows:

23 1. Subject to chapter fifty-nine of the laws of two thousand, but  
24 notwithstanding any other provisions of law to the contrary, in order to  
25 assist the corporation in undertaking the administration and the financ-  
26 ing of the design, acquisition, construction, improvement, installation,  
27 and related work for all or any portion of any of the following environ-  
28 mental infrastructure projects and for the provision of funds to the  
29 state for any amounts disbursed therefor: (a) projects authorized under  
30 the environmental protection fund, or for which appropriations are made  
31 to the environmental protection fund including, but not limited to  
32 municipal parks and historic preservation, stewardship, farmland  
33 protection, non-point source, pollution control, Hudson River Park, land  
34 acquisition, and waterfront revitalization; (b) department of environ-  
35 mental conservation capital appropriations for Onondaga Lake for certain  
36 water quality improvement projects in the same manner as set forth in  
37 paragraph (d) of subdivision one of section 56-0303 of the environmental  
38 conservation law; (c) for the purpose of the administration, management,  
39 maintenance, and use of the real property at the western New York nucle-  
40 ar service center; (d) department of environmental conservation capital  
41 appropriations for the administration, design, acquisition,  
42 construction, improvement, installation, and related work on department  
43 of environmental conservation environmental infrastructure projects; (e)  
44 office of parks, recreation and historic preservation appropriations or  
45 reappropriations from the state parks infrastructure fund; (f) capital  
46 grants for the cleaner, greener communities program [and]; (g) capital  
47 costs of water quality infrastructure projects and (h) capital costs of  
48 clean water infrastructure projects the director of the division of  
49 budget and the corporation are each authorized to enter into one or more  
50 service contracts, none of which shall exceed twenty years in duration,  
51 upon such terms and conditions as the director and the corporation may  
52 agree, so as to annually provide to the corporation in the aggregate, a  
53 sum not to exceed the annual debt service payments and related expenses  
54 required for any bonds and notes authorized pursuant to section twelve  
55 hundred ninety of this title. Any service contract entered into pursuant  
56 to this section shall provide that the obligation of the state to fund



1 or to pay the amounts therein provided for shall not constitute a debt  
2 of the state within the meaning of any constitutional or statutory  
3 provision and shall be deemed executory only to the extent of moneys  
4 available for such purposes, subject to annual appropriation by the  
5 legislature. Any such service contract or any payments made or to be  
6 made thereunder may be assigned and pledged by the corporation as secu-  
7 rity for its bonds and notes, as authorized pursuant to section twelve  
8 hundred ninety of this title.

9 3. The maximum amount of bonds that may be issued for the purpose of  
10 financing environmental infrastructure projects authorized by this  
11 section shall be [two] four billion [one] four hundred [eight] fifty-one  
12 million [two] seven hundred sixty thousand dollars, exclusive of bonds  
13 issued to fund any debt service reserve funds, pay costs of issuance of  
14 such bonds, and bonds or notes issued to refund or otherwise repay bonds  
15 or notes previously issued. Such bonds and notes of the corporation  
16 shall not be a debt of the state, and the state shall not be liable  
17 thereon, nor shall they be payable out of any funds other than those  
18 appropriated by the state to the corporation for debt service and  
19 related expenses pursuant to any service contracts executed pursuant to  
20 subdivision one of this section, and such bonds and notes shall contain  
21 on the face thereof a statement to such effect.

22 § 32. Subdivision 1 of section 45 of section 1 of chapter 174 of the  
23 laws of 1968, constituting the New York state urban development corpo-  
24 ration act, as amended by section 37 of part UU of chapter 54 of the  
25 laws of 2016, is amended to read as follows:

26 1. Notwithstanding the provisions of any other law to the contrary,  
27 the urban development corporation of the state of New York is hereby  
28 authorized to issue bonds or notes in one or more series for the purpose  
29 of funding project costs for the implementation of a NY-SUNY and NY-CUNY  
30 2020 challenge grant program subject to the approval of a NY-SUNY and  
31 NY-CUNY 2020 plan or plans by the governor and either the chancellor of  
32 the state university of New York or the chancellor of the city universi-  
33 ty of New York, as applicable. The aggregate principal amount of bonds  
34 authorized to be issued pursuant to this section shall not exceed  
35 ~~[\$550,000,000]~~ \$660,000,000, excluding bonds issued to fund one or more  
36 debt service reserve funds, to pay costs of issuance of such bonds, and  
37 bonds or notes issued to refund or otherwise repay such bonds or notes  
38 previously issued. Such bonds and notes of the corporation shall not be  
39 a debt of the state, and the state shall not be liable thereon, nor  
40 shall they be payable out of any funds other than those appropriated by  
41 the state to the corporation for principal, interest, and related  
42 expenses pursuant to a service contract and such bonds and notes shall  
43 contain on the face thereof a statement to such effect. Except for  
44 purposes of complying with the internal revenue code, any interest  
45 income earned on bond proceeds shall only be used to pay debt service on  
46 such bonds.

47 § 33. Subdivision (a) of section 48 of part K of chapter 81 of the  
48 laws of 2002, providing for the administration of certain funds and  
49 accounts related to the 2002-2003 budget, as amended by section 38 of  
50 part UU of chapter 54 of the laws of 2016, is amended to read as  
51 follows:

52 (a) Subject to the provisions of chapter 59 of the laws of 2000 but  
53 notwithstanding the provisions of section 18 of the urban development  
54 corporation act, the corporation is hereby authorized to issue bonds or  
55 notes in one or more series in an aggregate principal amount not to  
56 exceed ~~[\$197,000,000]~~ \$250,000,000 excluding bonds issued to fund one or



1 more debt service reserve funds, to pay costs of issuance of such bonds,  
2 and bonds or notes issued to refund or otherwise repay such bonds or  
3 notes previously issued, for the purpose of financing capital costs  
4 related to homeland security and training facilities for the division of  
5 state police, the division of military and naval affairs, and any other  
6 state agency, including the reimbursement of any disbursements made from  
7 the state capital projects fund, and is hereby authorized to issue bonds  
8 or notes in one or more series in an aggregate principal amount not to  
9 exceed [\$509,600,000] \$654,800,000, excluding bonds issued to fund one  
10 or more debt service reserve funds, to pay costs of issuance of such  
11 bonds, and bonds or notes issued to refund or otherwise repay such bonds  
12 or notes previously issued, for the purpose of financing improvements to  
13 State office buildings and other facilities located statewide, including  
14 the reimbursement of any disbursements made from the state capital  
15 projects fund. Such bonds and notes of the corporation shall not be a  
16 debt of the state, and the state shall not be liable thereon, nor shall  
17 they be payable out of any funds other than those appropriated by the  
18 state to the corporation for debt service and related expenses pursuant  
19 to any service contracts executed pursuant to subdivision (b) of this  
20 section, and such bonds and notes shall contain on the face thereof a  
21 statement to such effect.

22 § 34. Subdivision 1 of section 386-b of the public authorities law, as  
23 amended by section 39 of part UU of chapter 54 of the laws of 2016, is  
24 amended to read as follows:

25 1. Notwithstanding any other provision of law to the contrary, the  
26 authority, the dormitory authority and the urban development corporation  
27 are hereby authorized to issue bonds or notes in one or more series for  
28 the purpose of financing peace bridge projects and capital costs of  
29 state and local highways, parkways, bridges, the New York state thruway,  
30 Indian reservation roads, and facilities, and transportation infrastruc-  
31 ture projects including aviation projects, non-MTA mass transit  
32 projects, and rail service preservation projects, including work appur-  
33 tenant and ancillary thereto. The aggregate principal amount of bonds  
34 authorized to be issued pursuant to this section shall not exceed  
35 [three] four billion [sixty-five million dollars \$3,065,000,000] one  
36 hundred eighty-nine million dollars \$4,189,000,000, excluding bonds  
37 issued to fund one or more debt service reserve funds, to pay costs of  
38 issuance of such bonds, and to refund or otherwise repay such bonds or  
39 notes previously issued. Such bonds and notes of the authority, the  
40 dormitory authority and the urban development corporation shall not be a  
41 debt of the state, and the state shall not be liable thereon, nor shall  
42 they be payable out of any funds other than those appropriated by the  
43 state to the authority, the dormitory authority and the urban develop-  
44 ment corporation for principal, interest, and related expenses pursuant  
45 to a service contract and such bonds and notes shall contain on the face  
46 thereof a statement to such effect. Except for purposes of complying  
47 with the internal revenue code, any interest income earned on bond  
48 proceeds shall only be used to pay debt service on such bonds.

49 § 35. Paragraph (c) of subdivision 19 of section 1680 of the public  
50 authorities law, as amended by section 40 of part UU of chapter 54 of  
51 the laws of 2016, is amended to read as follows:

52 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
53 thousand, the dormitory authority shall not issue any bonds for state  
54 university educational facilities purposes if the principal amount of  
55 bonds to be issued when added to the aggregate principal amount of bonds  
56 issued by the dormitory authority on and after July first, nineteen

1 hundred eighty-eight for state university educational facilities will  
2 exceed [eleven] twelve billion [six] five hundred [sixty-three] twenty-  
3 three million dollars; provided, however, that bonds issued or to be  
4 issued shall be excluded from such limitation if: (1) such bonds are  
5 issued to refund state university construction bonds and state universi-  
6 ty construction notes previously issued by the housing finance agency;  
7 or (2) such bonds are issued to refund bonds of the authority or other  
8 obligations issued for state university educational facilities purposes  
9 and the present value of the aggregate debt service on the refunding  
10 bonds does not exceed the present value of the aggregate debt service on  
11 the bonds refunded thereby; provided, further that upon certification by  
12 the director of the budget that the issuance of refunding bonds or other  
13 obligations issued between April first, nineteen hundred ninety-two and  
14 March thirty-first, nineteen hundred ninety-three will generate long  
15 term economic benefits to the state, as assessed on a present value  
16 basis, such issuance will be deemed to have met the present value test  
17 noted above. For purposes of this subdivision, the present value of the  
18 aggregate debt service of the refunding bonds and the aggregate debt  
19 service of the bonds refunded, shall be calculated by utilizing the true  
20 interest cost of the refunding bonds, which shall be that rate arrived  
21 at by doubling the semi-annual interest rate (compounded semi-annually)  
22 necessary to discount the debt service payments on the refunding bonds  
23 from the payment dates thereof to the date of issue of the refunding  
24 bonds to the purchase price of the refunding bonds, including interest  
25 accrued thereon prior to the issuance thereof. The maturity of such  
26 bonds, other than bonds issued to refund outstanding bonds, shall not  
27 exceed the weighted average economic life, as certified by the state  
28 university construction fund, of the facilities in connection with which  
29 the bonds are issued, and in any case not later than the earlier of  
30 thirty years or the expiration of the term of any lease, sublease or  
31 other agreement relating thereto; provided that no note, including  
32 renewals thereof, shall mature later than five years after the date of  
33 issuance of such note. The legislature reserves the right to amend or  
34 repeal such limit, and the state of New York, the dormitory authority,  
35 the state university of New York, and the state university construction  
36 fund are prohibited from covenanting or making any other agreements with  
37 or for the benefit of bondholders which might in any way affect such  
38 right.

39 § 36. Paragraph (c) of subdivision 14 of section 1680 of the public  
40 authorities law, as amended by section 41 of part UU of chapter 54 of  
41 the laws of 2016, is amended to read as follows:

42 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
43 thousand, (i) the dormitory authority shall not deliver a series of  
44 bonds for city university community college facilities, except to refund  
45 or to be substituted for or in lieu of other bonds in relation to city  
46 university community college facilities pursuant to a resolution of the  
47 dormitory authority adopted before July first, nineteen hundred eighty-  
48 five or any resolution supplemental thereto, if the principal amount of  
49 bonds so to be issued when added to all principal amounts of bonds  
50 previously issued by the dormitory authority for city university commu-  
51 nity college facilities, except to refund or to be substituted in lieu  
52 of other bonds in relation to city university community college facili-  
53 ties will exceed the sum of four hundred twenty-five million dollars and  
54 (ii) the dormitory authority shall not deliver a series of bonds issued  
55 for city university facilities, including community college facilities,  
56 pursuant to a resolution of the dormitory authority adopted on or after

1 July first, nineteen hundred eighty-five, except to refund or to be  
2 substituted for or in lieu of other bonds in relation to city university  
3 facilities and except for bonds issued pursuant to a resolution supple-  
4 mental to a resolution of the dormitory authority adopted prior to July  
5 first, nineteen hundred eighty-five, if the principal amount of bonds so  
6 to be issued when added to the principal amount of bonds previously  
7 issued pursuant to any such resolution, except bonds issued to refund or  
8 to be substituted for or in lieu of other bonds in relation to city  
9 university facilities, will exceed [seven] eight billion [five hundred  
10 eighty-eight] eighty-one million [four] nine hundred [eleven] sixty-  
11 eight thousand dollars. The legislature reserves the right to amend or  
12 repeal such limit, and the state of New York, the dormitory authority,  
13 the city university, and the fund are prohibited from covenanting or  
14 making any other agreements with or for the benefit of bondholders which  
15 might in any way affect such right.

16 § 37. Subdivision 10-a of section 1680 of the public authorities law,  
17 as amended by section 42 of part UU of chapter 54 of the laws of 2016,  
18 is amended to read as follows:

19 10-a. Subject to the provisions of chapter fifty-nine of the laws of  
20 two thousand, but notwithstanding any other provision of the law to the  
21 contrary, the maximum amount of bonds and notes to be issued after March  
22 thirty-first, two thousand two, on behalf of the state, in relation to  
23 any locally sponsored community college, shall be [eight] nine hundred  
24 [sixty-one] fourteen million [four] five hundred [fifty-four] ninety  
25 thousand dollars. Such amount shall be exclusive of bonds and notes  
26 issued to fund any reserve fund or funds, costs of issuance and to  
27 refund any outstanding bonds and notes, issued on behalf of the state,  
28 relating to a locally sponsored community college.

29 § 38. Subdivision 1 of section 17 of part D of chapter 389 of the laws  
30 of 1997, relating to the financing of the correctional facilities  
31 improvement fund and the youth facility improvement fund, as amended by  
32 section 43 of part UU of chapter 54 of the laws of 2016, is amended to  
33 read as follows:

34 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
35 notwithstanding the provisions of section 18 of section 1 of chapter 174  
36 of the laws of 1968, the New York state urban development corporation is  
37 hereby authorized to issue bonds, notes and other obligations in an  
38 aggregate principal amount not to exceed six hundred [forty-seven]  
39 eighty-seven million [sixty-five] nine hundred fifteen thousand dollars  
40 [(\$647,065,000)] (\$687,915,000), which authorization increases the  
41 aggregate principal amount of bonds, notes and other obligations author-  
42 ized by section 40 of chapter 309 of the laws of 1996, and shall include  
43 all bonds, notes and other obligations issued pursuant to chapter 211 of  
44 the laws of 1990, as amended or supplemented. The proceeds of such  
45 bonds, notes or other obligations shall be paid to the state, for depos-  
46 it in the youth facilities improvement fund, to pay for all or any  
47 portion of the amount or amounts paid by the state from appropriations  
48 or reappropriations made to the office of children and family services  
49 from the youth facilities improvement fund for capital projects. The  
50 aggregate amount of bonds, notes and other obligations authorized to be  
51 issued pursuant to this section shall exclude bonds, notes or other  
52 obligations issued to refund or otherwise repay bonds, notes or other  
53 obligations theretofore issued, the proceeds of which were paid to the  
54 state for all or a portion of the amounts expended by the state from  
55 appropriations or reappropriations made to the office of children and  
56 family services; provided, however, that upon any such refunding or

1 repayment the total aggregate principal amount of outstanding bonds,  
2 notes or other obligations may be greater than six hundred [forty-seven]  
3 eighty-seven million [sixty-five] nine hundred fifteen thousand dollars  
4 [(\$647,065,000)] (\$687,915,000), only if the present value of the aggre-  
5 gate debt service of the refunding or repayment bonds, notes or other  
6 obligations to be issued shall not exceed the present value of the  
7 aggregate debt service of the bonds, notes or other obligations so to be  
8 refunded or repaid. For the purposes hereof, the present value of the  
9 aggregate debt service of the refunding or repayment bonds, notes or  
10 other obligations and of the aggregate debt service of the bonds, notes  
11 or other obligations so refunded or repaid, shall be calculated by  
12 utilizing the effective interest rate of the refunding or repayment  
13 bonds, notes or other obligations, which shall be that rate arrived at  
14 by doubling the semi-annual interest rate (compounded semi-annually)  
15 necessary to discount the debt service payments on the refunding or  
16 repayment bonds, notes or other obligations from the payment dates ther-  
17 eof to the date of issue of the refunding or repayment bonds, notes or  
18 other obligations and to the price bid including estimated accrued  
19 interest or proceeds received by the corporation including estimated  
20 accrued interest from the sale thereof.

21 § 39. Paragraph b of subdivision 2 of section 9-a of section 1 of  
22 chapter 392 of the laws of 1973, constituting the New York state medical  
23 care facilities finance agency act, as amended by section 44 of part UU  
24 of chapter 54 of the laws of 2016, is amended to read as follows:

25 b. The agency shall have power and is hereby authorized from time to  
26 time to issue negotiable bonds and notes in conformity with applicable  
27 provisions of the uniform commercial code in such principal amount as,  
28 in the opinion of the agency, shall be necessary, after taking into  
29 account other moneys which may be available for the purpose, to provide  
30 sufficient funds to the facilities development corporation, or any  
31 successor agency, for the financing or refinancing of or for the design,  
32 construction, acquisition, reconstruction, rehabilitation or improvement  
33 of mental health services facilities pursuant to paragraph a of this  
34 subdivision, the payment of interest on mental health services improve-  
35 ment bonds and mental health services improvement notes issued for such  
36 purposes, the establishment of reserves to secure such bonds and notes,  
37 the cost or premium of bond insurance or the costs of any financial  
38 mechanisms which may be used to reduce the debt service that would be  
39 payable by the agency on its mental health services facilities improve-  
40 ment bonds and notes and all other expenditures of the agency incident  
41 to and necessary or convenient to providing the facilities development  
42 corporation, or any successor agency, with funds for the financing or  
43 refinancing of or for any such design, construction, acquisition, recon-  
44 struction, rehabilitation or improvement and for the refunding of mental  
45 hygiene improvement bonds issued pursuant to section 47-b of the private  
46 housing finance law; provided, however, that the agency shall not issue  
47 mental health services facilities improvement bonds and mental health  
48 services facilities improvement notes in an aggregate principal amount  
49 exceeding eight billion [twenty-one] three hundred ninety-two million  
50 eight hundred fifteen thousand dollars, excluding mental health services  
51 facilities improvement bonds and mental health services facilities  
52 improvement notes issued to refund outstanding mental health services  
53 facilities improvement bonds and mental health services facilities  
54 improvement notes; provided, however, that upon any such refunding or  
55 repayment of mental health services facilities improvement bonds and/or  
56 mental health services facilities improvement notes the total aggregate

1 principal amount of outstanding mental health services facilities  
2 improvement bonds and mental health facilities improvement notes may be  
3 greater than eight billion [twenty-one] three hundred ninety-two million  
4 eight hundred fifteen thousand dollars only if, except as hereinafter  
5 provided with respect to mental health services facilities bonds and  
6 mental health services facilities notes issued to refund mental hygiene  
7 improvement bonds authorized to be issued pursuant to the provisions of  
8 section 47-b of the private housing finance law, the present value of  
9 the aggregate debt service of the refunding or repayment bonds to be  
10 issued shall not exceed the present value of the aggregate debt service  
11 of the bonds to be refunded or repaid. For purposes hereof, the present  
12 values of the aggregate debt service of the refunding or repayment  
13 bonds, notes or other obligations and of the aggregate debt service of  
14 the bonds, notes or other obligations so refunded or repaid, shall be  
15 calculated by utilizing the effective interest rate of the refunding or  
16 repayment bonds, notes or other obligations, which shall be that rate  
17 arrived at by doubling the semi-annual interest rate (compounded semi-  
18 annually) necessary to discount the debt service payments on the refund-  
19 ing or repayment bonds, notes or other obligations from the payment  
20 dates thereof to the date of issue of the refunding or repayment bonds,  
21 notes or other obligations and to the price bid including estimated  
22 accrued interest or proceeds received by the authority including esti-  
23 mated accrued interest from the sale thereof. Such bonds, other than  
24 bonds issued to refund outstanding bonds, shall be scheduled to mature  
25 over a term not to exceed the average useful life, as certified by the  
26 facilities development corporation, of the projects for which the bonds  
27 are issued, and in any case shall not exceed thirty years and the maxi-  
28 mum maturity of notes or any renewals thereof shall not exceed five  
29 years from the date of the original issue of such notes. Notwithstanding  
30 the provisions of this section, the agency shall have the power and is  
31 hereby authorized to issue mental health services facilities improvement  
32 bonds and/or mental health services facilities improvement notes to  
33 refund outstanding mental hygiene improvement bonds authorized to be  
34 issued pursuant to the provisions of section 47-b of the private housing  
35 finance law and the amount of bonds issued or outstanding for such  
36 purposes shall not be included for purposes of determining the amount of  
37 bonds issued pursuant to this section. The director of the budget shall  
38 allocate the aggregate principal authorized to be issued by the agency  
39 among the office of mental health, office for people with developmental  
40 disabilities, and the office of alcoholism and substance abuse services,  
41 in consultation with their respective commissioners to finance bondable  
42 appropriations previously approved by the legislature.

43 § 40. Paragraph (b) of subdivision 3 and clause (B) of subparagraph  
44 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-  
45 ter 63 of the laws of 2005, relating to the composition and responsibil-  
46 ities of the New York state higher education capital matching grant  
47 board, as amended by section 45 of part UU of chapter 54 of the laws of  
48 2016, are amended to read as follows:

49 (b) Within amounts appropriated therefor, the board is hereby author-  
50 ized and directed to award matching capital grants totaling [240] 270  
51 million dollars. Each college shall be eligible for a grant award amount  
52 as determined by the calculations pursuant to subdivision five of this  
53 section. In addition, such colleges shall be eligible to compete for  
54 additional funds pursuant to paragraph (h) of subdivision four of this  
55 section.

1 (B) The dormitory authority shall not issue any bonds or notes in an  
2 amount in excess of [240] 270 million dollars for the purposes of this  
3 section; excluding bonds or notes issued to fund one or more debt  
4 service reserve funds, to pay costs of issuance of such bonds, and bonds  
5 or notes issued to refund or otherwise repay such bonds or notes previ-  
6 ously issued. Except for purposes of complying with the internal revenue  
7 code, any interest on bond proceeds shall only be used to pay debt  
8 service on such bonds.

9 § 41. Section 1680-r of the public authorities law, as amended by  
10 section 40 of part I of chapter 60 of the laws of 2015, subdivision 1 as  
11 amended by section 48 of part UU of chapter 54 of the laws of 2016, is  
12 amended to read as follows:

13 § 1680-r. Authorization for the issuance of bonds for the capital  
14 restructuring financing program [and], the health care facility trans-  
15 formation [program] programs, and the essential health care provider  
16 program. 1. Notwithstanding the provisions of any other law to the  
17 contrary, the dormitory authority and the urban development corporation  
18 are hereby authorized to issue bonds or notes in one or more series for  
19 the purpose of funding project costs for the capital restructuring  
20 financing program for health care and related facilities licensed pursu-  
21 ant to the public health law or the mental hygiene law and other state  
22 costs associated with such capital projects [and], the health care  
23 facility transformation [program] programs, and the essential health  
24 care provider program. The aggregate principal amount of bonds author-  
25 ized to be issued pursuant to this section shall not exceed two billion  
26 [four] seven hundred sixty-seven million one hundred thousand dollars,  
27 excluding bonds issued to fund one or more debt service reserve funds,  
28 to pay costs of issuance of such bonds, and bonds or notes issued to  
29 refund or otherwise repay such bonds or notes previously issued. Such  
30 bonds and notes of the dormitory authority and the urban development  
31 corporation shall not be a debt of the state, and the state shall not be  
32 liable thereon, nor shall they be payable out of any funds other than  
33 those appropriated by the state to the dormitory authority and the urban  
34 development corporation for principal, interest, and related expenses  
35 pursuant to a service contract and such bonds and notes shall contain on  
36 the face thereof a statement to such effect. Except for purposes of  
37 complying with the internal revenue code, any interest income earned on  
38 bond proceeds shall only be used to pay debt service on such bonds.

39 2. Notwithstanding any other provision of law to the contrary, in  
40 order to assist the dormitory authority and the urban development corpo-  
41 ration in undertaking the financing for project costs for the capital  
42 restructuring financing program for health care and related facilities  
43 licensed pursuant to the public health law or the mental hygiene law and  
44 other state costs associated with such capital projects [and], the  
45 health care facility transformation [program] programs, and the essen-  
46 tial health care provider program, the director of the budget is hereby  
47 authorized to enter into one or more service contracts with the dormito-  
48 ry authority and the urban development corporation, none of which shall  
49 exceed thirty years in duration, upon such terms and conditions as the  
50 director of the budget and the dormitory authority and the urban devel-  
51 opment corporation agree, so as to annually provide to the dormitory  
52 authority and the urban development corporation, in the aggregate, a sum  
53 not to exceed the principal, interest, and related expenses required for  
54 such bonds and notes. Any service contract entered into pursuant to this  
55 section shall provide that the obligation of the state to pay the amount  
56 therein provided shall not constitute a debt of the state within the

1 meaning of any constitutional or statutory provision and shall be deemed  
2 executory only to the extent of monies available and that no liability  
3 shall be incurred by the state beyond the monies available for such  
4 purpose, subject to annual appropriation by the legislature. Any such  
5 contract or any payments made or to be made thereunder may be assigned  
6 and pledged by the dormitory authority and the urban development corpo-  
7 ration as security for its bonds and notes, as authorized by this  
8 section.

9 § 42. Section 50 of section 1 of chapter 174 of the laws of 1968  
10 constituting the New York state urban development corporation act, as  
11 added by section 46-b of part I of chapter 55 of the laws of 2014, is  
12 amended to read as follows:

13 § 50. 1. Notwithstanding the provisions of any other law to the  
14 contrary, the dormitory authority and the urban development corporation  
15 are hereby authorized to issue bonds or notes in one or more series for  
16 the purpose of funding project costs undertaken by or on behalf of  
17 special act school districts, state-supported schools for the blind and  
18 deaf [and], approved private special education schools, non-public  
19 schools and other state costs associated with such capital projects.  
20 The aggregate principal amount of bonds authorized to be issued pursuant  
21 to this section shall not exceed [five] thirty-five million dollars,  
22 excluding bonds issued to fund one or more debt service reserve funds,  
23 to pay costs of issuance of such bonds, and bonds or notes issued to  
24 refund or otherwise repay such bonds or notes previously issued. Such  
25 bonds and notes of the dormitory authority and the urban development  
26 corporation shall not be a debt of the state, and the state shall not be  
27 liable thereon, nor shall they be payable out of any funds other than  
28 those appropriated by the state to the dormitory authority and the urban  
29 development corporation for principal, interest, and related expenses  
30 pursuant to a service contract and such bonds and notes shall contain on  
31 the face thereof a statement to such effect. Except for purposes of  
32 complying with the internal revenue code, any interest income earned on  
33 bond proceeds shall only be used to pay debt service on such bonds.

34 2. Notwithstanding any other provision of law to the contrary, in  
35 order to assist the dormitory authority and the urban development corpo-  
36 ration in undertaking the financing for project costs undertaken by or  
37 on behalf of special act school districts, state-supported schools for  
38 the blind and deaf and approved private special education schools, non-  
39 public schools, and other state costs associated with such capital  
40 projects, the director of the budget is hereby authorized to enter into  
41 one or more service contracts with the dormitory authority and the urban  
42 development corporation, none of which shall exceed thirty years in  
43 duration, upon such terms and conditions as the director of the budget  
44 and the dormitory authority and the urban development corporation agree,  
45 so as to annually provide to the dormitory authority and the urban  
46 development corporation, in the aggregate, a sum not to exceed the prin-  
47 cipal, interest, and related expenses required for such bonds and notes.  
48 Any service contract entered into pursuant to this section shall provide  
49 that the obligation of the state to pay the amount therein provided  
50 shall not constitute a debt of the state within the meaning of any  
51 constitutional or statutory provision and shall be deemed executory only  
52 to the extent of monies available and that no liability shall be  
53 incurred by the state beyond the monies available for such purpose,  
54 subject to annual appropriation by the legislature. Any such contract or  
55 any payments made or to be made thereunder may be assigned and pledged

1 by the dormitory authority and the urban development corporation as  
2 security for its bonds and notes, as authorized by this section.

3 [3. Subdivisions 1 and 2 of this section shall take effect only in the  
4 event that a chapter of the laws of 2014, enacting the "smart schools  
5 bond act of 2014", is submitted to the people at the general election to  
6 be held in November 2014 and is approved by a majority of all votes cast  
7 for and against it at such election. Upon such approval, subdivisions 1  
8 and 2 of this section shall take effect immediately. If such approval is  
9 not obtained, subdivisions 1 and 2 of this section shall expire and be  
10 deemed repealed.]

11 § 42-a. Paragraph a of subdivision 14 of section 3641 of the education  
12 law, as added by section 2 of part I of chapter 61 of the laws of 2006,  
13 is amended to read as follows:

14 a. Establishment of the EXCEL program. There is hereby established  
15 the expanding our children's education and learning (EXCEL) program to  
16 provide project financing or assistance in the form of grants to eligi-  
17 ble school districts, in addition to, or in lieu of, the apportionments  
18 made pursuant to subdivisions six, six-a, six-b, six-c, six-d, six-e,  
19 six-f and paragraph c of subdivision fourteen of section thirty-six  
20 hundred two of this article, and subdivisions ten and twelve of this  
21 section, for the costs of EXCEL school facility projects. An apportion-  
22 ment for any such project shall initially be available in the state  
23 fiscal year commencing April first, two thousand six. Notwithstanding  
24 any provision of law to the contrary, the dormitory authority of the  
25 state of New York shall be authorized to issue bonds or notes in an  
26 aggregate amount not to exceed two billion six hundred thirty million  
27 dollars for purposes of the EXCEL program, including community schools.

28 § 42-b. Subdivision 9 of section 1689-i of the public authorities law,  
29 as added by section 4 of part I of chapter 61 of the laws of 2006, is  
30 amended to read as follows:

31 9. The dormitory authority shall not issue any bonds or notes in an  
32 amount in excess of two billion six hundred thirty million dollars for  
33 the purposes of this section, including community schools, excluding a  
34 principal amount of bonds or notes issued to fund one or more debt  
35 service reserve funds, to pay for the costs of issuance of such bonds,  
36 and bonds or notes issued to refund or otherwise repay such bonds, and  
37 bonds or notes previously issued. Except for the purposes of complying  
38 with the internal revenue code, any interest income earned on bond  
39 proceeds shall only be used to pay debt service on such bonds or notes.

40 § 42-c. Paragraph (b) of subdivision 5 of section 1680-g of the public  
41 authorities law, as amended by section 44 of part H of chapter 56 of the  
42 laws of 2000, is amended to read as follows:

43 (b) The dormitory authority shall not issue any bonds or notes in an  
44 amount in excess of [thirty] forty million dollars for the purposes of  
45 this section, including foster care youth facilities; excluding bonds or  
46 notes issued to fund one or more debt service reserve funds, to pay  
47 costs of issuance of such bonds, and bonds or notes issued to refund or  
48 otherwise repay such bonds or notes previously issued. Except for  
49 purposes of complying with the internal revenue code, any interest on  
50 bond proceeds shall only be used to pay debt service on such bonds.

51 § 42-d. Subdivision 1 of section 386-a of the public authorities law,  
52 as amended by section 46 of part I of chapter 60 of the laws of 2015, is  
53 amended to read as follows:

54 1. Notwithstanding any other provision of law to the contrary, the  
55 authority, the dormitory authority and the urban development corporation  
56 are hereby authorized to issue bonds or notes in one or more series for



1 the purpose of assisting the metropolitan transportation authority in  
2 the financing of transportation facilities as defined in subdivision  
3 seventeen of section twelve hundred sixty-one of this chapter. The  
4 aggregate principal amount of bonds authorized to be issued pursuant to  
5 this section shall not exceed one billion five hundred [twenty] eighty-  
6 five million dollars [(\$1,520,000,000)] (\$1,585,000,000), excluding  
7 bonds issued to fund one or more debt service reserve funds, to pay  
8 costs of issuance of such bonds, and to refund or otherwise repay such  
9 bonds or notes previously issued. Such bonds and notes of the authority,  
10 the dormitory authority and the urban development corporation shall not  
11 be a debt of the state, and the state shall not be liable thereon, nor  
12 shall they be payable out of any funds other than those appropriated by  
13 the state to the authority, the dormitory authority and the urban devel-  
14 opment corporation for principal, interest, and related expenses pursu-  
15 ant to a service contract and such bonds and notes shall contain on the  
16 face thereof a statement to such effect. Except for purposes of comply-  
17 ing with the internal revenue code, any interest income earned on bond  
18 proceeds shall only be used to pay debt service on such bonds.

19 § 43. Paragraph (b) of subdivision 4 of section 72 of the state  
20 finance law, as amended by section 27 of part I of chapter 55 of the  
21 laws of 2014, is amended to read as follows:

22 (b) On or before the beginning of each quarter, the director of the  
23 budget may certify to the state comptroller the estimated amount of  
24 monies that shall be reserved in the general debt service fund for the  
25 payment of debt service and related expenses payable by such fund during  
26 each month of the state fiscal year, excluding payments due from the  
27 revenue bond tax fund. Such certificate may be periodically updated, as  
28 necessary. Notwithstanding any provision of law to the contrary, the  
29 state comptroller shall reserve in the general debt service fund the  
30 amount of monies identified on such certificate as necessary for the  
31 payment of debt service and related expenses during the current or next  
32 succeeding quarter of the state fiscal year. Such monies reserved shall  
33 not be available for any other purpose. Such certificate shall be  
34 reported to the chairpersons of the Senate Finance Committee and the  
35 Assembly Ways and Means Committee. The provisions of this paragraph  
36 shall expire June thirtieth, two thousand [seventeen] twenty.

37 § 44. Intentionally omitted.

38 § 45. Intentionally omitted.

39 § 46. Intentionally omitted.

40 § 47. Intentionally omitted.

41 § 48. Paragraphs (a) and (g) of subdivision 2 of section 56 of the  
42 state finance law, as amended by chapter 11 of the laws of 1994, are  
43 amended to read as follows:

44 (a) Refunding bonds shall be issued only when the comptroller shall  
45 have certified that, as a result of the refunding, there will be a debt  
46 service savings to the state on a present value basis as a result of the  
47 refunding transaction and that either (i) the refunding will benefit  
48 state taxpayers over the life of the refunding bonds by achieving an  
49 actual debt service savings each year or state fiscal year during the  
50 term to maturity of the refunding bonds when debt service on the refund-  
51 ing bonds is expected to be paid from legislative appropriations or (ii)  
52 debt service on the refunding bonds shall be payable in annual install-  
53 ments of principal and interest which result in substantially level or  
54 declining debt service payments pursuant to paragraph (b) of subdivision  
55 two of section fifty-seven of this [chapter] article. Such certif-

1 ication by the comptroller shall be conclusive as to matters contained  
2 therein after the refunding bonds have been issued.

3 (g) Any refunding bonds issued pursuant to this section shall be paid  
4 in annual installments which shall, so long as any refunding bonds are  
5 outstanding, be made in each year or state fiscal year in which install-  
6 ments were due on the bonds to be refunded and shall be in an amount  
7 which shall result in annual debt service payments which shall be less  
8 in each year or state fiscal year than the annual debt service payments  
9 on the bonds to be refunded unless debt service on the refunding bonds  
10 is payable in annual installments of principal and interest which will  
11 result in substantially level or declining debt service payments pursu-  
12 ant to paragraph (b) of subdivision two of section fifty-seven of this  
13 [chapter] article.

14 § 49. Subdivisions 1, 2 and 6 of section 57 of the state finance law,  
15 as amended by chapter 11 of the laws of 1994, are amended to read as  
16 follows:

17 1. Whenever the legislature, after authorization of a bond issue by  
18 the people at a general election, as provided by section eleven of arti-  
19 cle seven of the state constitution, or as provided by section three of  
20 article eighteen of the state constitution, shall have authorized, by  
21 one or more laws, the creation of a state debt or debts, bonds of the  
22 state, to the amount of the debt or debts so authorized, shall be issued  
23 and sold by the state comptroller. Any appropriation from the proceeds  
24 of the sale of bonds, pursuant to this section, shall be deemed to be an  
25 authorization for the creation of a state debt or debts to the extent of  
26 such appropriation. The state comptroller may issue and sell a single  
27 series of bonds pursuant to one or more such authorizations and for one  
28 or more duly authorized works or purposes. As part of the proceedings  
29 for each such issuance and sale of bonds, the state comptroller shall  
30 designate the works or purposes for which they are issued. It shall not  
31 be necessary for him to designate the works or purposes for which the  
32 bonds are issued on the face of the bonds. The proceeds from the sale of  
33 bonds for more than one work or purpose shall be separately accounted  
34 for according to the works or purposes designated for such sale by the  
35 comptroller and the proceeds received for each work or purpose shall be  
36 expended only for such work or purpose. The bonds shall bear interest at  
37 such rate or rates as in the judgment of the state comptroller may be  
38 sufficient or necessary to effect a sale of the bonds, and such interest  
39 shall be payable at least semi-annually, in the case of bonds with a  
40 fixed interest rate, and at least annually, in the case of bonds with an  
41 interest rate that varies periodically, in the city of New York unless  
42 annual payments of principal and interest result in substantially level  
43 or declining debt service payments over the life of an issue of bonds  
44 pursuant to paragraph (b) of subdivision two of this section or unless  
45 accrued interest is contributed to a sinking fund in accordance with  
46 subdivision three of section twelve of article seven of the state  
47 constitution, in which case interest shall be paid at such times and at  
48 such places as shall be determined by the state comptroller prior to  
49 issuance of the bonds.

50 2. Such bonds, or the portion thereof at any time issued, shall be  
51 made payable (a) in equal annual principal installments or (b) in annual  
52 installments of principal and interest which result in substantially  
53 level or declining debt service payments, over the life of the bonds,  
54 the first of which annual installments shall be payable not more than  
55 one year from the date of issue and the last of which shall be payable  
56 at such time as the comptroller may determine but not more than forty

1 years or state fiscal years after the date of issue, not more than fifty  
2 years after the date of issue in the case of housing bonds, and not more  
3 than twenty-five years in the case of urban renewal bonds. Where bonds  
4 are payable pursuant to paragraph (b) of this subdivision, except for  
5 the year or state fiscal year of initial issuance if less than a full  
6 year of debt service is to become due in that year or state fiscal year,  
7 either (i) the greatest aggregate amount of debt service payable in any  
8 year or state fiscal year shall not differ from the lowest aggregate  
9 amount of debt service payable in any other year or state fiscal year by  
10 more than five percent or (ii) the aggregate amount of debt service in  
11 each year or state fiscal year shall be less than the aggregate amount  
12 of debt service in the immediately preceding year or state fiscal year.  
13 For purposes of this subdivision, debt service shall include all princi-  
14 pal, redemption price, sinking fund installments or contributions, and  
15 interest scheduled to become due. For purposes of determining whether  
16 debt service is level or declining on bonds issued with a variable rate  
17 of interest pursuant to paragraph b of subdivision four of this section,  
18 the comptroller shall assume a market rate of interest as of the date of  
19 issuance. Where the comptroller determines that interest on any bonds  
20 shall be compounded and payable at maturity, such bonds shall be payable  
21 only in accordance with paragraph (b) of this subdivision unless accrued  
22 interest is contributed to a sinking fund in accordance with subdivision  
23 three of section twelve of article seven of the state constitution. In  
24 no case shall any bonds or portion thereof be issued for a period longer  
25 than the probable life of the work or purpose, or part thereof, to which  
26 the proceeds of the bonds are to be applied, or in the alternative, the  
27 weighted average period of the probable life of the works or purposes to  
28 which the proceeds of the bonds are to be applied taking into consider-  
29 ation the respective amounts of bonds issued for each work or purpose,  
30 as may be determined under section sixty-one of this [chapter] article  
31 and in accordance with the certificate of the commissioner of general  
32 services, and/or the commissioner of transportation, state architect,  
33 state commissioner of housing and urban renewal, or other authority, as  
34 the case may be, having charge by law of the acquisition, construction,  
35 work or improvement for which the debt was authorized. Such certificate  
36 shall be filed in the office of the state comptroller and shall state  
37 the group, or, where the probable lives of two or more separable parts  
38 of the work or purposes are different, the groups, specified in such  
39 section, for which the amount or amounts, shall be provided by the issu-  
40 ance and sale of bonds. Weighted average period of probable life shall  
41 be determined by computing the sum of the products derived from multi-  
42 plying the dollar value of the portion of the debt contracted for each  
43 work or purpose (or class of works or purposes) by the probable life of  
44 such work or purpose (or class of works or purposes) and dividing the  
45 resulting sum by the dollar value of the entire debt after taking into  
46 consideration any original issue discount. Any costs of issuance  
47 financed with bond proceeds shall be prorated among the various works or  
48 purposes. Such bonds, or the portion thereof at any time sold, shall be  
49 of such denominations, subject to the foregoing provisions, as the state  
50 comptroller may determine. Notwithstanding the foregoing provisions of  
51 this subdivision, the comptroller may issue all or a portion of such  
52 bonds as serial debt, term debt or a combination thereof, maturing as  
53 required by this subdivision, provided that the comptroller shall have  
54 provided for the retirement each year or state fiscal year, or otherwise  
55 have provided for the payment of, through sinking fund installment  
56 payments or otherwise, a portion of such term bonds in an amount meeting

1 the requirements of paragraph (a) or (b) of this subdivision or shall  
2 have established a sinking fund and provided for contributions thereto  
3 as provided in subdivision eight of this section and section twelve of  
4 article seven of the state constitution.

5 6. Except with respect to bonds issued in the manner provided in para-  
6 graph (c) of subdivision seven of this section, all bonds of the state  
7 of New York which the comptroller of the state of New York is authorized  
8 to issue and sell, shall be executed in the name of the state of New  
9 York by the manual or facsimile signature of the state comptroller and  
10 his seal (or a facsimile thereof) shall be thereunto affixed, imprinted,  
11 engraved or otherwise reproduced. In case the state comptroller who  
12 shall have signed and sealed any of the bonds shall cease to hold the  
13 office of state comptroller before the bonds so signed and sealed shall  
14 have been actually countersigned and delivered by the fiscal agent or  
15 trustee, such bonds may, nevertheless, be countersigned and delivered as  
16 herein provided, and may be issued as if the state comptroller who  
17 signed and sealed such bonds had not ceased to hold such office. Any  
18 bond of a series may be signed and sealed on behalf of the state of New  
19 York by such person as at the actual time of the execution of such bond  
20 shall hold the office of comptroller of the state of New York, although  
21 at the date of the bonds of such series such person may not have held  
22 such office. The coupons to be attached to the coupon bonds of each  
23 series shall be signed by the facsimile signature of the state comp-  
24 troller of the state of New York or by any person who shall have held  
25 the office of state comptroller of the state of New York on or after the  
26 date of the bonds of such series, notwithstanding that such person may  
27 not have been such state comptroller at the date of any such bond or may  
28 have ceased to be such state comptroller at the date when any such bond  
29 shall be actually countersigned and delivered. The bonds of each series  
30 shall be countersigned with the manual signature of an authorized  
31 employee of the fiscal agent or trustee of the state of New York. No  
32 bond and no coupon thereunto appertaining shall be valid or obligatory  
33 for any purpose until such manual countersignature of an authorized  
34 employee of the fiscal agent or trustee of the state of New York shall  
35 have been duly affixed to such bond.

36 § 50. Sections 58, 59 and 60 of the state finance law are REPEALED.

37 § 51. Section 62 of the state finance law, as amended by chapter 219  
38 of the laws of 1999, is amended to read as follows:

39 § 62. Replacement of lost certificates. The comptroller, who may act  
40 through his duly authorized fiscal agent or trustee appointed pursuant  
41 to section sixty-five of this article, may issue to the lawful owner of  
42 any certificate or bond issued by him in behalf of this state, which he  
43 or such duly authorized fiscal agent or trustee is satisfied, by due  
44 proof filed in his office or with such duly authorized fiscal agent or  
45 trustee, has been lost or casually destroyed, a new certificate or bond,  
46 corresponding in date, number and amount with the certificate or bond so  
47 lost or destroyed, and expressing on its face that it is a renewed  
48 certificate or bond. No such renewed certificate or bond shall be issued  
49 unless sufficient security is given to satisfy the lawful claim of any  
50 person to the original certificate or bond, or to any interest therein.  
51 The comptroller shall report annually to the legislature the number and  
52 amount of all renewed certificates or bonds so issued. If the renewed  
53 certificate is issued by the state's duly authorized fiscal agent or  
54 trustee and such agent or trustee agrees to be responsible for any loss  
55 suffered as a result of unauthorized payment, the security shall be  
56 provided to and approved by the fiscal agent or trustee and no addi-

1 tional approval by the comptroller or the attorney general shall be  
2 required.

3 § 52. Section 65 of the state finance law, as amended by chapter 459  
4 of the laws of 1948, subdivision 1 as amended by chapter 219 of the laws  
5 of 1999, is amended to read as follows:

6 § 65. Appointment of fiscal agent or trustee; powers and duties. 1.  
7 Notwithstanding any other provisions of this chapter, the comptroller,  
8 on behalf of the state, may contract from time to time for a period or  
9 periods not exceeding ten years each, except in the case of a bank or  
10 trust company agreeing to act as issuing, paying and/or tender agent  
11 with respect to a particular issue of variable interest rate bonds in  
12 which case the comptroller, on behalf of the state, may contract for a  
13 period not to exceed the term of such particular issue of bonds, with  
14 one or more banks or trust companies located in the city of New York, to  
15 act as fiscal agent, trustee, or agents of the state, and for the main-  
16 tenance of an office for the registration, conversion, reconversion and  
17 transfer of the bonds and notes of the state, including the preparation  
18 and substitution of new bonds and notes, for the payment of the princi-  
19 pal thereof and interest thereon, [and] for related services, and to  
20 otherwise effectuate the powers and duties of a fiscal agent or trustee  
21 on behalf of the state in all such respects as may be determined by the  
22 comptroller for such bonds and notes, and for the payment by the state  
23 of such compensation therefor as the comptroller may determine. Any such  
24 fiscal agent or trustee may, where authorized pursuant to the terms of  
25 its contract, accept delivery of obligations purchased by the state and  
26 of securities deposited with the state pursuant to sections one hundred  
27 five and one hundred six of this chapter and hold the same in safekeep-  
28 ing, make delivery to purchasers of obligations sold by the state, and  
29 accept deposit of such proceeds of sale without securing the same. Any  
30 such contract may also provide that such fiscal agent or trustee may,  
31 upon the written instruction of the comptroller, deposit any obligations  
32 or securities which it receives pursuant to such contract, in an account  
33 with a federal reserve bank, to be held in such account in the form of  
34 entries on the books of the federal reserve bank, and to be transferred  
35 in the event of any assignment, sale, redemption, maturity or other  
36 disposition of such obligations or securities, by entries on the books  
37 of the federal reserve bank. Any such bank or trust company shall be  
38 responsible to the people of this state for the faithful and safe  
39 conduct of the business of said office, for the fidelity and integrity  
40 of its officers and agents employed in such office, and for all loss or  
41 damage which may result from any failure to discharge their duties, and  
42 for any improper and incorrect discharge of those duties, and shall save  
43 the state free and harmless from any and all loss or damage occasioned  
44 by or incurred in the performance of such services. Any such contract  
45 may be terminated by the comptroller at any time. In the event of any  
46 change in any office maintained pursuant to any such contract, the comp-  
47 troller shall give public notice thereof in such form as he may deter-  
48 mine appropriate.

49 2. The comptroller shall prescribe rules and regulations for the  
50 registration, conversion, reconversion and transfer of the bonds and  
51 notes of the state, including the preparation and substitution of new  
52 bonds, for the payment of the principal thereof and interest thereon,  
53 and for other authorized services to be performed by such fiscal agent  
54 or trustee. Such rules and regulations, and all amendments thereof,  
55 shall be prepared in duplicate, one copy of which shall be filed in the  
56 office of the department of audit and control and the other in the

1 office of the department of state. A copy thereof may be filed as a  
2 public record in such other offices as the comptroller may determine.  
3 Such rules and regulations shall be obligatory on all persons having any  
4 interests in bonds and notes of the state heretofore or hereafter  
5 issued.

6 § 53. Intentionally omitted.

7 § 54. Subdivision 2 of section 365 of the public authorities law, as  
8 separately amended by sections 349 and 381 of chapter 190 of the laws of  
9 1990, is amended to read as follows:

10 2. The notes and bonds shall be authorized by resolution of the board,  
11 shall bear such date or dates and mature at such time or times, in the  
12 case of notes and any renewals thereof within five years after their  
13 respective dates and in the case of bonds not exceeding forty years from  
14 their respective dates, as such resolution or resolutions may provide.  
15 The notes and bonds shall bear interest at such rate or rates, be in  
16 such denominations, be in such form, either coupon or registered, carry  
17 such registration privileges, be executed in such manner, be payable in  
18 such medium of payment, at such place or places, and be subject to such  
19 terms of redemption as such resolution or resolutions may provide. Bonds  
20 and notes shall be sold by the authority, at public or private sale, at  
21 such price or prices as the authority may determine. Bonds and notes of  
22 the authority shall not be sold by the authority at private sale unless  
23 such sale and the terms thereof have been approved in writing by the  
24 comptroller, where such sale is not to the comptroller, or by the direc-  
25 tor of the budget, where such sale is to the comptroller. [Bonds and  
26 notes sold at public sale shall be sold by the comptroller, as agent of  
27 the authority, in such manner as the authority, with the approval of the  
28 comptroller, shall determine.]

29 § 55. This act shall take effect immediately and shall be deemed to  
30 have been in full force and effect on and after April 1, 2017; provided,  
31 however, that the provisions of sections one, two, three, four, five,  
32 six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen,  
33 eighteen, nineteen, twenty, twenty-one, and twenty-two of this act shall  
34 expire March 31, 2018 when upon such date the provisions of such  
35 sections shall be deemed repealed.

36

#### PART AA

37 Section 1. Subsection (s) of section 2313 of the insurance law, as  
38 amended by chapter 237 of the laws of 2012, is amended to read as  
39 follows:

40 (s) Notwithstanding any other provision of this article, no rate  
41 service organization may file rates for workers' compensation insurance  
42 after February first, two thousand eight, but a rate service organiza-  
43 tion may file loss costs or other statistical information, including  
44 rating plans, until June second, two thousand [eighteen] twenty-three.  
45 Notwithstanding subsection (j) of this section, any such rate service  
46 organization shall nonetheless be required to be licensed pursuant to  
47 this section.

48 § 2. Section 16 of chapter 11 of the laws of 2008, amending the work-  
49 ers' compensation law, the insurance law, the volunteer ambulance work-  
50 ers' benefit law and the volunteer firefighters' benefit law, relating  
51 to rates for workers' compensation insurance and setting forth condi-  
52 tions for a workers' compensation rate service organization, as amended  
53 by chapter 237 of the laws of 2012, is amended to read as follows:

1 § 16. This act shall take effect February 1, 2008; provided that the  
2 amendments to paragraph 2 of subsection (a) of section 2316 of the  
3 insurance law made by section eleven of this act shall take effect on  
4 the same date that section 68 of chapter 6 of the laws of 2007 takes  
5 effect; provided further that the amendments to section 2316 of the  
6 insurance law made by section eleven of this act shall not affect the  
7 expiration of such section pursuant to section 2342 of the insurance law  
8 and shall be deemed expired therewith; and provided further that section  
9 ten of this act shall expire and be deemed repealed June 2, [2018] 2023.

10 § 3. Subsection (e) of section 2305 of the insurance law, as amended  
11 by chapter 237 of the laws of 2012, is amended to read as follows:

12 (e) The superintendent: (1) by regulation may, in lieu of the waiting  
13 period set forth in subsection (b) of this section, require workers'  
14 compensation insurance rate filings to be specifically approved before  
15 they become effective; and (2) shall hold a public hearing if a rate  
16 service organization makes a loss cost filing for workers' compensation  
17 that is an increase of seven percent or more over the approved loss  
18 costs from the prior year. Until June second, two thousand [eighteen]  
19 twenty-three, a rate service organization for workers' compensation  
20 shall make a loss cost filing every year on or before June first, or  
21 such earlier date as is set by the superintendent.

22 § 4. This act shall take effect immediately.

23

PART BB

24 Section 1. Section 3-400 of the election law is amended by adding a  
25 new subdivision 9 to read as follows:

26 9. Notwithstanding any inconsistent provisions of this article,  
27 election inspectors or poll clerks, if any, at polling places for early  
28 voting, shall consist of either board of elections employees who shall  
29 be appointed by the commissioners of such board or duly qualified indi-  
30 viduals, appointed in the manner set forth in this section. Appointments  
31 to the offices of election inspector or poll clerk in each polling place  
32 for early voting shall be equally divided between the major political  
33 parties. The board of elections shall assign staff and provide the  
34 resources they require to ensure wait times at early voting sites do not  
35 exceed thirty minutes.

36 § 2. Section 4-117 of the election law is amended by adding a new  
37 subdivision 1-a to read as follows:

38 1-a. The notice required by subdivision one of this section shall  
39 include the dates, hours and locations of early voting for the general  
40 and primary election. The board of elections may satisfy the notice  
41 requirement of this subdivision by providing in the notice instructions  
42 to obtain the required early voting information from a website of the  
43 board of elections and providing a phone number to call for such infor-  
44 mation.

45 § 3. Subdivision 2 of section 8-100 of the election law, as amended by  
46 chapter 335 of the laws of 2000, is amended to read as follows:

47 2. Polls shall be open for voting during the following hours: a prima-  
48 ry election from twelve o'clock noon until nine o'clock in the evening,  
49 except in the city of New York and the counties of Nassau, Suffolk,  
50 Westchester, Rockland, Orange, Putnam and Erie, and in such city or  
51 county from [six] seven o'clock in the morning until nine o'clock in the  
52 evening; the general election from six o'clock in the morning until nine  
53 o'clock in the evening; a special election called by the governor pursu-  
54 ant to the public officers law, and, except as otherwise provided by

1 law, every other election, from [six] seven o'clock in the morning until  
2 nine o'clock in the evening; early voting hours shall be as provided in  
3 section 8-600 of this article.

4 § 4. Subdivision 1 of section 8-102 of the election law is amended by  
5 adding a new paragraph (k) to read as follows:

6 (k) Voting at each polling place for early voting shall be conducted  
7 in a manner consistent with the provisions of this article, with the  
8 exception of the tabulation and proclamation of election results which  
9 shall be completed according to subdivisions eight and nine of section  
10 8-600 of this article.

11 § 5. Section 8-104 of the election law is amended by adding a new  
12 subdivision 7 to read as follows:

13 7. This section shall apply on all early voting days as provided for  
14 in section 8-600 of this article.

15 § 6. Paragraph (b) of subdivision 2 of section 8-508 of the election  
16 law, as amended by chapter 200 of the laws of 1996, is amended to read  
17 as follows:

18 (b) The second section of such report shall be reserved for the board  
19 of inspectors to enter the name, address and registration serial number  
20 of each person who is challenged on the day of election or on any day in  
21 which there is early voting pursuant to section 8-600 of this article,  
22 together with the reason for the challenge. If no voters are chal-  
23 lenged, the board of inspectors shall enter the words "No Challenges"  
24 across the space reserved for such names. In lieu of preparing section  
25 two of the challenge report, the board of elections may provide, next to  
26 the name of each voter on the computer generated registration list, a  
27 place for the inspectors of election to record the information required  
28 to be entered in such section two, or provide at the end of such comput-  
29 er generated registration list, a place for the inspectors of election  
30 to enter such information.

31 § 7. Article 8 of the election law is amended by adding a new title 6  
32 to read as follows:

33 TITLE VI

34 EARLY VOTING

35 Section 8-600. Early voting.

36 8-602. State board of elections; powers and duties for early  
37 voting.

38 § 8-600. Early voting. 1. Beginning the eighth day prior to any gener-  
39 al, primary or special election for any public or party office, and  
40 ending on and including the second day prior to such general, primary or  
41 special election for such public or party office, persons duly regis-  
42 tered and eligible to vote at such election shall be permitted to vote  
43 as provided in this title. The board of elections of each county and  
44 the city of New York shall establish procedures, subject to approval of  
45 the state board of elections, to ensure that persons who vote during the  
46 early voting period shall not be permitted to vote subsequently in the  
47 same election.

48 2. (a) The board of elections of each county or the city of New York  
49 shall designate polling places for early voting in each county, which  
50 may include the offices of the board of elections, for persons to vote  
51 early pursuant to this section. There shall be so designated at least  
52 one early voting polling place for every full increment of fifty thou-  
53 sand registered voters in each county; provided, however, the number of  
54 early voting polling places in a county shall not be required to be  
55 greater than seven, and a county with fewer than fifty thousand voters  
56 shall have at least one early voting polling place.



1     (b) The board of elections of each county or the city of New York may  
2 establish additional polling places for early voting in excess of the  
3 minimum number required by this subdivision for the convenience of  
4 eligible voters wishing to vote during the early voting period.

5     (c) Notwithstanding the minimum number of early voting poll sites  
6 otherwise required by this subdivision, for any primary or special  
7 election, upon majority vote of the board of elections, the number of  
8 early voting sites may be reduced if the board of elections reasonably  
9 determines a lesser number of sites is sufficient to meet the needs of  
10 early voters.

11     (d) Polling places for early voting shall be located to ensure, to the  
12 extent practicable, that eligible voters have adequate equitable access,  
13 taking into consideration population density, travel time to the polling  
14 place, proximity to other locations or commonly used transportation  
15 routes and such other factors the board of elections of the county or  
16 the city of New York deems appropriate. The provisions of section 4-104  
17 of this chapter, except subdivisions four and five of such section,  
18 shall apply to the designation of polling places for early voting except  
19 to the extent such provisions are inconsistent with this section.

20     3. Any person permitted to vote early may do so at any polling place  
21 for early voting established pursuant to subdivision two of this section  
22 in the county where such voter is registered to vote. Provided, however,  
23 (a) if it is impractical to provide each polling place for early voting  
24 all appropriate ballots for each election to be voted on in the county,  
25 or (b) if permitting such persons to vote early at any polling place  
26 established for early voting would make it impractical to ensure that  
27 such voter has not previously voted early during such election, the  
28 board of elections may designate each polling place for early voting  
29 only for those voters registered to vote in a portion of the county to  
30 be served by such polling place for early voting, provided that all  
31 voters in each county shall have one or more polling places at which  
32 they are eligible to vote throughout the early voting period on a  
33 substantially equal basis.

34     4. (a) Polls shall be open for early voting for at least eight hours  
35 between seven o'clock in the morning and eight o'clock in the evening  
36 each week day during the early voting period.

37     (b) At least one polling place for early voting shall remain open  
38 until eight o'clock in the evening on at least two week days in each  
39 calendar week during the early voting period. If polling places for  
40 early voting are limited to voters from certain areas pursuant to subdi-  
41 vision three of this section, polling places that remain open until  
42 eight o'clock shall be designated such that any person entitled to vote  
43 early may vote until eight o'clock in the evening on at least two week  
44 days during the early voting period.

45     (c) Polls shall be open for early voting for at least five hours  
46 between nine o'clock in the morning and six o'clock in the evening on  
47 each Saturday, Sunday and legal holiday during the early voting period.

48     (d) Nothing in this section shall be construed to prohibit any board  
49 of elections from establishing a greater number of hours for voting  
50 during the early voting period beyond the number of hours required in  
51 this subdivision.

52     (e) Early voting polling places and their hours of operation for early  
53 voting at a general election shall be designated by May first of each  
54 year pursuant to subdivision one of section 4-104 of this chapter.  
55 Notwithstanding the provisions of subdivision one of section 4-104 of  
56 this chapter requiring poll site designation by May first, early voting

1 polling places and their hours of operation for early voting for a  
2 primary or special election shall be made not later than forty-five days  
3 before such primary or special election.

4 5. Each board of elections shall create a communication plan to inform  
5 eligible voters of the opportunity to vote early. Such plan may utilize  
6 any and all media outlets, including social media, and shall publicize:  
7 the location and dates and hours of operation of all polling places for  
8 early voting; an indication of whether each polling place is accessible  
9 to voters with physical disabilities; a clear and unambiguous notice to  
10 voters that if they cast a ballot during the early voting period they  
11 will not be allowed to vote election day; and if polling places for  
12 early voting are limited to voters from certain areas pursuant to subdi-  
13 vision three of this section, the location of the polling places for  
14 early voting serving the voters of each particular city, town or other  
15 political subdivision.

16 6. The form of paper ballots used in early voting shall comply with  
17 the provisions of article seven of this chapter that are applicable to  
18 voting by paper ballot on election day and such ballot shall be cast in  
19 the same manner as provided for in section 8-312 of this article,  
20 provided, however, that ballots cast during the early voting period  
21 shall be secured in the manner of voted ballots cast on election day and  
22 such ballots shall not be canvassed or examined until after the close of  
23 the polls on election day, and no unofficial tabulations of election  
24 results shall be printed or viewed in any manner until after the close  
25 of polls on election day.

26 7. Voters casting ballots pursuant to this title shall be subject to  
27 challenge as provided in sections 8-500, 8-502 and 8-504 of this arti-  
28 cle.

29 8. Notwithstanding any other provisions of this chapter, at the end of  
30 each day of early voting, any early voting ballots that have not been  
31 scanned because a ballot scanner was not available or because the ballot  
32 has been abandoned by the voter at the ballot scanner shall be cast in a  
33 manner consistent with section 9-110 of this chapter, except that such  
34 ballots which cannot then be cast on a ballot scanner shall be held  
35 inviolate and unexamined and shall be duly secured until after the close  
36 of polls on election day when such ballots shall be examined and  
37 canvassed in a manner consistent with subdivision two of section 9-110  
38 of this chapter.

39 9. The board of elections shall secure all ballots and scanners used  
40 for early voting from the beginning of the early voting period through  
41 the close of the polls on election day; provided, however, the state  
42 board of elections may by regulation duly adopted by a majority of such  
43 board establish a procedure whereby ballot scanners used for early  
44 voting may also be used on election day if the portable memory devices  
45 used during early voting containing the early voting election informa-  
46 tion and vote tabulations are properly secured apart from the scanners,  
47 and the results therefrom shall be duly canvassed after the close of  
48 polls on election day.

49 10. After the close of polls on election day, inspectors or board of  
50 elections employees appointed to canvass ballots cast during early  
51 voting shall follow all relevant provisions of article nine of this  
52 chapter that are not inconsistent with this section, for canvassing,  
53 processing, recording, and announcing results of voting at polling plac-  
54 es for early voting, and securing ballots, scanners, and other election  
55 materials. Such canvass may occur at the offices of the board of

1 elections, at the early voting polling place or such other location  
2 designated by the board of elections.

3 11. Notwithstanding the requirements of this title requiring the  
4 canvass of ballots cast during early voting after the close of polls on  
5 election day, such canvass may begin one hour before the scheduled close  
6 of polls on election day provided the board of elections adopts proce-  
7 dures to prevent the public release of election results prior to the  
8 close of polls on election day and such procedures shall be consistent  
9 with the regulations of the state board of elections and shall be filed  
10 with the state board of elections at least thirty days before they shall  
11 be effective.

12 § 8-602. State board of elections; powers and duties for early voting.  
13 Any rule or regulation necessary for the implementation of the  
14 provisions of this title shall be promulgated by the state board of  
15 elections provided that such rules and regulations shall include  
16 provisions to ensure that ballots cast early, by any method allowed  
17 under law, are counted and canvassed as if cast on election day. The  
18 state board of elections shall promulgate any other rules and regu-  
19 lations necessary to ensure an efficient and fair early voting process  
20 that respects the privacy of the voter. Provided, further, that such  
21 rules and regulations shall require that the voting history record for  
22 each voter be continually updated to reflect each instance of early  
23 voting by such voter.

24 § 8. This act shall take effect on the first of January next succeed-  
25 ing the date on which it shall have become a law and shall apply to any  
26 election held 120 days or more after it shall have taken effect.

27

## PART CC

28 Section 1. Section 14-116 of the election law, subdivision 1 as reded-  
29 igned by chapter 9 of the laws of 1978 and subdivision 2 as amended by  
30 chapter 260 of the laws of 1981, is amended to read as follows:

31 § 14-116. Political contributions by certain organizations. 1. No  
32 corporation [or], limited liability company, joint-stock association or  
33 other corporate entity doing business in this state, except a corpo-  
34 ration or association organized or maintained for political purposes  
35 only, shall directly or indirectly pay or use or offer, consent or agree  
36 to pay or use any money or property for or in aid of any political  
37 party, committee or organization, or for, or in aid of, any corporation,  
38 limited liability company, joint-stock [or], other association, or other  
39 corporate entity organized or maintained for political purposes, or for,  
40 or in aid of, any candidate for political office or for nomination for  
41 such office, or for any political purpose whatever, or for the  
42 reimbursement or indemnification of any person for moneys or property so  
43 used. Any officer, director, stock-holder, member, owner, attorney or  
44 agent of any corporation [or], limited liability company, joint-stock  
45 association or other corporate entity which violates any of the  
46 provisions of this section, who participates in, aids, abets or advises  
47 or consents to any such violations, and any person who solicits or know-  
48 ingly receives any money or property in violation of this section, shall  
49 be guilty of a misdemeanor.

50 2. Notwithstanding the provisions of subdivision one of this section,  
51 any corporation or an organization financially supported in whole or in  
52 part, by such corporation, any limited liability company or other corpo-  
53 rate entity may make expenditures, including contributions, not other-  
54 wise prohibited by law, for political purposes, in an amount not to



1 exceed five thousand dollars in the aggregate in any calendar year;  
 2 provided that no public utility shall use revenues received from the  
 3 rendition of public service within the state for contributions for poli-  
 4 tical purposes unless such cost is charged to the shareholders of such a  
 5 public service corporation.

6 3. Each limited liability company that makes an expenditure for poli-  
 7 tical purposes shall file with the state board of elections, by December  
 8 thirty-first of the year in which the expenditure is made, on the form  
 9 prescribed by the state board of elections, the identity of all direct  
 10 and indirect owners of the membership interests in the limited liability  
 11 company and the proportion of each direct or indirect member's ownership  
 12 interest in the limited liability company.

13 § 2. Section 14-120 of the election law is amended by adding a new  
 14 subdivision 3 to read as follows:

15 3. (a) Notwithstanding any law to the contrary, all contributions made  
 16 to a campaign or political committee by a limited liability company  
 17 shall be attributed to each member of the limited liability company in  
 18 proportion to the member's ownership interest in the limited liability  
 19 company.

20 (b) If, by application of paragraph (a) of this subdivision, a  
 21 campaign contribution is attributed to a limited liability company, the  
 22 contributions shall be further attributed to each member of the limited  
 23 liability company in proportion to the member's ownership interest in  
 24 the limited liability company.

25 (c) The state board of elections shall enact regulations that prevent  
 26 the avoidance of the rules set forth in paragraphs (a) and (b) of this  
 27 subdivision.

28 § 3. This act shall take effect immediately.

29 PART DD

30 Section 1. Short title. This act shall be known as and may be cited as  
 31 the "Voter Enfranchisement Modernization Act of 2017 (VEMA)".

32 § 2. Declaration of Legislative Intent. The right to vote is a funda-  
 33 mental right, the well-spring of all others, secured by the federal and  
 34 state constitutions. On-line forms of communication and conducting tran-  
 35 sactions did not exist at the time New York's paper-based voter regis-  
 36 tration system was enacted. In the last twenty years, many paper-based  
 37 processes have migrated to on-line processes, including filing tax  
 38 returns, applying for social security benefits, routine banking trans-  
 39 actions, official communications and purchase transactions of all types.  
 40 This on-line migration has improved cost efficiency, increased accessi-  
 41 bility and provided greater convenience to the public in many contexts.  
 42 The predominantly paper-based voter registration application process in  
 43 New York is antiquated and must be supplemented with on-line voter  
 44 registration. To remove unnecessary burdens to the fundamental right of  
 45 the people to vote, the State Board of Elections shall establish the  
 46 Voter Enfranchisement Modernization Program for the purpose of increas-  
 47 ing opportunities for voter registration by any person who is qualified  
 48 to be a voter under Article II of the New York State Constitution. This  
 49 effort modernizes voter registration and supplements the methods of  
 50 voter registration provided under current law.

51 § 3. Article 5 of the election law is amended by adding a new title 8  
 52 to read as follows:

53 TITLE VIII

54 ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

1 Section 5-800. Electronic voter registration transmittal system.

2 5-802. Online voter registration application.

3 5-804. Failure to provide exemplar signature not to prevent  
4 registration.

5 § 5-800. Electronic voter registration transmittal system. In addition  
6 to any other means of voter registration provided for by this chapter,  
7 the state board of elections shall establish and maintain an electronic  
8 voter registration transmittal system through which applicants may apply  
9 to register to vote online. The state board of elections shall elec-  
10 tronically transmit such applications to the applicable board of  
11 elections of each county or the city of New York for filing, processing  
12 and verification consistent with this chapter. In accordance with tech-  
13 nical specifications provided by the state board of elections, each  
14 board of elections shall maintain a voter registration system capable of  
15 receiving and processing voter registration application information,  
16 including electronic signatures, from the electronic voter registration  
17 transmittal system established by the state board of elections. Notwith-  
18 standing any other inconsistent provision of this chapter, applications  
19 filed using such system shall be considered filed with the applicable  
20 board of elections on the calendar date the application is initially  
21 transmitted by the voter through the electronic voter registration tran-  
22 smittal system.

23 § 5-802. Online voter registration application. 1. A voter shall be  
24 able to apply to register to vote using a personal online voter regis-  
25 tration application submitted through the electronic voter registration  
26 transmittal system when the voter:

27 (a) completes an electronic voter registration application promulgated  
28 by the state board of elections which shall include all of the voter  
29 registration information required by section 5-210 of this article; and

30 (b) affirms, subject to penalty of perjury, by means of electronic or  
31 manual signature, that the information contained in the voter registra-  
32 tion application is true and that the applicant meets all of the quali-  
33 fications to become a registered voter; and

34 (c) consents to the use of an electronic copy of the individual's  
35 manual signature that is in the custody of the department of motor vehi-  
36 cles, the state board of elections, or other agency designated by  
37 sections 5-211 or 5-212 of this title, as the individual's voter regis-  
38 tration exemplar signature, or provides such a signature by direct  
39 upload in a manner that complies with the New York state electronic  
40 signature and records act and the rules and regulations promulgated by  
41 the state board of elections.

42 2. The board of elections shall provide the personal online voter  
43 registration application in any language required by the federal Voting  
44 Rights Act of 1965 (52 U.S.C. Sec. 10503) in any county in the state.

45 3. The online voter registration application process shall provide  
46 reasonable accommodations to improve accessibility for persons with  
47 disabilities, and shall be compatible for use with standard online  
48 accessibility assistance tools for persons with visual, physical or  
49 perceptive disabilities.

50 4. The state board of elections shall promulgate rules and regulations  
51 for the creation and administration of an online voter registration  
52 system pursuant to this section.

53 § 5-804. Failure to provide exemplar signature not to prevent regis-  
54 tration. If a voter registration exemplar signature is not provided by  
55 an applicant who submits a voter registration application pursuant to  
56 this title and such signature exemplar is not otherwise available from



1 the statewide voter registration database or a state or local agency,  
2 the local board of elections shall, absent another reason to reject the  
3 application, proceed to register and, as applicable, enroll the appli-  
4 cant. Within ten days of such action, the board of elections shall send  
5 a standard form promulgated by the state board of elections to the voter  
6 whose record lacks an exemplar signature, requiring such voter to submit  
7 a signature for identification purposes. The voter shall submit to the  
8 board of elections a voter registration exemplar signature by any one of  
9 the following methods: in person, by mail with return postage paid  
10 provided by the board of elections, by electronic mail, or by electronic  
11 upload to the board of elections through the electronic voter registra-  
12 tion transmittal system. If such voter does not provide the required  
13 exemplar signature, when the voter appears to vote the voter shall be  
14 entitled to vote in the same manner as a voter with a notation indicat-  
15 ing the voter's identity has not yet been verified in the manner  
16 provided by section 8-302 of this chapter.

17 § 4. Article 5 of the election law is amended by adding a new title 9  
18 to read as follows:

19 TITLE IX

20 ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

21 Section 5-900. Integrated personal voter registration application  
22 required.

23 5-902. Automatic reinstatement after forfeiture.

24 5-904. Failure to provide exemplar signature not to prevent  
25 registration.

26 5-906. Presumption of innocent authorized error.

27 5-908. Forms.

28 § 5-900. Integrated personal voter registration application required.

29 1. In addition to any other method of voter registration provided for by  
30 this chapter, state and local agencies designated in subdivision ten of  
31 this section shall provide to the state board of elections voter regis-  
32 tration qualification information associated with each person who  
33 submits an application for services at such agency, or who notifies the  
34 agency of a change of address or name. Such designated agencies shall  
35 ensure agency applications substantially include all of the elements  
36 required by section 5-210 of this article, including the appropriate  
37 attestation, so that persons completing such applications shall be able  
38 to also submit an application to register to vote through the electronic  
39 voter registration transmittal system. For purposes of this section,  
40 "agency" shall mean any state or local agency, department, division,  
41 office, institution or other entity designated by the state board of  
42 elections pursuant to subdivision ten of this section.

43 2. For each application submitted to the agency, whether electron-  
44 ically or on paper, the agency shall transmit to the state board of  
45 elections through an interface with the electronic voter registration  
46 transmittal system established and maintained by the state board of  
47 elections that portion of the application that includes voter registra-  
48 tion information. The state board of elections shall electronically  
49 forward such application to the applicable board of elections of each  
50 county or the city of New York for filing, processing and verification  
51 consistent with this chapter.

52 3. An integrated voter registration form submitted to an agency in  
53 paper format shall be transmitted to the state board of elections  
54 through an electronic voter registration transmittal system by convert-  
55 ing the paper form to an image file or a portable document format file  
56 which shall thereafter be deemed the original form for voter registra-

1 tion and enrollment purposes. The agency shall retain the complete  
2 original paper application for no less than two years. The transmittal  
3 of the converted paper application may include or be accompanied by data  
4 elements and transmittal information as required by the rules and regu-  
5 lations of the state board of elections.

6 4. An integrated voter registration application submitted to an agency  
7 in an electronic format shall be transmitted to the state board of  
8 elections through the electronic voter registration transmittal system  
9 and shall include all of the voter registration data elements, including  
10 electronic signature, as applicable, and record of attestation of the  
11 accuracy of the voter registration information and any relevant document  
12 images.

13 5. Information from the voter relevant to both voter registration and  
14 the agency application shall be entered by the voter only once upon an  
15 application.

16 6. The agency shall redact or remove from the completed integrated  
17 application to be transmitted to the state board of elections any infor-  
18 mation solely applicable to the agency application.

19 6-a. Information concerning the citizenship status of individuals,  
20 when collected and transmitted pursuant to subdivision one of this  
21 section, shall not be retained, used or shared for any other purpose  
22 except as may be required by law.

23 7. A voter shall be able to decline to register to vote using an inte-  
24 grated application by selecting a single check box, or equivalent, which  
25 shall read "I DECLINE USE OF THIS FORM FOR VOTER REGISTRATION PURPOSES.  
26 DO NOT FORWARD MY INFORMATION TO THE BOARD OF ELECTIONS".

27 8. The voter shall be able to sign the voter registration application  
28 and the agency application by means of a single manual or electronic  
29 signature unless the agency requires more than one signature for other  
30 agency purposes.

31 9. No application for voter registration shall be submitted if the  
32 applicant declines registration or fails to sign the integrated applica-  
33 tion, whether on paper or online.

34 10. Designated agencies for purposes of this section shall include all  
35 agencies designated as voter registration agencies in sections 5-211 and  
36 5-212 of this article, as well as any other agency designated by the  
37 state board of elections. Any such designated agency shall take all  
38 actions that are necessary and proper for the implementation of this  
39 section, including facilitating technological capabilities to allow  
40 transmission of data through an interface with the electronic voter  
41 registration transmittal system in a secure manner.

42 11. Upon the discharge from a state correctional facility of any  
43 person whose maximum sentence of imprisonment has expired or upon a  
44 person's discharge from community supervision as defined in subdivision  
45 three of section two hundred fifty-nine of the executive law, the  
46 department of corrections and community supervision shall provide such  
47 person a voter registration form, pursuant to section seventy-five of  
48 the correction law and such form, if possible, shall be integrated with  
49 the release documents normally presented and signed upon release. The  
50 department of corrections and community supervision shall submit rele-  
51 vant information for such person through the voter registration trans-  
52 mittal system and notify the board of elections of the person's  
53 discharge.

54 12. The state board of elections shall promulgate rules and regu-  
55 lations for the creation and administration of an integrated electronic  
56 voter registration process as provided for by this section.

1 § 5-902. Automatic reinstatement after forfeiture. Any person whose  
2 voter registration is canceled pursuant to section 5-106 of this article  
3 shall be automatically reinstated as a voter upon becoming eligible,  
4 unless such voter shall affirmatively decline such reinstatement. The  
5 department of corrections and community supervision shall notify the  
6 board of elections through the voter registration transmittal system of  
7 the date when the forfeiture of voting rights shall end and provide an  
8 updated address for such person, if known. If no new address for such  
9 voter is available at that time, such voter shall be reinstated at the  
10 address of the previously canceled registration; provided, however, if  
11 the mailed notification of such registration shall be returned undeliv-  
12 erable to the board of elections, such returned mail shall be processed  
13 in accordance with this article.

14 § 5-904. Failure to provide exemplar signature not to prevent regis-  
15 tration. If a voter registration exemplar signature is not provided by  
16 an applicant who submits a voter registration application pursuant to  
17 this title and such signature exemplar is not otherwise available from  
18 the statewide voter registration database or a state or local agency,  
19 the local board of elections shall, absent another reason to reject the  
20 application, proceed to register and, as applicable, enroll the appli-  
21 cant. Within ten days of such action, the board of elections shall send  
22 a standard form promulgated by the state board of elections to the voter  
23 whose record lacks an exemplar signature, requiring such voter to submit  
24 a signature for identification purposes. The voter shall submit to the  
25 board of elections a voter registration exemplar signature by any one of  
26 the following methods: in person, by mail with return postage paid  
27 provided by the board of elections, by electronic mail, or by electronic  
28 upload to the board of elections through the electronic voter registra-  
29 tion transmittal system. If such voter does not provide the required  
30 exemplar signature, when the voter appears to vote the voter shall be  
31 entitled to vote in the same manner as a voter with a notation indicat-  
32 ing the voter's identity has not yet been verified in the manner  
33 provided by section 8-302 of this chapter.

34 § 5-906. Presumption of innocent authorized error. 1. If a person who  
35 is ineligible to vote becomes registered to vote pursuant to section  
36 5-902 of this title, that person's registration shall be presumed to  
37 have been effected with official authorization and not the fault of that  
38 person. Such presumption may be rebutted with evidence of knowing and  
39 willful intent to falsely register to vote.

40 2. If a person who is ineligible becomes registered to vote pursuant  
41 to section 5-902 of this title either votes or attempts to vote in an  
42 election held after the effective date of the person's registration,  
43 that person shall be presumed to have acted with official authorization  
44 and shall not be guilty of illegal voting or illegally attempting to  
45 vote. Such presumption may be rebutted with evidence of knowing and  
46 willful intent to vote or attempt to vote with knowledge that such  
47 person is not qualified or entitled to vote.

48 § 5-908. Forms. The state board of elections shall promulgate rules  
49 and regulations to implement this title. All agency forms and notices  
50 required by this title shall be approved by the state board of  
51 elections. All applications and notices for use by a board of elections  
52 pursuant to this title shall be promulgated by the state board of  
53 elections, and no addition or alternation to such forms by a board of  
54 elections shall be made without approval of the state board of  
55 elections.



1 § 5. This act shall take effect on the earlier occurrence of: (i) two  
2 years after it shall have become a law; provided, however, the state  
3 board of elections shall be authorized to implement necessary rules and  
4 regulations and to take steps required to implement this act immediate-  
5 ly; or (ii) five days after the date of certification by the state board  
6 of elections that the information technology infrastructure to substan-  
7 tially implement this act is functional. Provided, further that the  
8 state board of elections shall notify the legislative bill drafting  
9 commission upon the occurrence of the enactment of the legislation  
10 provided for in this act in order that the commission may maintain an  
11 accurate and timely effective data base of the official text of the laws  
12 of the state of New York in furtherance of effectuating the provisions  
13 of section 44 of the legislative law and section 70-b of the public  
14 officers law.

15

## PART EE

16 Section 1. Section 13 of chapter 141 of the laws of 1994, amending  
17 the legislative law and the state finance law relating to the operation  
18 and administration of the legislature, as amended by section 2 of part S  
19 of chapter 57 of the laws of 2016, is amended to read as follows:

20 § 13. This act shall take effect immediately and shall be deemed to  
21 have been in full force and effect as of April 1, 1994, provided that,  
22 the provisions of section 5-a of the legislative law as amended by  
23 sections two and two-a of this act shall take effect on January 1, 1995,  
24 and provided further that, the provisions of article 5-A of the legisla-  
25 tive law as added by section eight of this act shall expire June 30,  
26 [2017] 2018 when upon such date the provisions of such article shall be  
27 deemed repealed; and provided further that section twelve of this act  
28 shall be deemed to have been in full force and effect on and after April  
29 10, 1994.

30 § 2. This act shall take effect immediately, provided, however, if  
31 section one of this act shall take effect on or after June 30, 2017  
32 section one of this act shall be deemed to have been in full force and  
33 effect on and after June 30, 2017.

34

## PART FF

35 Section 1. Notwithstanding any other provision of law to the contrary,  
36 for the state fiscal year commencing April 1, 2017, a \$50,074,110  
37 increase in aid and incentives for municipalities' base level grants in  
38 the general fund for each municipality shall be apportioned in an amount  
39 equal to each municipality's cumulative property tax cap rate for their  
40 respective fiscal years 2012 through 2017; provided, however, no munici-  
41 pality shall receive an increase of more than \$6,070,776, except for a  
42 city with a population greater than 200,000 but less than 250,000. The  
43 total amount of grants provided in addition to the total 2017-18 base  
44 level grant provided pursuant to paragraph b of subdivision 10 of  
45 section 54 of the state finance law shall be \$50,074,110.

46 For the purposes of this act, "total 2017-18 base level grant" shall  
47 mean the sum of the amount of grants each municipality shall receive in  
48 the state fiscal year commencing April 1, 2017, and the amount of  
49 miscellaneous financial assistance from the local assistance account  
50 received by a village in the state fiscal year beginning April 1, 2016.

51 § 2. This act shall take effect immediately and shall be deemed to  
52 have been in full force and effect on or after April 1, 2017.

1

## PART GG

2 Section 1. Subdivision 3 of section 14-124 of the election law, as  
3 amended by section 1 of part B of chapter 286 of the laws of 2016, is  
4 amended to read as follows:

5 3. The contribution and receipt limits of this article shall not apply  
6 to monies received and expenditures made by a party committee or consti-  
7 tuted committee to maintain a permanent headquarters and staff and carry  
8 on ordinary activities which are not for the express purpose of promot-  
9 ing or opposing the candidacy of specific candidates; provided that such  
10 monies described in this subdivision shall be deposited in a segregated  
11 account and shall not be transferred or contributed, unless such trans-  
12 fer or contribution is to the segregated account of another party  
13 committee or constituted committee to be used only for non-candidate  
14 expenditures. Provided, further, that such monies may not be used to pay  
15 for any political communication that includes or references the name,  
16 likeness or voice of any clearly identified candidate or elected offi-  
17 cial.

18 § 2. This act shall take effect immediately.

19

## PART HH

20 Section 1. The public service law is amended by adding a new article  
21 1-A to read as follows:

## ARTICLE 1-A

THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATESection 28-a. Definitions.

25 28-b. Establishment of the state office of the utility consumer  
26 advocate.

27 28-c. Powers of the state office of the utility consumer advo-  
28 cate.

29 28-d. Reports.

30 § 28-a. Definitions. When used in this article: (a) "Department"  
31 means the department of public service.

32 (b) "Commission" means the public service commission.

33 (c) "Residential utility customer" means any person who is sold or  
34 offered for sale residential utility service by a utility company.

35 (d) "Utility company" means any person or entity operating an agency  
36 for public service, including, but not limited to, those persons or  
37 entities subject to the jurisdiction, supervision and regulations  
38 prescribed by or pursuant to the provisions of this chapter.

39 § 28-b. Establishment of the state office of the utility consumer  
40 advocate. There is established the state office of the utility consumer  
41 advocate to represent the interests of residential utility customers.  
42 The utility consumer advocate shall be appointed by the governor to a  
43 term of six years, upon the advice and consent of the senate. The utili-  
44 ty consumer advocate shall possess knowledge and experience in matters  
45 affecting residential utility customers and shall be responsible for the  
46 direction, control, and operation of the state office of the utility  
47 consumer advocate, including its hiring of staff and retention of  
48 experts for analysis and testimony in proceedings. The utility consumer  
49 advocate shall not be removed for cause, but may be removed only after  
50 notice and opportunity to be heard, and only for permanent disability,  
51 malfeasance, a felony, or conduct involving moral turpitude. Exercise of  
52 independent judgment in advocating positions on behalf of residential



1 utility customers shall not constitute cause for removal of the utility  
2 consumer advocate.

3 § 28-c. Powers of the state office of the utility consumer advocate.  
4 The state office of the utility consumer advocate shall have the power  
5 and duty to: (a) initiate, intervene in, or participate on behalf of  
6 residential utility customers in any proceedings before the commission,  
7 the federal energy regulatory commission, the federal communications  
8 commission, federal, state and local administrative and regulatory agen-  
9 cies, and state and federal courts in any matter or proceeding that may  
10 substantially affect the interests of residential utility customers,  
11 including, but not limited to, a proposed change of rates, charges,  
12 terms and conditions of service, the adoption of rules, regulations,  
13 guidelines, orders, standards or final policy decisions where the utili-  
14 ty consumer advocate deems such initiation, intervention or partic-  
15 ipation to be necessary or appropriate;

16 (b) represent the interests of residential utility customers of the  
17 state before federal, state and local administrative and regulatory  
18 agencies engaged in the regulation of energy, telecommunications, water,  
19 and other utility services, and before state and federal courts in  
20 actions and proceedings to review the actions of utilities or orders of  
21 utility regulatory agencies. Any action or proceeding brought by the  
22 utility consumer advocate before a court or an agency shall be brought  
23 in the name of the state office of the utility consumer advocate. The  
24 utility consumer advocate may join with a residential utility customer  
25 or group of residential utility customers in bringing an action;

26 (c) (i) in addition to any other authority conferred upon the utility  
27 consumer advocate, he or she is authorized, and it shall be his or her  
28 duty to represent the interests of residential utility customers as a  
29 party, or otherwise participate for the purpose of representing the  
30 interests of such customers before any agencies or courts. He or she may  
31 initiate proceedings if in his or her judgment doing so may be necessary  
32 in connection with any matter involving the actions or regulation of  
33 public utility companies whether on appeal or otherwise initiated. The  
34 utility consumer advocate may monitor all cases before regulatory agen-  
35 cies in the United States, including the federal communications commis-  
36 sion and the federal energy regulatory commission that affect the inter-  
37 ests of residential utility customers of the state and may formally  
38 participate in those proceedings which in his or her judgment warrants  
39 such participation.

40 (ii) the utility consumer advocate shall exercise his or her independ-  
41 ent discretion in determining the interests of residential utility  
42 customers that will be advocated in any proceeding, and determining  
43 whether to participate in or initiate any proceeding and, in so deter-  
44 mining, shall consider the public interest, the resources available, and  
45 the substantiality of the effect of the proceeding on the interest of  
46 residential utility customers;

47 (d) request and receive from any state or local authority, agency,  
48 department or division of the state or political subdivision such  
49 assistance, personnel, information, books, records, other documentation  
50 and cooperation necessary to perform its duties; and

51 (e) enter into cooperative agreements with other government offices to  
52 efficiently carry out its work.

53 § 28-d. Reports. On July first, two thousand sixteen and annually  
54 thereafter, the state office of the utility consumer advocate shall  
55 issue a report to the governor and the legislature, and make such report

1 available to the public free of charge on a publicly available website,  
2 containing, but not limited to, the following information:

3 (a) all proceedings that the state office of the utility consumer  
4 advocate participated in and the outcome of such proceedings, to the  
5 extent of such outcome and if not confidential;

6 (b) estimated savings to residential utility consumers that resulted  
7 from intervention by the state office of the utility consumer advocate;  
8 and

9 (c) policy recommendations and suggested statutory amendments that the  
10 state office of the utility consumer advocate deems necessary.

11 § 2. This act shall take effect on the first of April next succeeding  
12 the date on which it shall have become a law.

13

## PART II

14 Section 1. The public service law is amended by adding a new section  
15 24-c to read as follows:

16 § 24-c. Utility intervenor reimbursement. 1. As used in this  
17 section, the following terms shall have the following meanings:

18 (a) "Compensation" means payment from the utility intervenor account  
19 fund established by section ninety-seven-pppp of the state finance law,  
20 for all or part, as determined by the department, of reasonable advo-  
21 cate's fees, reasonable expert witness fees, and other reasonable costs  
22 for preparation and participation in a proceeding.

23 (b) "Participant" means a group of persons that apply jointly for an  
24 award of compensation under this section and who represent the interests  
25 of a significant number of residential or small business customers, or a  
26 not-for-profit organization in this state authorized pursuant to its  
27 articles of incorporation or bylaws to represent the interests of resi-  
28 dential or small business utility customers. For purposes of this  
29 section, a participant does not include a non-profit organization or  
30 other organization whose principal interests are the welfare of a public  
31 utility or its investors or employees, or the welfare of one or more  
32 businesses or industries which receive utility service ordinarily and  
33 primarily for use in connection with the profit-seeking manufacture,  
34 sale, or distribution of goods or services.

35 (c) "Other reasonable costs" means reasonable out-of-pocket expenses  
36 directly incurred by a participant that are directly related to the  
37 contentions or recommendations made by the participant that resulted in  
38 a substantial contribution.

39 (d) "Party" means any interested party, respondent public utility, or  
40 commission staff in a hearing or proceeding.

41 (e) "Proceeding" means a complaint, or investigation, rulemaking, or  
42 other formal proceeding before the commission, or alternative dispute  
43 resolution procedures in lieu of formal proceedings as may be sponsored  
44 or endorsed by the commission, provided however such proceedings shall  
45 be limited to those relating to public utilities that distribute and  
46 deliver gas, electricity, or steam within this state and having annual  
47 revenues in excess of two hundred million dollars arising under and  
48 proceeding pursuant to the following articles of this chapter: (1) the  
49 regulation of the price of gas and electricity, pursuant to article four  
50 of this chapter; (2) the regulation of the price of steam, pursuant to  
51 article four-A of this chapter; (3) the submetering, remetering or  
52 resale of electricity to residential premises, pursuant to section  
53 sixty-five and sixty-six of this chapter, and pursuant to regulations  
54 regarding the submetering, remetering, or resale of electricity adopted



1 by the commission; and (4) such sections of this chapter as are applica-  
2 ble to a proceeding in which the commission makes a finding on the  
3 record that the public interest requires the reimbursement of utility  
4 intervenor fees pursuant to this section.

5 (f) "Significant financial hardship" means that the participant will  
6 be unable to afford, without undue hardship, to pay the costs of effec-  
7 tive participation, including advocate's fees, expert witness fees, and  
8 other reasonable costs of participation.

9 (g) "Small business" means a business with a gross annual revenue of  
10 two hundred fifty thousand dollars or less.

11 (h) "Substantial contribution" means that, in the judgment of the  
12 department, the participant's application may substantially assist the  
13 commission in making its decision because the decision may adopt in  
14 whole or in part one or more factual contentions, legal contentions, or  
15 specific policy or procedural recommendations that will be presented by  
16 the participant.

17 2. A participant may apply for an award of compensation under this  
18 section in a proceeding in which such participant has sought active  
19 party status as defined by the department. The department shall deter-  
20 mine appropriate procedures for accepting and responding to such appli-  
21 cations. At the time of application, such participant shall serve on  
22 every party to the proceeding notice of intent to apply for an award of  
23 compensation.

24 An application shall include:

25 (a) A statement of the nature and extent and the factual and legal  
26 basis of the participant's planned participation in the proceeding as  
27 far as it is possible to describe such participation with reasonable  
28 specificity at the time the application is filed.

29 (b) At minimum, a reasonably detailed description of anticipated advo-  
30 cates and expert witness fees and other costs of preparation and partic-  
31 ipation that the participant expects to request as compensation.

32 (c) If participation or intervention will impose a significant finan-  
33 cial hardship and the participant seeks payment in advance to an award  
34 of compensation in order to initiate, continue or complete participation  
35 in the hearing or proceeding, such participant must include evidence of  
36 such significant financial hardship in its application.

37 (d) Any other requirements as required by the department.

38 3. (a) Within thirty days after the filing of an application the  
39 department shall issue a decision that determines whether or not the  
40 participant may make a substantial contribution to the final decision in  
41 the hearing or proceeding. If the department finds that the participant  
42 requesting compensation may make a substantial contribution, the depart-  
43 ment shall describe this substantial contribution and determine the  
44 amount of compensation to be paid pursuant to subdivision four of this  
45 section.

46 (b) Notwithstanding subdivision four of this section, if the depart-  
47 ment finds that the participant has a significant financial hardship,  
48 the department may direct the public utility or utilities subject to the  
49 proceeding to pay all or part of the compensation to the department to  
50 be provided to the participant prior to the end of the proceeding. In  
51 the event that the participant discontinues its participation in the  
52 proceeding without the consent of the department, the department shall  
53 be entitled to, in whole or in part, recover any payments made to such  
54 participant to be refunded to the public utility or utilities that  
55 provided such payment.

1 (c) The computation of compensation pursuant to paragraph (a) of this  
2 subdivision shall take into consideration the market rates paid to  
3 persons of comparable training and experience who offer similar  
4 services. The compensation awarded may not, in any case, exceed the  
5 comparable market rate for services paid by the department or the public  
6 utility, whichever is greater, to persons of comparable training and  
7 experience who are offering similar services.

8 (d) Any compensation awarded to a participant and not used by such  
9 participant shall be returned to the department for refund to the public  
10 utility or utilities that provided such payment.

11 (e) The department shall require that participants seeking payment  
12 maintain an itemized record of all expenditures incurred as a result of  
13 such proceeding.

14 (i) The department may use the itemized record of expenses to verify  
15 the claim of financial hardship by a participant seeking payment pursu-  
16 ant to paragraph (c) of subdivision two of this section.

17 (ii) The department may use the record of expenditures in determining,  
18 after the completion of a proceeding, if any unused funds remain.

19 (iii) The department shall preserve the confidentiality of the partic-  
20 ipant's records in making any audit or determining the availability of  
21 funds after the completion of a proceeding.

22 (f) In the event that the department finds that two or more partic-  
23 ipants' applications have substantially similar interests, the depart-  
24 ment may require such participants to apply jointly in order to receive  
25 compensation.

26 4. Any compensation pursuant to this section shall be paid at the  
27 conclusion of the proceeding by the public utility or utilities subject  
28 to the proceeding within thirty days. Such compensation shall be remit-  
29 ted to the department which shall then remit such compensation to the  
30 participant.

31 5. The department shall deny any award to any participant who attempts  
32 to delay or obstruct the orderly and timely fulfillment of the depart-  
33 ment's responsibilities.

34 § 2. The state finance law is amended by adding a new section 97-pppp  
35 to read as follows:

36 § 97-pppp. Utility intervenor account. 1. There is hereby established  
37 in the joint custody of the state comptroller and the commissioner of  
38 taxation and finance a fund to be known as the utility intervenor  
39 account.

40 2. Such account shall consist of all utility intervenor reimbursement  
41 monies received from utilities pursuant to section twenty-four-c of the  
42 public service law.

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

45

## PART JJ

46 Section 1. Paragraphs (b) and (c) of subdivision 3 of section 722 of  
47 the county law, as amended by section 3 of part E of chapter 56 of the  
48 laws of 2010, are amended to read as follows:

49 (b) Any plan of a bar association must receive the approval of the  
50 [state administrator] office of indigent legal services before the plan  
51 is placed in operation. In the county of Hamilton, representation pursu-  
52 ant to a plan of a bar association in accordance with subparagraph (i)  
53 of paragraph (a) of this subdivision may be by counsel furnished by the  
54 Fulton county bar association pursuant to a plan of the Fulton county



1 bar association, following approval of the [state administrator] office  
2 of indigent legal services. When considering approval of an office of  
3 conflict defender pursuant to this section, the [state administrator]  
4 office of indigent legal services shall employ the guidelines it has  
5 heretofore established [by the office of indigent legal services] pursu-  
6 ant to paragraph (d) of subdivision three of section eight hundred thir-  
7 ty-two of the executive law.

8 (c) Any county operating an office of conflict defender, as described  
9 in subparagraph (ii) of paragraph (a) of this subdivision, as of March  
10 thirty-first, two thousand ten may continue to utilize the services  
11 provided by such office provided that the county submits a plan to the  
12 state administrator within one hundred eighty days after the promulga-  
13 tion of criteria for the provision of conflict defender services by the  
14 office of indigent legal services. The authority to operate such an  
15 office pursuant to this paragraph shall expire when the state adminis-  
16 trator (or, on or after April first, two thousand eighteen, the office  
17 of indigent legal services) approves or disapproves such plan. Upon  
18 approval, the county is authorized to operate such office in accordance  
19 with paragraphs (a) and (b) of this subdivision.

20 § 2. Subdivision 3 of section 722 of the county law is amended by  
21 adding a new paragraph (d) to read as follows:

22 (d) For purposes of this subdivision, any plan of a bar association  
23 approved hereunder pursuant to this subdivision, as provided prior to  
24 April first, two thousand eighteen, shall remain in effect until it is  
25 superseded by a plan approved by the office of indigent legal services  
26 or disapproved by such office.

27 § 3. Subdivision 1 of section 722-f of the county law, as added by  
28 chapter 761 of the laws of 1966 and as designated by section 4 of part J  
29 of chapter 62 of the laws of 2003, is amended to read as follows:

30 1. A public defender appointed pursuant to article eighteen-A of this  
31 chapter, a private legal aid bureau or society designated by a county or  
32 city pursuant to subdivision two of section seven hundred twenty-two of  
33 this [chapter] article, [and] an administrator of a plan of a bar asso-  
34 ciation appointed pursuant to subdivision three of section seven hundred  
35 twenty-two of this [chapter] article and an office of conflict defender  
36 established pursuant to such subdivision shall file an annual report  
37 with the [judicial conference] chief administrator of the courts and the  
38 office of indigent legal services. Such report shall be filed at such  
39 times and in such detail and form as the [judicial conference] office of  
40 indigent legal services may direct.

41 § 4. This act shall take effect April 1, 2018.

42 PART KK

43 Section 1. Section 163 of the state finance law is amended by adding a  
44 new subdivision 16 to read as follows:

45 16. Consultant services. a. Before a state agency enters into a  
46 contract for consultant services which is anticipated to cost more than  
47 seven hundred fifty thousand dollars in a twelve month period the state  
48 agency shall conduct a cost comparison review to determine whether the  
49 services to be provided by the consultant can be performed at equal or  
50 lower cost by utilizing state employees, unless the contract meets one  
51 of the exceptions set forth in paragraph g of this subdivision. As used  
52 in this section, the term "consultant services" shall mean any contract  
53 entered into by a state agency for analysis, evaluation, research,  
54 training, data processing, computer programming, the design, development

1 and implementation of technology, communications or telecommunications  
2 systems or the infrastructure pertaining thereto, including hardware and  
3 software, engineering including inspection and professional design  
4 services, health services, mental health services, accounting, auditing,  
5 or similar services and such services that are substantially similar to  
6 and in lieu of services provided, in whole or in part, by state employ-  
7 ees, but shall not include legal services or services in connection with  
8 litigation including expert witnesses and shall not include contracts  
9 for construction of public works. For purposes of this subdivision, the  
10 costs of performing the services by state employees shall include any  
11 salary, pension costs, all other benefit costs, costs that are required  
12 for equipment, facilities and all other overhead. The costs of consult-  
13 ant services shall include the total cost of the contract including  
14 costs that are required for equipment, facilities and all other overhead  
15 and any continuing state costs directly associated with a contractor  
16 providing a contracted function including, but not limited to, those  
17 costs for inspection, supervision, monitoring of the contractor's work  
18 and any pro rata share of existing costs or expenses, including adminis-  
19 trative salaries and benefits, rent, equipment costs, utilities and  
20 materials. The cost comparison shall be expressed where feasible as an  
21 hourly rate, or where such a calculation is not feasible, as a total  
22 estimated cost for the anticipated term of the contract.

23 b. Prior to entering any consultation services contract for the priva-  
24 tization of a state service that is not currently privatized, the state  
25 agency shall develop a cost comparison review in accordance with the  
26 provisions of paragraph a of this subdivision.

27 c. (i) If such cost comparison review identifies a cost savings to the  
28 state of ten percent or more, and such consultant services contract will  
29 not diminish the quality of such service, the state agency shall develop  
30 a business plan, in accordance with the provisions of paragraph d of  
31 this subdivision, in order to evaluate the feasibility of entering any  
32 such contract and to identify the potential results, effectiveness and  
33 efficiency of such contract.

34 (ii) If such cost comparison review identifies a cost savings of less  
35 than ten percent to the state and such consultant services contract will  
36 not diminish the quality of such service, the state agency may develop a  
37 business plan, in order to evaluate the feasibility of entering any such  
38 contract and to identify the potential results, effectiveness and effi-  
39 ciency of such contract, provided there is a significant public policy  
40 reason to enter into such consultant services contract.

41 (iii) If any such proposed consultant services contract would result  
42 in the layoff, transfer or reassignment of fifty or more state agency  
43 employees, after consulting with the potentially affected bargaining  
44 units, if any, the state agency shall notify the state employees of such  
45 bargaining unit, after such cost comparison review is completed. Such  
46 state agency shall provide an opportunity for said employees to reduce  
47 the costs of conducting the operations to be privatized and provide  
48 reasonable resources for the purpose of encouraging and assisting such  
49 state employees to organize and submit a bid to provide the services  
50 that are the subject of the potential consultant services contact.

51 d. Any business plan developed by a state agency for the purpose of  
52 complying with paragraph c of this subdivision shall include: (i) the  
53 cost comparison review as described in paragraph b of this subdivision,  
54 (ii) a detailed description of the service or activity that is the  
55 subject of such business plan, (iii) a description and analysis of the  
56 state agency's current performance of such service or activity, (iv) the



1 goals to be achieved through the proposed consultant services contract  
2 and the rationale for such goals, (v) a description of available options  
3 for achieving such goals, (vi) an analysis of the advantages and disad-  
4 vantages of each option, including, at a minimum, potential performance  
5 improvements and risks attendant to termination of the contract or  
6 rescission of such contract, (vii) a description of the current market  
7 for the services or activities that are the subject of such business  
8 plan, (viii) an analysis of the quality of services as gauged by stand-  
9 ardized measures and key performance requirements including compen-  
10 sation, turnover, and staffing ratios, (ix) a description of the specif-  
11 ic results based performance standards that shall, at a minimum be met,  
12 to ensure adequate performance by any party performing such service or  
13 activity, (x) the projected time frame for key events from the beginning  
14 of the procurement process through the expiration of a contract, if  
15 applicable, (xi) a specific and feasible contingency plan that addresses  
16 contractor nonperformance and a description of the tasks involved in and  
17 costs required for implementation of such plan, and (xii) a transition  
18 plan, if appropriate, for addressing changes in the number of agency  
19 personnel, affected business processes, employee transition issues, and  
20 communications with affected stakeholders, such as agency clients and  
21 members of the public, if applicable. Such transition plan shall contain  
22 a reemployment and retraining assistance plan for employees who are not  
23 retained by the state or employed by the contractor. If any part of such  
24 business plan is based upon evidence that the state agency is not suffi-  
25 ciently staffed to provide the services required by the consultant  
26 services contract, the state agency shall also include within such busi-  
27 ness plan a recommendation for remediation of the understaffing to allow  
28 such services to be provided directly by the state agency in the future.

29 e. Upon the completion of such business plan, the state agency shall  
30 submit the business plan to the state comptroller.

31 f. (i) Not later than sixty days after receipt of any business plan,  
32 the state comptroller shall transmit a report detailing its review,  
33 evaluation and disposition regarding such business plan to the state  
34 agency that submitted such cost comparison review. Such sixty-day period  
35 may be extended for an additional thirty days upon a showing of good  
36 cause.

37 (ii) The state comptroller's report shall include the business plan  
38 prepared by the state agency, the reasons for approval or disapproval,  
39 any recommendations or other information to assist the state agency in  
40 determining if additional steps are necessary to move forward with a  
41 consultant services contract.

42 (iii) If the state comptroller does not act on a business plan submit-  
43 ted by a state agency within ninety days of receipt of such business  
44 plan, such business plan shall be deemed approved.

45 g. A cost comparison shall not be required if the contracting agency  
46 demonstrates:

47 (i) the services are incidental to the purchase of real or personal  
48 property; or

49 (ii) the contract is necessary in order to avoid a conflict of inter-  
50 est on the part of the agency or its employees; or

51 (iii) the services are of such a highly specialized nature that it is  
52 not feasible to utilize state employees to perform them or require  
53 special equipment that is not feasible for the state to purchase or  
54 lease; or

55 (iv) the services are of such an urgent nature that it is not feasible  
56 to utilize state employees; or



1 (v) the services are anticipated to be short term and are not likely  
2 to be extended or repeated after the contract is completed; or

3 (vi) a quantifiable improvement in services that cannot be reasonably  
4 duplicated.

5 h. Nothing in this section shall be deemed to authorize a state agency  
6 to enter into a contract which is otherwise prohibited by law.

7 i. All documents related to the cost comparison and business plan  
8 required by this subdivision and the determinations made pursuant to  
9 paragraph g of this subdivision shall be public records subject to  
10 disclosure pursuant to article six of the public officers law.

11 § 2. On or before December 31, 2020 the state comptroller shall  
12 prepare a report, to be delivered to the governor, the temporary presi-  
13 dent of the senate and the speaker of the assembly. Such report shall  
14 include, but need not be limited to, an analysis of the effectiveness of  
15 the cost comparison review program and an analysis of the cost savings  
16 associated with performing such cost comparison.

17 § 3. This act shall take effect on the ninetieth day after it shall  
18 have become a law and shall apply to all contracts solicited or entered  
19 into by state agencies after the effective date of this act; provided,  
20 however, the amendments to section 163 of the state finance law made by  
21 section one of this act shall not affect the repeal of such section and  
22 shall be deemed repealed therewith.

23

## PART LL

24 Section 1. Notwithstanding any other provision of law, the commission-  
25 er of corrections and community supervision shall not take any steps to  
26 reduce the number of visitation hours or days available to inmates in  
27 correctional facilities below the number of hours and days of visitation  
28 that exist as of January 1, 2017.

29 § 2. This act shall take effect immediately.

30

## PART MM

31 Section 1. The closing paragraph of section 722 of the county law, as  
32 amended by chapter 453 of the laws of 1999, is amended to read as  
33 follows:

34 Upon an appeal in a criminal action, and on any appeal described in  
35 section eleven hundred twenty of the family court act, article six-C of  
36 the correction law or section four hundred seven of the surrogate's  
37 court procedure act, wherein the party is financially unable to obtain  
38 counsel, the appellate court shall assign counsel furnished in accord-  
39 ance with the plan, conforming to the requirements of this section,  
40 which is in operation in the county or in the city in which a county is  
41 wholly contained wherein the judgment of conviction, disposition, or  
42 order of the trial court was entered; provided, however, that when such  
43 county or city has not placed in operation a plan conforming to that  
44 prescribed in subdivision three or four of this section and such appel-  
45 late court is satisfied that a conflict of interest prevents the assign-  
46 ment of counsel pursuant to the plan in operation, or when such county  
47 or city has not placed in operation any plan conforming to that  
48 prescribed in this section, such appellate court may assign any attorney  
49 in such county or city and, in such event, such attorney shall receive  
50 compensation and reimbursement from such county or city which shall be  
51 at the same rate as is prescribed in section seven hundred twenty-two-b  
52 of this chapter. Assignment of counsel upon an appeal in a criminal

1 action pursuant to this subdivision, or pursuant to paragraph (b) of  
2 subdivision one of section thirty-five of the judiciary law, includes  
3 authorization for representation by appellate counsel, or an attorney  
4 selected at the request of appellate counsel by the administrator of the  
5 plan in operation in the county (or city in which a county is wholly  
6 contained) where the conviction was entered, with respect to the prepa-  
7 ration and proceeding upon a motion, pursuant to article four hundred  
8 forty of the criminal procedure law, to vacate a judgment or to set  
9 aside a sentence or on a motion for a writ of error coram nobis; compen-  
10 sation and reimbursement for such representation and expenses shall be  
11 governed by sections seven hundred twenty-two-b and seven hundred twen-  
12 ty-two-c of this article.

13 § 2. This act shall take effect immediately.

14

PART NN

15 Section 1. Subparagraph (viii) of paragraph a of subdivision 10 of  
16 section 54 of the state finance law is amended by adding a new clause 3  
17 to read as follows:

18 (3) for the state fiscal year commencing April first, two thousand  
19 seventeen and in each state fiscal year thereafter, the amount of  
20 miscellaneous financial assistance from the local assistance account  
21 received by a village in the state fiscal year beginning April first,  
22 two thousand sixteen.

23 § 2. This act shall take effect immediately.

24

PART OO

25 Section 1. Section 30.30 of the criminal procedure law, as added by  
26 chapter 184 of the laws of 1972, paragraph (a) of subdivision 3 as  
27 amended by chapter 93 of the laws of 2006, paragraph (a) of subdivision  
28 4 as amended by chapter 558 of the laws of 1982, paragraph (c) of subdi-  
29 vision 4 as amended by chapter 631 of the laws of 1996, paragraph (h) of  
30 subdivision 4 as added by chapter 837 of the laws of 1986, paragraph (i)  
31 of subdivision 4 as added by chapter 446 of the laws of 1993, paragraph  
32 (j) of subdivision 4 as added by chapter 222 of the laws of 1994, para-  
33 graph (b) of subdivision 5 as amended by chapter 109 of the laws of  
34 1982, paragraphs (e) and (f) of subdivision 5 as added by chapter 209 of  
35 the laws of 1990, is amended to read as follows:

36 § 30.30 Speedy trial; time limitations.

37 1. Except as otherwise provided in subdivision [three] four, a motion  
38 made pursuant to paragraph (e) of subdivision one of section 170.30 or  
39 paragraph (g) of subdivision one of section 210.20 must be granted where  
40 the people are not ready for trial within:

41 (a) six months of the commencement of a criminal action wherein a  
42 defendant is accused of one or more offenses, at least one of which is a  
43 felony;

44 (b) ninety days of the commencement of a criminal action wherein a  
45 defendant is accused of one or more offenses, at least one of which is a  
46 misdemeanor punishable by a sentence of imprisonment of more than three  
47 months and none of which is a felony;

48 (c) sixty days of the commencement of a criminal action wherein the  
49 defendant is accused of one or more offenses, at least one of which is a  
50 misdemeanor punishable by a sentence of imprisonment of not more than  
51 three months and none of which is a crime punishable by a sentence of  
52 imprisonment of more than three months;

1 (d) thirty days of the commencement of a criminal action wherein the  
2 defendant is accused of one or more offenses, at least one of which is a  
3 violation and none of which is a crime.

4 2. Except as provided in subdivision [three] four, where a defendant  
5 has been committed to the custody of the sheriff in a criminal action he  
6 must be released on bail or on his own recognizance, upon such condi-  
7 tions as may be just and reasonable, if the people are not ready for  
8 trial in that criminal action within:

9 (a) ninety days from the commencement of his commitment to the custody  
10 of the sheriff in a criminal action wherein the defendant is accused of  
11 one or more offenses, at least one of which is a felony;

12 (b) thirty days from the commencement of his commitment to the custody  
13 of the sheriff in a criminal action wherein the defendant is accused of  
14 one or more offenses, at least one of which is a misdemeanor punishable  
15 by a sentence of imprisonment of more than three months and none of  
16 which is a felony;

17 (c) fifteen days from the commencement of his commitment to the custo-  
18 dy of the sheriff in a criminal action wherein the defendant is accused  
19 of one or more offenses, at least one of which is a misdemeanor punisha-  
20 ble by a sentence of imprisonment of not more than three months and none  
21 of which is a crime punishable by a sentence of imprisonment of more  
22 than three months;

23 (d) five days from the commencement of his commitment to the custody  
24 of the sheriff in a criminal action wherein the defendant is accused of  
25 one or more offenses, at least one of which is a violation and none of  
26 which is a crime.

27 3. Whenever pursuant to this section a prosecutor states or otherwise  
28 provides notice that the people are ready for trial, the court may make  
29 inquiry on the record as to their actual readiness. If, after conducting  
30 its inquiry, the court determines that the people are not ready to  
31 proceed to trial, the prosecutor's statement or notice of readiness  
32 shall not be valid for purposes of this section. Following a demand to  
33 produce by a defendant pursuant to section 240.20, any statement of  
34 trial readiness must be accompanied or preceded by a certification of  
35 good faith compliance with the disclosure requirements of section  
36 240.20. This subdivision shall not apply to cases where the defense has  
37 waived disclosure requirements. The defense shall be afforded an oppor-  
38 tunity to be heard on the record concerning any such inquiry by the  
39 court, and concerning whether such disclosure requirements have been  
40 met.

41 3-a. Upon a misdemeanor complaint, a statement of readiness shall not  
42 be valid unless the prosecuting attorney certifies that all counts  
43 charged in the accusatory instrument meet the requirements of sections  
44 100.15 and 100.40 and those counts not meeting the requirements of  
45 sections 100.15 and 100.40 have been dismissed.

46 4. (a) Subdivisions one and two do not apply to a criminal action  
47 wherein the defendant is accused of an offense defined in sections  
48 125.10, 125.15, 125.20, 125.25, 125.26 and 125.27 of the penal law.

49 (b) A motion made pursuant to subdivisions one or two upon expiration  
50 of the specified period may be denied where the people are not ready for  
51 trial if the people were ready for trial prior to the expiration of the  
52 specified period and their present unreadiness is due to some excep-  
53 tional fact or circumstance, including, but not limited to, the sudden  
54 unavailability of evidence material to the people's case, when the  
55 district attorney has exercised due diligence to obtain such evidence

1 and there are reasonable grounds to believe that such evidence will  
2 become available in a reasonable period.

3 (c) A motion made pursuant to subdivision two shall not:

4 (i) apply to any defendant who is serving a term of imprisonment for  
5 another offense;

6 (ii) require the release from custody of any defendant who is also  
7 being held in custody pending trial of another criminal charge as to  
8 which the applicable period has not yet elapsed;

9 (iii) prevent the redetention of or otherwise apply to any defendant  
10 who, after being released from custody pursuant to this section or  
11 otherwise, is charged with another crime or violates the conditions on  
12 which he has been released, by failing to appear at a judicial proceed-  
13 ing at which his presence is required or otherwise.

14 [4.] 5. In computing the time within which the people must be ready  
15 for trial pursuant to subdivisions one and two, the following periods  
16 must be excluded:

17 (a) a reasonable period of delay resulting from other proceedings  
18 concerning the defendant, including but not limited to: proceedings for  
19 the determination of competency and the period during which defendant is  
20 incompetent to stand trial; demand to produce; request for a bill of  
21 particulars; pre-trial motions; appeals; trial of other charges; and the  
22 period during which such matters are under consideration by the court;  
23 or

24 (b) the period of delay resulting from a continuance granted by the  
25 court at the request of, or with the consent of, the defendant or his or  
26 her counsel. The court [must] may grant such a continuance only if it is  
27 satisfied that postponement is in the interest of justice, taking into  
28 account the public interest in the prompt dispositions of criminal  
29 charges. A defendant without counsel must not be deemed to have  
30 consented to a continuance unless he has been advised by the court of  
31 his or her rights under these rules and the effect of his consent, which  
32 must be done on the record in open court; or

33 (c) (i) the period of delay resulting from the absence or unavailabil-  
34 ity of the defendant. A defendant must be considered absent whenever his  
35 location is unknown and he is attempting to avoid apprehension or prose-  
36 cution, or his location cannot be determined by due diligence. A defend-  
37 ant must be considered unavailable whenever his location is known but  
38 his presence for trial cannot be obtained by due diligence; or

39 (ii) where the defendant has either escaped from custody or has failed  
40 to appear when required after having previously been released on bail or  
41 on his own recognizance, and provided the defendant is not in custody on  
42 another matter, the period extending from the day the court issues a  
43 bench warrant pursuant to section 530.70 because of the defendant's  
44 failure to appear in court when required, to the day the defendant  
45 subsequently appears in the court pursuant to a bench warrant or volun-  
46 tarily or otherwise; or

47 (d) a reasonable period of delay when the defendant is joined for  
48 trial with a co-defendant as to whom the time for trial pursuant to this  
49 section has not run and good cause is not shown for granting a sever-  
50 ance; or

51 (e) the period of delay resulting from detention of the defendant in  
52 another jurisdiction provided the district attorney is aware of such  
53 detention and has been diligent and has made reasonable efforts to  
54 obtain the presence of the defendant for trial; or

1 (f) the period during which the defendant is without counsel through  
2 no fault of the court; except when the defendant is proceeding as his  
3 own attorney with the permission of the court; or

4 (g) other periods of delay occasioned by exceptional circumstances,  
5 including but not limited to, the period of delay resulting from a  
6 continuance granted at the request of a district attorney if (i) the  
7 continuance is granted because of the unavailability of evidence materi-  
8 al to the people's case, when the district attorney has exercised due  
9 diligence to obtain such evidence and there are reasonable grounds to  
10 believe that such evidence will become available in a reasonable period;  
11 or (ii) the continuance is granted to allow the district attorney addi-  
12 tional time to prepare the people's case and additional time is justi-  
13 fied by the exceptional circumstances of the case. Any such exclusion  
14 when a statement of unreadiness has followed a statement of readiness  
15 made by the people must be accompanied by supporting facts and approved  
16 by the court. The court shall inquire on the record as to the reasons  
17 for the people's unreadiness; or

18 (h) the period during which an action has been adjourned in contem-  
19 plation of dismissal pursuant to sections 170.55, 170.56 and 215.10 of  
20 this chapter[.]; or

21 (i) [The] the period prior to the defendant's actual appearance for  
22 arraignment in a situation in which the defendant has been directed to  
23 appear by the district attorney pursuant to subdivision three of section  
24 120.20 or subdivision three of section 210.10[.]; or

25 (j) the period during which a family offense is before a family court  
26 until such time as an accusatory instrument or indictment is filed  
27 against the defendant alleging a crime constituting a family offense, as  
28 such term is defined in section 530.11 of this chapter.

29 6. At each court appearance date preceding the commencement of trial  
30 in a criminal action, the court, whenever it is practicable to do so,  
31 shall rule preliminarily on whether the adjournment period immediately  
32 following such court appearance date is to be included or excluded for  
33 the purposes of computing the time within which the people must be ready  
34 for trial within the meaning of this section. The court's ruling shall  
35 be noted in the court file.

36 7. In computing the time within which the people must be ready for  
37 trial, pursuant to subdivision two or paragraphs (b), (c), or (d) of  
38 subdivision one of this section, no time attributable to court  
39 congestion shall be excluded.

40 [5.] 8. For purposes of this section, (a) where the defendant is to be  
41 tried following the withdrawal of the plea of guilty or is to be retried  
42 following a mistrial, an order for a new trial or an appeal or collat-  
43 eral attack, the criminal action and the commitment to the custody of  
44 the sheriff, if any, must be deemed to have commenced on the date the  
45 withdrawal of the plea of guilty or the date the order occasioning a  
46 retrial becomes final;

47 (b) where a defendant has been served with an appearance ticket, the  
48 criminal action must be deemed to have commenced on the date the defend-  
49 ant first appears in a local criminal court in response to the ticket;

50 (c) where a criminal action is commenced by the filing of a felony  
51 complaint, and thereafter, in the course of the same criminal action  
52 either the felony complaint is replaced with or converted to an informa-  
53 tion, prosecutor's information or misdemeanor complaint pursuant to  
54 article [180] one hundred eighty or a prosecutor's information is filed  
55 pursuant to section 190.70, the period applicable for the purposes of  
56 subdivision one must be the period applicable to the charges in the new

1 accusatory instrument, calculated from the date of the filing of such  
2 new accusatory instrument; provided, however, that when the aggregate of  
3 such period and the period of time, excluding the periods provided in  
4 subdivision [four] five, already elapsed from the date of the filing of  
5 the felony complaint to the date of the filing of the new accusatory  
6 instrument exceeds six months, the period applicable to the charges in  
7 the felony complaint must remain applicable and continue as if the new  
8 accusatory instrument had not been filed;

9 (d) where a criminal action is commenced by the filing of a felony  
10 complaint, and thereafter, in the course of the same criminal action  
11 either the felony complaint is replaced with or converted to an informa-  
12 tion, prosecutor's information or misdemeanor complaint pursuant to  
13 article [180] one hundred eighty or a prosecutor's information is filed  
14 pursuant to section 190.70, the period applicable for the purposes of  
15 subdivision two must be the period applicable to the charges in the new  
16 accusatory instrument, calculated from the date of the filing of such  
17 new accusatory instrument; provided, however, that when the aggregate of  
18 such period and the period of time, excluding the periods provided in  
19 subdivision [four] five, already elapsed from the date of the filing of  
20 the felony complaint to the date of the filing of the new accusatory  
21 instrument exceeds ninety days, the period applicable to the charges in  
22 the felony complaint must remain applicable and continue as if the new  
23 accusatory instrument had not been filed.

24 (e) where a count of an indictment is reduced to charge only a misde-  
25 meanor or petty offense and a reduced indictment or a prosecutor's  
26 information is filed pursuant to subdivisions one-a and six of section  
27 210.20, the period applicable for the purposes of subdivision one of  
28 this section must be the period applicable to the charges in the new  
29 accusatory instrument, calculated from the date of the filing of such  
30 new accusatory instrument; provided, however, that when the aggregate of  
31 such period and the period of time, excluding the periods provided in  
32 subdivision [four] five of this section, already elapsed from the date  
33 of the filing of the indictment to the date of the filing of the new  
34 accusatory instrument exceeds six months, the period applicable to the  
35 charges in the indictment must remain applicable and continue as if the  
36 new accusatory instrument had not been filed;

37 (f) where a count of an indictment is reduced to charge only a misde-  
38 meanor or petty offense and a reduced indictment or a prosecutor's  
39 information is filed pursuant to subdivisions one-a and six of section  
40 210.20, the period applicable for the purposes of subdivision two of  
41 this section must be the period applicable to the charges in the new  
42 accusatory instrument, calculated from the date of the filing of such  
43 new accusatory instrument; provided, however, that when the aggregate of  
44 such period and the period of time, excluding the periods provided in  
45 subdivision [four] five of this section, already elapsed from the date  
46 of the filing of the indictment to the date of the filing of the new  
47 accusatory instrument exceeds ninety days, the period applicable to the  
48 charges in the indictment must remain applicable and continue as if the  
49 new accusatory instrument had not been filed.

50 [6.] 9. The procedural rules prescribed in subdivisions one through  
51 seven of section 210.45 with respect to a motion to dismiss an indict-  
52 ment are also applicable to a motion made pursuant to subdivision two.

53 § 2. Subdivision 6 of section 180.85 of the criminal procedure law, as  
54 added by chapter 518 of the laws of 2004, is amended to read as follows:

55 6. The period from the filing of a motion pursuant to this section  
56 until entry of an order disposing of such motion shall not, by reason of

1 such motion, be considered a period of delay for purposes of subdivision  
2 [four] five of section 30.30, nor shall such period, by reason of such  
3 motion, be excluded in computing the time within which the people must  
4 be ready for trial pursuant to such section 30.30.

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

7

## PART PP

8 Section 1. Paragraph 4 of subsection (a) and subsection (b) of section  
9 6805 of the insurance law, as added by chapter 181 of the laws of 2012,  
10 are amended to read as follows:

11 (4) A charitable bail organization certificate shall be valid for a  
12 term of five years from issuance. At the time of application for every  
13 such certificate, [and for every renewal thereof,] an applicant shall  
14 pay to the superintendent a sum of [one thousand] five hundred dollars  
15 payable each term or fraction of a term, provided, however, that in his  
16 or her discretion, the superintendent may waive such fee.

17 (b) A charitable bail organization shall:

18 (1) only deposit money as bail in the amount of [two] five thousand  
19 dollars or less for a defendant charged with one or more [misdemeanors]  
20 offenses, as defined in subdivision one of section 10.00 of the penal  
21 law, provided, however, that such organization shall not execute as  
22 surety any bond for any defendant;

23 (2) only deposit money as bail on behalf of a person who is financial-  
24 ly unable to post bail, which may constitute a portion or the whole  
25 amount of such bail; and

26 (3) [only deposit money as bail in one county in this state. Provided,  
27 however, that a charitable bail organization whose principal place of  
28 business is located within a city of a million or more may deposit money  
29 as bail in the five counties comprising such city; and

30 (4)] not charge a premium or receive compensation for acting as a  
31 charitable bail organization.

32 § 2. This act shall take effect immediately; provided that the amend-  
33 ments to subsection (b) of section 6805 of the insurance law made by  
34 section one of this act shall take effect on the ninetieth day after it  
35 shall have become a law.

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

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

