

**FY 2021 NEW YORK STATE EXECUTIVE BUDGET**

**PUBLIC PROTECTION AND GENERAL GOVERNMENT**  
**ARTICLE VII LEGISLATION**

**MEMORANDUM IN SUPPORT**

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## MEMORANDUM IN SUPPORT

A BUDGET BILL submitted by the Governor in  
Accordance with Article VII of the Constitution

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 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 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 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic

violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 55 of the laws of 2018 amending the criminal procedure

law relating to pre-criminal proceeding settlements in the city of New York, in relation to the effectiveness thereof (Part A); to amend the correction law, in relation to expanding the definition of internet identifiers and establishing criminal personation by a sex offender (Part B); to amend the penal law, in relation to prohibiting the use of the intoxication of a victim as defense to a criminal charge for sex crimes (Part C); to amend section 7 of part Y of chapter 57 of the laws of 2018, amending the education law relating to persons practicing in certain licensed programs or services who are exempt from practice requirements of professionals licensed by the department of education, in relation to adding the division of criminal justice services to the list of agencies not required to receive a waiver for entities providing certain professional services (Part D); to amend the state finance law, in relation to establishing the district attorney discovery compensation fund; and to amend the criminal procedure law, in relation to monies recovered by county district attorneys before the filing of an accusatory instrument (Part E); in relation to the closure of correctional facility; and providing for the repeal of such provisions upon expiration thereof (Part F); to amend the correction law and the executive law, in relation to moving adolescent offenders to the office of children and family services; to repeal paragraph (a-1) of subdivision 4 of section 70.20 of the penal law and section 77 of the correction law relating thereto; to repeal paragraphs (a) through (e) of section 508 of the executive law relating to a technical correction; and providing for the repeal of certain provisions upon expiration thereof (Part G); to amend the state finance law, in relation to directing the correctional industries program to provide services



in certain situations (Part H); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part I); to amend the executive law, in relation to the age of appointment for sworn members of the New York state police; and providing for the repeal of such provisions upon expiration thereof (Part J); to amend the penal law, in relation to the possession and sale of firearm, rifle, and shotgun components (Part K); to amend the executive law, in relation to administrative subpoenas (Part L); to amend the criminal procedure law, in relation to establishing the safe homes and families act (Part M); to amend the penal law, in relation to firearm licenses (Part N); to amend the executive law, in relation to the reporting of firearms (Part O); to amend the mental hygiene law, in relation to sharing information from mental health professionals with other states (Part P); to amend the penal law, in relation to establishing the crime of domestic violence (Part Q); to amend the penal law and the criminal procedure law, in relation to enacting the "New York Hate Crime Anti-Terrorism Act" (Part R); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part S); to amend the civil practice law and rules and the state finance law, in relation to the rate of interest to be paid on judgement and accrued claims (Part T); to amend the civil service law, in relation to capping the standard medicare premium charge (Part U); to amend the civil service law, in relation to the state's contribution to the cost of health insurance premiums for future retirees of the state and their dependents (Part V); to amend the civil service law, in relation to continuing to protect and strengthen unions (Part W); to amend the state technology law and the

state finance law, in relation to authorizing comprehensive technology service contracts (Part X); to amend the state finance law and the state technology law, in relation to defining the term technology to include computer information, electronic information, interconnected systems and related material thereto (Part Y); to amend section 1 of part S of chapter 56 of the laws of 2010, relating to establishing a joint appointing authority for the state financial system project, in relation to statewide financial system procurements (Part Z); to amend the public buildings law, in relation to the leasing of real property (Part AA); to amend the state finance law, in relation to sexual harassment disclosure with respect to state contracts (Part BB); to amend the alcoholic beverage control law, in relation to creating a higher education institution license (Part CC); to amend the alcoholic beverage control law, in relation to allowing food that is typically found in a motion picture theatre to be deemed in compliance with food requirements to serve alcoholic beverages (Part DD); to amend the alcoholic beverage control law, in relation to tied house restrictions (Part EE); to amend the alcoholic beverage control law, in relation to establishing the hours during which alcoholic beverages may be sold in certain international airport property (Part FF); to amend the workers' compensation law, in relation to diversifying the New York state insurance fund's investment authority (Part GG); to amend the workers' compensation law, in relation to combatting the New York state insurance fund's surprise premium increases (Part HH); to amend the workers' compensation law, in relation to allowing the New York state insurance fund to enter into agreement with private insurance providers to cover out-of-

state work (Part II); to amend the election law, in relation to triggering automatic manual recounts in elections that finish with a small margin of victory (Part JJ); to amend the state finance law, in relation to video lottery terminal aid (Part KK); to amend the general municipal law, in relation to enhancing flexibility within the county-wide shared services initiative (Part LL); to amend the local finance law, in relation to the voting requirements for the financial restructuring board for local governments (Part MM); to amend the tax law and the public authorities law, in relation to AIM-related sales tax payments in the counties of Nassau and Erie (Part NN); to amend the county law, the correction law and the judiciary law, in relation to authorizing shared county jails (Part OO); to amend the domestic relations law, in relation to consideration of the effects of domestic violence and other acts on future financial circumstances to determine equitable distribution of marital property (Part PP); to amend the public authorities law, in relation to ensuring pay equity at state and local public authorities (Part QQ); to amend the family court act and the criminal procedure law, in relation to orders of protection (Part RR); to amend the election law, in relation to banning campaign contributions from foreign corporations (Part SS); to amend the public officers law and the election law, in relation to requiring the disclosure of tax returns for certain elected officials and appointed employees (Part TT); to amend the executive law and the tax law, in relation to disclosure requirements for certain nonprofits (Part UU); and to provide for the administration of certain funds and accounts related to the 2020-2021 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and

accounts; to amend part D of 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 certain bonds or notes; to amend part Y of 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 the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend part K of 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 the issuance of certain bonds or notes; to amend the New York state medical care facilities finance agency act, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or 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 certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the state finance law, in relation to payments of bonds; to amend the civil practice law and rules, in relation to an action related to a bond; and providing for the repeal of certain provisions upon expiration thereof (Part VV)

## **PURPOSE:**

This bill contains provisions needed to implement the Public Protection and General Government portion of the FY 2021 Executive Budget.

This memorandum describes Parts A through VV of the bill which are described wholly within the parts listed below.

## **Part A – Extend Various Criminal Justice and Public Safety Programs That Would Otherwise Sunset**

### **Purpose:**

This bill would extend for two years various criminal justice and public safety programs and continues the existing formula for distribution of certain monies recovered by county district attorneys that would otherwise expire in 2020.

### **Summary of Provisions and Statement in Support:**

This bill would extend the authorization of various sections of law to ensure the continuation of a host of criminal justice programs -- all of which have been extended multiple times. Key programs and statutory provisions continued by this bill include: psychological testing of correctional officer candidates; expanding the geographic area of employment of certain police officers; determinate sentencing; inmate work release programs and furloughs; the earned eligibility program; substance abuse treatment for inmates; incarceration, parole and probation fees; mandatory surcharge and crime victim assistance fees; alternatives to incarceration; armory rent; the ignition interlock program for individuals convicted of alcohol-related violations; electronic court appearances; the adult interstate compact; mandatory arrest in cases of domestic violence; and protective measures for child witnesses.

This bill would also extend Section 25 of Part O of Chapter 55 of the Laws of 2019, for two years. Pursuant to that law, a county district attorney in New York City may retain a portion of recoveries it makes before the filing of an accusatory instrument, and the remaining amount is distributed equally between the State and the City of New York.

### **Budget Implications:**

Enactment of this bill is necessary to implement the FY 2021 Executive Budget as it will ensure that the State continues to receive a share of such revenues.

### **Effective Date:**

The provisions of this act shall take effect immediately, provided, however, that the applicable effective date of each part of this act shall be as specifically set forth in the last section of such part.

## **Part B – Close the Electronic Security and Targeting of Online Predators Act (e-STOP) Loophole**

### Purpose:

This bill would require all sex offenders to disclose their screen name for each social media account or dating/gaming application on which they have an account to the Division of Criminal Justice Services.

The bill would also make it a crime for convicted sex offenders to misrepresent themselves online.

### Summary of Provisions and Statement in Support:

Current law requires sex offenders to register and keep up to date all current email accounts, screen names and any other Internet identifiers with the state Division of Criminal Justice Services; the list is then given to certain social networking companies that may purge their sites of offenders. However, the proliferation of online dating apps and social media, online predators are using different tools to exploit children, and the current law does not account for these new technologies.

By strengthening the current law and expanding it to include other technological tools used by sexual predators, the law would provide law enforcement and prosecutors the ability to hold sex offenders accountable for predatory actions.

### Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

### Effective Date:

This bill would take effect immediately.

## **Part C – Close the Rape Intoxication Loophole**

### Purpose:

This bill would close the rape intoxication loophole and clarify that a victim's ability to consent is jeopardized whether they were voluntarily or involuntarily intoxicated, giving prosecutors the ability to hold sexual abusers accountable for their criminal acts and allowing sexual abuse survivors to obtain the justice they deserve.

### Summary of Provisions and Statement in Support:

Under current law, a person is deemed incapable of consent when he or she is mentally incapacitated. Currently, mental incapacitation can only occur when a person involuntarily ingests drugs or alcohol. The exclusion of incapacitation due to the voluntary ingestion of drugs or alcohol limits the ability to fully prosecute sexual assaults, even under circumstances in which the victim did not and could not consent to sexual activity and such inability to consent was apparent to the abuser.

This bill would give prosecutors the ability to hold sexual abusers accountable for their criminal acts and allowing sexual abuse survivors to obtain the justice they deserve.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect 180 days after enactment.

**Part D – Add the Division of Criminal Justice Services to the List of Agencies Not Required to Receive a Waiver for Certain Professional Services**

Purpose:

This bill would add the Division of Criminal Justice Services (DCJS) to the list of agencies not required to receive a waiver for entities providing certain professional services.

Summary of Provisions and Statement in Support:

The SNUG Street Outreach program is an evidence-based, violence reduction initiative that treats gun violence as a disease by identifying its causes and interrupting its transmission. SNUG outreach staff do not always feel equipped to handle the extensive needs of many of their program participants, especially when it comes to mental health.

Due to the strong relationship participants build with their outreach workers, the SNUG office is frequently one of the only places in the community where participants feel safe and supported. By integrating clinicians into the SNUG outreach team, DCJS can provide easily accessible mental health services promoted by the outreach workers who SNUG participants know and trust.

Under the current law, DCJS does not have the authority to hire licensed professionals. This bill would remedy the situation and allow programs operated or funded by DCJS to hire licensed social workers.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it will allow DCJS to integrate social work clinicians and case managers into the SNUG program.

Effective Date:

This bill would take effect immediately.

**Part E – Establish the District Attorney Discovery Compensation Fund**

Purpose:

This bill would create the District Attorney Discovery Compensation Fund in State Finance Law to support expenses related to digital evidence transmission technology. It also provides for additional reporting requirements related to pre-criminal proceeding settlement receipts and disbursements.

Summary of Provisions and Statement in Support:

The FY 2020 Enacted Budget included expansive criminal justice reform legislation, including discovery reform, which requires prosecutors and defendants to share information in their possession well in advance of trial. One of the most cost effective solutions to share information between law enforcement, district attorney's offices, and defense attorneys is through the use of digital evidence transmission technology.

This law would require the Office of the Manhattan District Attorney to annually transfer two million dollars of revenue from deferred prosecution agreements to the District Attorney Discovery Compensation Fund to support local assistance services and expenses related to digital evidence transmission technology.

This bill would also require District Attorneys in a county located in a city of one million or more to provide additional reporting information related to pre-criminal proceeding settlement funds.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect immediately.



## **Part F – Prison Closures**

### Purpose:

This bill would expedite the prison closure process by giving the governor authorization to close prisons 90 days after notice.

### Summary of Provisions and Statement in Support:

The Department of Corrections and Community Supervision's (DOCCS) under-custody population has fallen by more than 25,000 inmates from its peak of 71,600 inmates in December 1999. This has resulted in significant unused prison capacity which allowed for the closure of 15 facilities and the elimination of 6,600 beds since 2011-12. The inmate population has continued to decline resulting in additional excess bed capacity.

Under current law, the Commissioner of DOCCS is required to give notice one year prior to closing a correctional facility, and to prepare an adaptive re-use plan six months prior to closure. However, the State must be able to act expeditiously to eliminate excess prison capacity in order to use scarce taxpayer dollars as efficiently and prudently as possible, particularly during a period of fiscal exigency. The transfer of inmates into facilities that are more efficient and offer more rehabilitative services will yield significant recurring savings to taxpayers and is consistent with public safety.

This bill will enable the Governor to close correctional facilities within DOCCS, in state fiscal year 2020-2021, as he determines to be necessary for the cost-effective and efficient operation of the correctional system, provided that the Governor provides at least 90 days' notice prior to any such closures.

### Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget as savings will be realized from anticipated prison closures.

### Effective Date:

This bill would take effect immediately.

## **Part G – Authorize the Transfer of Adolescent Offenders from Department of Corrections and Community Supervision to Office of Children and Family Services**

### Purpose:

This bill would allow adolescent offenders to be moved to the office of children and family services.

Summary of Provisions and Statement in Support:

This bill will allow Department of Corrections and Community Supervision (DOCCS) to transfer adolescent offenders to OCFS and in doing so, would allow the current facilities allocated for these offenders to be repurposed into medium security facilities. In addition, it would further align with the Executive's original RTA proposal.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget. In doing so, the Department of Corrections and Community Supervision (DOCCS) would repurpose the facilities, freeing up to 750 beds, allowing for a closure resulting in FY 21 savings.

Effective Date:

This bill would take effect no later than October 1, 2020.

**Part H – Preferred Services Status by the Correctional Industries Program in DOCCS**

Purpose:

This bill would allow the correctional industries program (Corcraft) of the Department of Corrections and Community Supervision (DOCCS) to provide services as a preferred source.

Summary of Provisions and Statement in Support:

This bill would amend State Finance Law §162 to include "services" as a preferred source offering by Corcraft.

Unlike the other two preferred source vendors, which can sell both commodities and services, Corcraft is currently authorized by statute to sell only commodities as a preferred source vendor to its customer base. The program currently provides some services to agency customers utilizing MOU agreements, but these cannot be provided as a preferred source offering. These services are generally focused around installing products that Corcraft manufactures or conducting abatement and remediation work. Adding language to the statute to allow Corcraft to perform services will allow Corcraft to expand its employment opportunities for inmates and eliminate additional bureaucratic steps involved in the procurement process for both customers and DOCCS and streamline the overall process.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget, which seeks to add services as a preferred source for the DOCCS Industries Program.

Effective Date:

This bill would take effect immediately.

**Part I – Suspend Subsidy to Revolving Loan Fund from Cell Surcharge Revenue**

Purpose:

This bill would extend the existing suspension of the annual transfer of \$1.5 million from the Public Safety Communications Account to the Emergency Services Revolving Loan Fund for two fiscal years.

Summary of Provisions and Statement in Support:

This bill would amend Section 186-f of the Tax Law to suspend an annual transfer of \$1.5 million from the Public Safety Communications Account to the Emergency Services Revolving Loan Fund for two fiscal years. This transfer was previously suspended for SFY 2019 and SFY 2020 by Section 1 of Part M of Chapter 55 of the laws of 2018. The Emergency Services Revolving Loan Fund is a means to assist local governments, fire districts and not-for-profit fire/ambulance corporations in financing emergency response equipment, such as firefighter apparatus, fire engines and ambulances, and construction costs related to the housing of such equipment. Since it is structured as a revolving loan fund (i.e., payments of principal and interest are deposited into the fund) and presently there is a robust balance of approximately \$8.9 million, eliminating the annual transfer from the Public Safety Communications Account should not diminish the ability of Revolving Loan Fund's administrators to make new loans.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget. It would ensure that the Public Safety Communications Account has sufficient funds to support other statutorily authorized purposes, including interoperable communication grants to counties.

Effective Date:

This bill would take effect April 1, 2020.

**Part J – Waive the State Police Maximum Age for Appointment for Individuals Employed as Park Police Officers**

Purpose:

This bill would waive the maximum age for appointment as a sworn member of the Division of State Police (DSP) for specific employees of the Office of Parks, Recreation and Historic Preservation (OPRHP).

Summary of Provisions and Statement in Support:

This bill would amend section 215 of the Executive law to allow the Superintendent of DSP to waive the maximum age for appointment for individuals employed by OPRHP as a police officers.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget because its timely passage will provide qualified Park Police Officers with the opportunity to apply to the Division of State Police.

Effective Date:

This bill would take effect immediately; provided, however, that the amendments to subdivision 3 of section 215 of the executive law made by section one of this act shall expire and be deemed repealed April 1, 2023.

**Part K – Preventing the Manufacture and Dissemination of Ghost Guns**

Purpose:

This bill would prevent the manufacture and dissemination of "ghost guns".

Summary of Provisions and Statement in Support:

This bill would prohibit individuals who cannot legally possess a rifle or shotgun from possessing a major component part that could be used to build a firearm, rifle or shotgun.

This bill would require individuals to obtain major components of a firearm, rifle or shotgun only through an in-store transaction at a licensed gun dealer.

This bill would require licensed dealers to:

- limit distribution of major components to only individuals who possess valid identification;
- log all transactions; and

- initiate procedures to obtain a serial number issued by DCJS for all unfinished frames and receivers.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget because it would reduce the number of untraceable guns in New York State.

Effective Date:

This act shall take effect on the first of November next succeeding the date upon which it shall have become a law.

**Part L – Improving Efficiency in the Investigation of Online Sexual Exploitation of Minors**

Purpose:

This bill would authorize the Superintendent of State Police to issue administrative subpoenas during investigations related to the commission of certain online sexual offenses against children.

Summary of Provisions and Statement in Support:

This bill would add a new section 216-e to Article 11 of the Executive Law to provide the Superintendent of State Police with the limited authority to issue subpoenas duces tecum in the course of criminal investigations when there is reasonable cause to believe that an Internet service account or online identifier has been used in the commission of certain specified sexual offenses against children.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget to improve law enforcement's efficiency and effectiveness in investigating online sexual offenses against children.

Effective Date:

This bill would take effect on the 30th day after becoming a law.

**Part M – Remove Guns from Domestic Abusers**

Purpose:

This bill will remove guns from domestic abusers.

Summary of Provisions and Statement in Support:

This bill would amend the Criminal Procedure law to authorize law enforcement to remove guns from the scene of a domestic violence incident.

This bill would also amend the Criminal Procedure law and Family Court act by authorizing law enforcement officers to seize weapons in the interest of the safety of victims of a domestic dispute.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget to decrease domestic violence firearm deaths.

Effective Date:

This bill would take effect on November 1, 2020.

**Part N – Disqualify Individuals from Gun Ownership if They Commit a Serious Misdemeanor Offense in Another State**

Purpose:

New York law currently prohibits individuals from obtaining a gun license if they commit certain New York misdemeanors that are deemed “serious offenses.” However, current law does not prohibit an individual from obtaining a New York gun license if they committed similar misdemeanors in another state.

Summary of Provisions and Statement in Support:

This bill would amend Penal Law to prohibit individuals from obtaining a gun license who commit serious offenses out-of-state that would disqualify them from obtaining a gun license if committed in New York.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget because it will provide greater consistency in New York’s licensing scheme and ensure individuals who are prohibited from purchasing a firearm are not able to do so.

Effective Date:

This bill would take effect shall take effect on the first of November next succeeding the date upon which it shall have become a law.

## **Part O – Requires Crime Gun Data to Specified Centralized Databases**

### Purpose:

This bill will require all state and local law enforcement to collect and submit all gun related evidence to specified centralized databases.

### Summary of Provisions and Statement in Support:

The submission of crime gun information through the eTrace data sharing program will enhance statewide crime gun information and provide a universal benefit to law enforcement agencies in New York. Further, the Governor is proposing legislation to require all state and local law enforcement to collect and submit all ballistics evidence to the National Integrated Ballistics Identification Network (NIBIN). Ballistics evidence – such as shell casings – often prove to be very valuable pieces of evidence at a crime scene.

### Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget to track all gun related evidence.

### Effective Date:

This bill will take effect 180 days after becoming a law.

## **Part P – Share Flags from Mental Health Professionals with Other States**

### Purpose:

This bill will promote information sharing across multiple states regarding eligibility of owning a firearm.

### Summary of Provisions and Statement in Support:

This bill would amend Mental Hygiene Law to allow for the sharing of information to law enforcement entities in other states for the purpose of determining eligibility to purchase, possess, or carry a firearm.

### Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget to ensure owners of firearms are eligible to possess them.

Effective Date:

This bill would take effect immediately.

**Part Q – Establish a Domestic Violence Misdemeanor**

Purpose:

This bill will establish a domestic violence misdemeanor to ensure abusers lose access to firearms immediately upon conviction.

Summary of Provisions and Statement in Support:

This bill would establish a domestic violence misdemeanor.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget to decrease domestic violence firearm deaths.

Effective Date:

This bill would take effect on November 1, 2020.

**Part R – Pass the New York Hate Crime Anti-Terrorism Act**

Purpose:

This bill will ensure that all who commit heinous crimes fueled by hate are prosecuted to the fullest extent of the law.

Summary of Provisions and Statement in Support:

This bill establishes the "New York Hate Crime Anti-Terrorism Act" and will create a domestic act of terrorism motivated by hate in the first degree crime and a domestic act of terrorism motivated by hate in the second degree crime as new A-1 class felonies punishable by up to life in prison without parole.

Budget Implications:



Enactment of this bill is necessary to implement the FY2021 Executive Budget to ensure that all who commit heinous crimes fueled by hate are prosecuted to the fullest extent of the law.

Effective Date:

This bill will take effect on the 180th day after becoming a law.

**Part S – Cease Reimbursement of the Medicare Income Related Monthly Adjustment Amounts to High Income State Retirees and Their Dependents in the New York State Health Insurance Program**

Purpose:

This bill would eliminate automatic State reimbursement of the Income Related Monthly Adjustment Amounts (IRMAA) to high income State retirees and their dependents in NYSHIP. Current State law provides automatic reimbursement of a 2007 Federal law that was implemented to reduce Medicare expenses by requiring higher-income enrollees to pay more into Part B (Medical).

Summary of Provisions and Statement in Support:

It is unaffordable for the State to reimburse high-income retirees for the costs of a program designed to make Medicare coverage more affordable and sustainable, particularly since these higher-earners do not pay more for supplemental NYSHIP coverage than lower-income retirees.

This subsidy is worth \$694 annually for retirees with an Adjusted Gross Income (AGI) between \$87,000 and \$109,000, growing to a taxpayer subsidy of \$4,164 annually for retirees with AGI above \$500,000.

Providing reimbursement for IRMAA is a costly fringe benefit that is rarely offered. We are aware of only two states that provide reimbursement for IRMAA (Connecticut and Hawaii; although Hawaii does not reimburse the full amount). The Federal government does not provide IRMAA reimbursement to its retirees, and we know of no private sector employers that provide this benefit.

Over the past three fiscal years, NYSHIP costs have increased approximately 13 percent, from \$3.43 billion in FY 2017 to \$3.87 billion in FY 2019 (retirees and dependent survivors comprise about half of this cost). This is well beyond the benchmark growth rate of two percent per year, and thus challenges the State's ability to remain economically competitive. Reasonable actions such as this seek to mitigate this spending growth.

Budget Implications:

This bill would save State taxpayers \$3.7 million in FY 2021 and \$15.7 million in FY 2022. Out-year savings are valued at roughly \$19.3 million in FY 2023 and \$23.8 million in FY 2024.

Effective Date:

This bill would take effect on January 1, 2020 for premiums incurred on or after January 1, 2020.

**Part T – Provide a Variable Market-Based Interest Rate on Court Judgments and Accrued Claims Paid by Public and Private Entities**

Purpose:

This bill would provide a variable market-based interest rate on court judgments and accrued claims paid by public and private entities, which will lower State taxpayer costs and provide mandate relief to local governments.

Summary of Provisions and Statement in Support:

The variable market-based interest rate would be the weekly average one-year constant maturity treasury yield, which is the same rate utilized by the Federal court system. Currently, the interest rate is generally established at 9 percent per annum on judgments and accrued claims. This fixed rate was established at a time when interest rates were at 12 percent as a way to protect taxpayers from excessive judgment costs. However, with current interest rates much lower, shifting to a prevailing market rate will help ensure that neither side in a lawsuit will be disadvantaged by an interest rate that is above or below what otherwise could be earned while cases are being adjudicated.

Section 1 would amend section 5004 of the Civil Practice Laws and Rules to provide for the use of the weekly average one-year constant maturity treasury yield in calculating interest on all court judgments and accrued claims, except for any applicable provision of the State Tax Law.

Section 2 would amend section 16 of the State Finance Law to provide for the use of the weekly average one-year constant maturity treasury yield in calculating interest on all court judgments and accrued claims, except for any applicable provision of the State Tax Law.

Section 3 would provide an effective date of April 1, 2020.

Budget Implications:

This bill would reduce the amount of interest paid by the State on court judgments and accrued claims by roughly \$6 million annually. Additionally, passage of this bill would provide fiscal relief to local governments and businesses.

Effective Date:

This bill would take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2020.

**Part U – Cap State reimbursement of the Standard Medicare Part B (Medical) Premium Paid to Eligible Retirees and Their Dependents in the New York State Health Insurance Program at the 2020 level of \$144.60 per Month**

Purpose:

This bill would cap State reimbursement of the Medicare Part B standard premium for eligible State NYSHIP retirees and their dependents at the 2020 level of \$144.60 per month. Subsequent increases in reimbursement would be considered as part of the annual budget process.

Summary of Provisions and Statement in Support:

This bill would amend section 167-a of the Civil Service Law to provide that, effective April 1, 2020, State reimbursement to eligible retirees and their dependents for the Medicare Part B standard premium shall not exceed the federally established 2020 level of \$144.60 per month. Capping reimbursement at the 2020 level would ensure that automatic escalators (that drive increasing taxpayer costs) be considered as part of the annual budget process.

Providing reimbursement for the standard Medicare Part B premium is a costly fringe benefit that is rarely offered elsewhere. We are aware of only five other states that reimburse the standard premium (California, Connecticut, Hawaii, Nevada and New Jersey) and the state of Ohio recently phased out reimbursement. The Federal government does not provide reimbursement to its retirees, and we do not know of any private sector employers that provide this benefit to its retirees.

Over the past three fiscal years, NYSHIP costs have increased by about 13 percent, from \$3.43 billion in FY 2017 to \$3.87 billion in FY 2019 (retirees and dependent survivors comprise about half of this cost). This is well beyond the benchmark growth rate of two percent per year and challenges the State's ability to remain economically competitive. Reasonable actions such as this seek to mitigate this spending growth.

Budget Implications:

This bill would provide State taxpayer savings of \$2.2 million in FY 2021 and \$11.8 million in FY2022. If the reimbursement level is not increased in the out-years, savings is projected at \$24.4 million in FY 2023 and \$41.3 million in FY 2024. Additionally, this proposal is expected to reduce the State's Other Post Employment Benefit (OPEB) liability by \$5.6 billion dollars.

Effective Date:

This bill would take effect immediately and shall apply to the standard Medicare premium amount on and after April 1, 2020.

**Part V – Implement a Sliding Scale Reimbursement of Health Care Costs for Future New York State Civilian Hires at Retirement Within the New York State Health Insurance Program**

Purpose:

Lifetime taxpayer support for health insurance coverage of a State retiree with 10 years of service is currently the same as that for a retiree with 30 years of service. Under this proposal, taxpayer support for health insurance coverage would be gradually increased based on years of service of the retiree, comparable to the calculation for pension benefits. This proposal would be effective for new civilian, non-disability retirees who begin employment on or after October 1, 2020.

Summary of Provisions and Statement in Support:

Currently, the taxpayer subsidy for retiree health insurance coverage is the same regardless of whether the retiree has 10 years of State service or 30 or more years of service. This is inconsistent with most employee benefit programs (e.g., pensions) that provide greater benefits and taxpayer funding to compensate for a longer career. This lifetime retiree health care support is currently projected at \$500,000 per retiree. Under this bill, taxpayer support for new civilian, non-disability State employees who begin their employment on or after October 1, 2020 and subsequently retire with less than 30 years of service would receive benefits calculated on a graduated scale based on years of service.

Budget Implications:

This change will be fully implemented in approximately 30 years once the current retiree group is largely replaced with post October 1, 2020 hires and will result in an overall reduction of about 4% in OPEB liability in the future.

Effective Date:

This bill would take effect for new retirees hired on or after October 1, 2020.

## **Part W – Continuing to Protect and Strengthen Unions**

### Purpose:

This bill further protects public sector unions following the United States Supreme Court's decision in Janus v. AFSCME.

### Summary of Provisions and Statement in Support:

The United States Supreme Court ruled in Janus v. AFSCME that nonunion workers cannot be forced to pay agency shop fees to public sector unions. In light of this decision, New York State has enacted several labor protections to protect public sector unions.

Section 1 of the bill is a technical correction that adds an existing exception to the prohibition against a public employer disclosing the personal information of public employees. Section 209-a of the Civil Service Law, which defines improper practices by employers, would be amended to reference paragraph (a) of subdivision 4 of section 208 of the Civil Service Law. This will allow public employers to provide the personal information of new hires, and of employees who have been transferred or promoted, to an employee organization without such action being classified as an improper practice. This corrects an unintentional consequence of the original statute and ensures that unions will be kept apprised of new hires and member status.

Section 2 of the bill amends paragraph (b) of Subdivision 4 of section 208 of the Civil Service Law to require public employers to provide employee organizations access to new employee orientations if the public employer conducts such orientations. Current law provides unions the opportunity to meet with members for a reasonable amount of time during work time without charge of leave accruals.

Section 3 amends section 215 of the Civil Service Law to make a technical correction relating to the indemnification of public employers, employee organizations and the Comptroller from liability for deducting, receiving or retaining dues or agency shop fees prior to the Janus decision (prior to June 27, 2018).

### Budget Implications:

This bill will have no impact on State or local finances.

### Effective Date:

This bill would take effect immediately.

## **Part X – Comprehensive Technology Service Contracts**

Purpose:

This bill would authorize the director of the Office of Information Technology Services (ITS) to issue comprehensive technology service contracts.

Summary of Provisions and Statement in Support:

This bill would authorize ITS to issue and award comprehensive technology service contracts, allowing the same firm to both design and implement specified IT systems.

The current statute prevents ITS from employing comprehensive technology service contracts, which has historically led to project delays and multiple iterations of procurements being developed to implement a single system. The prohibition against utilizing comprehensive technology service contracts deters many firms from bidding on the design portion of a project and could result in the State not obtaining the most qualified vendor.

This bill also establishes parameters for the authorization of comprehensive technology service contracts to prevent vendors from utilizing the change-order or amendment processes to increase the value of an awarded contract. Any request for an increase in contract price would be subject to approval by the Division of Budget and Office of the State Comptroller.

Budget Implications:

None. This bill would enact changes to procurement practice but would not result in an increased cost to the State.

Effective Date:

This bill would take effect immediately.

**Part Y – Defining Technology**

Purpose:

This bill would standardize and update the definition of "Technology" in the State Finance Law and the State Technology Law to clarify what constitutes technology and to account for new forms of technology.

Summary of Provisions and Statement in Support:

This bill would standardize and update the definition of "Technology" across the State Finance and State Technology Laws in order to clarify what authority the Office of

Information Technology Services (ITS) has to regulate technology and ensure such authority corresponds with the type of technology ITS is authorized to purchase.

This language would improve ITS' ability to procure technology goods and services, in order to better achieve the agency's core mission.

Budget Implications:

None. Enactment of this bill would facilitate implementation of the FY 2021 Executive Budget but would not result in an increased cost to the State.

Effective Date:

This bill would take effect immediately.

**Part Z – Establishment of SFS Procurement and Contracting Authority**

Purpose:

This bill would authorize the Statewide Financial System (SFS) to issue procurements and contracts.

Summary of Provisions and Statement in Support:

This bill would authorize SFS to issue and award procurements and contracts to support their business operations.

The current statute does not provide SFS with the appropriate procurement and contracting authority, causing additional administrative work for external agencies. This bill would authorize SFS to complete this work internally, while maintaining that all procurements and contracts remain subject to approval by the Division of Budget and Office of the State Comptroller.

Budget Implications:

None. This bill would enact changes to procurement practice but would not result in an increased cost to the State.

Effective Date:

This bill would take effect immediately.

**Part AA – Permanent 15-Year Lease Authority**

Purpose:

This bill would permanently allow the Commissioner of General Services to enter into 15-year leases on behalf of State agencies. The bill would also make permanent the authority to enter into agreements for a payment-in-lieu-of-taxes (PILOT) when State buildings or other facility are acquired by a lease or lease-purchase in instances where bonds and notes are issued.

Summary of Provisions and Statement in Support:

The bill would permanently allow the Commissioner of General Services to enter real property leases for a term not exceeding 15 years to meet the space requirements of State departments, agencies, and offices. This bill would also make permanent the authority to enter into PILOT agreements when the State has acquired a building or other facility by lease or lease-purchase.

Leases with terms of 15 years are becoming more common, particularly downstate and instances where the State asks the landlord to complete a build-out and the landlord needs to amortize such expenses over the life of the lease. On average, a 15-year lease term can offer savings of 7% to 10% over a 10-year term. While the Commissioner of General Services will continue to enter many 5- and 10-year leases, 15-year leases are becoming common enough that it no longer makes sense to treat them as exceptional.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because 15-year leases provide for considerable cost avoidance to the State.

Effective Date:

This bill would take effect July 1, 2020.

**Part BB – Require Sexual Harassment Disclosure from State Contractors**

Purpose:

This bill would amend state finance law to require bidders to provide reports on sexual harassment.

Summary of Provisions and Statement in Support:

This bill would further the State's efforts to target sexual harassment in the workplace and ensure accountability with entities that do business with New York state agencies. This bill would require that bidders on state contracts identify, *inter alia*, the number of



adverse judgments or administrative rulings arising from allegations of sexual harassment during the preceding year; whether any equitable relief was ordered against the bidder in an adverse judgment or administrative ruling; the total number of settlements entered into during the preceding year that relate to any alleged act of sexual harassment that occurred in the workplace of the bidder; and the total number of settlements entered into during the previous year that relate to any alleged act of sexual harassment committed by a corporate executive without regard to whether that behavior occurred in the workplace of the bidder.

The bill would also require that such reports be provided to the Office of the State Comptroller and the Division of Human Rights and further require that the Comptroller prepare an annual report summarizing such data.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect on the first of July of the next succeeding the date upon which it shall have become a law and shall apply to all contracts with the state entered into on or after such effective date.

**Part CC – Creates a New Type of License for In-State Higher Education Institutions Which Would Allow Both Retail and Manufacturing Privileges for Training Purposes**

Purpose:

This bill would allow the creation of a new license type in Alcoholic Beverage Control Law (ABCL) to permit higher educational institutions to have both retail and manufacturing privileges. These institutions could establish full-fledged craft beverage programs which would allow both the manufacturing of all types of alcohol and the sale of those products to retail customers for on or off premises consumption. Under this new license, the schools could also establish full-scale restaurants for customers to sample food and craft beverages, giving the students valuable hands-on experience.

Summary of Provisions and Statement in Support:

This bill would create a new article 3-a in ABCL that would allow any college or university accredited by the board of regents to apply for a higher education institution license with an annual license fee of two-thousand dollars.

Under this new license, the licensed institution would have the privilege to manufacture and sell mead, beer, cider, liquor and wine. Sales could be at the wholesale level or retail level for on or off premises consumption.

All provisions in ABCL relative to the sale at retail for on premises consumption shall apply. This bill would simplify the licensing of craft beverage programs at in-state institutions and support the craft beverage industry.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget to simplify the administration of licensing in-state higher education institutions.

Effective Date:

This bill would take effect October 1, 2020.

**Part DD – Allows the Holders of an On-Premise Retail License to Meet the Food Service Requirements to Serve Alcoholic Beverages in Movie Theatres**

Purpose:

This bill would make alcoholic beverages available for consumption at all theatres for movies with ratings of PG-13, R, or NC-17, removing the full restaurant facilities requirements under current Alcoholic Beverage Control Law (ABCL).

Summary of Provisions and Statement in Support:

This bill would amend Section 106 of the Alcoholic Beverage Control Law to allow movie theatres to sell alcoholic beverages for motion pictures that are rated PG-13, R, or NC-17. The holder of a retail on-premise license would be allowed to sell directly to an individual holding a ticket, with proof of age, allowing one alcoholic beverage per transaction.

Subdivision 8 of section 64-a would allow food that is typically found in a motion picture theatre, including but not limited to: popcorn, candy, and light snacks, to be deemed in compliance with this food requirements under ABCL.

The sale of alcoholic beverages will help movie theatres remain viable and competitive in a changing market without major renovations or costs.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it would increase State revenues from additional licensing fees.

Effective Date:

This bill would take effect immediately.

### **Part EE – To Allow Craft Beverage Brewers and Distillers to Sell Their Products on Their Premises Without Needing Legislative Approval for Each License**

#### Purpose:

To amend Alcoholic Beverage Control Law (ABCL) to match less restrictive Federal law and remove the barriers in current ABCL that restrict growth in the craft beverage industry. Current laws do not allow a manufacturer/wholesaler to have any interest in a retail establishment where the party has either direct or indirect control in any other licensed alcohol-related business in or outside the state.

#### Summary of Provisions and Statement in Support:

This bill would amend Section 101 of ABCL to allow a manufacturer or wholesaler who does not directly or indirectly exercise control over a retail business, to hold either directly or indirectly an interest in a licensed retail premises with the following provisions:

- a) the manufacturer or wholesaler does not, directly or indirectly, exercise control over or participate in the management of the retailer's business or business decisions;
- b) the interest does not result in the retailer purchasing alcoholic beverages from the manufacturer or wholesaler to the exclusion of others;
- c) the products and services of the manufacturer or wholesaler are offered to all retailers in the local market on the same terms; and
- d) the retailer purchases from a wholesaler licensed under this chapter without an interest in the retailer.

Additionally, the same restrictions are applied to a retailer with an interest in a wholesaler or manufacturer. This bill will help promote the craft beverage industry in New York State.

#### Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

#### Effective Date:

This bill would take effect immediately.

### **Part FF – Establish the Hours During Which Alcoholic Beverages may be Sold on Certain International Airport Property**

Purpose:

This bill would amend current Alcoholic Beverage Control Law (ABCL) relating to the hours of service when alcoholic beverages may be served at LaGuardia, JFK and Stewart International Airports. Recently, the New Jersey State Legislature changed the hours alcohol may be served at the Newark International Airport. This bill will make the hours of service consistent between airports owned or operated by the Port Authority of NY and NJ.

Summary of Provisions and Statement in Support:

This bill would change the hours during which alcoholic beverages can be served on premises located within an international airport owned and operated within New York by the Port Authority of New York and New Jersey. This amendment would allow alcohol sales Monday-Saturday at all hours, except between 3 AM and 6 AM.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part GG – New York State Insurance Fund Small Business Relief - Investment Authority**

Purpose:

This bill would authorize the New York State Insurance Fund (SIF) to invest reserves and surplus similar to that of private insurance carriers. The proposed changes in this bill would permit SIF to diversify its portfolio, increasing returns through safer investments and, ultimately, lower premiums for business owners.

Coupled with other SIF Small Business Relief Proposals, these reforms will reduce workers' compensation costs for approximately 100,000 of SIF's current customers. It is estimated that small businesses will see a 5 percent reduction in policy premiums.

Summary of Provisions and Statement in Support:

SIF is one of New York State's largest providers of Workers' Compensation, Disability, and Paid Family Leave insurance, and is a guaranteed source of insurance for New York businesses. SIF competes with commercial carriers to keep prices reasonable in

the marketplace and to enhance competition. Investment returns are a critical component of pricing for workers' comp insurers.

Under current law, SIF is limited in its investment authority, which limits SIF's ability to properly diversify its portfolio. This bill would allow SIF to adopt Insurance Law Article 14 as the basis for their investment authority. The added investment authority would:

- Permit SIF to better diversify its investments under a single coordinated set of rules that would enhance investment returns;
- Allow SIF to better adapt to long-term trends and changes in financial markets;
- Mitigate investment risk through increased portfolio diversity; and
- Offset premium costs for policyholders by generating additional investment returns

#### Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget. It will strengthen SIF's position in the competitive market and ultimately reduce workers' compensation costs for small businesses.

#### Effective Date:

This bill would take effect July 1, 2020; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2020.

### **Part HH – New York State Insurance Fund Small Business Relief - Audit Compliance Authority**

#### Purpose:

This bill would permit the New York State Insurance Fund (SIF) to cancel workers' compensation policies based on the policyholder's failure to cooperate with a payroll audit.

#### Summary of Provisions and Statement in Support:

Under current law, Worker's Compensation (WC) insurers, including SIF, have the right to audit policyholders records to verify payroll. WC premium is typically determined as a percentage of a business' payroll. Audits allow an insurer to verify the correct payroll, and premium, as well as assess the extent of the risk posed by policyholders' business. If a policyholder fails to comply with a payroll audit, SIF is forced to estimate payrolls, typically increasing the amount of premium that the policyholder owes. In many instances this increase in premium leads to policyholders missing payments which can lead to policy cancellation.

This bill authorizes SIF to cancel a workers' compensation policy when the policyholder fails to cooperate with an audit, after multiple SIF attempts to complete an audit. This change will result in higher compliance with the WC law and better customer experience for policyholders.

Budget Implications:

Enactment of this bill is vital to the implementation of the FY 2021 Budget.

Effective Date:

This bill would take effect July 1, 2020

**Part II – New York State Insurance Fund Small Business Relief - Out of State Coverage**

Purpose:

This bill would permit the New York State Insurance Fund (SIF) to enter into agreements with private insurers to cover NYSIF policy holders performing work outside of New York State.

Coupled with the other SIF Small Business Relief Proposals, these reforms will reduce workers' compensation costs for approximately 100,000 of SIF's current customers. It is estimated that small businesses will see a 5 percent reduction in policy premiums.

Summary of Provisions and Statement in Support:

Under current law, the New York State Insurance Fund (SIF) cannot cover policyholders performing work outside New York State. This bill would allow SIF to partner with private insurers to offer policyholders coverage in situations where work is performed outside of New York. It would result in lower costs for businesses owners.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget in order to permit covering SIF policy holders performing work outside of New York State. SIF is losing business to private insurers that are licensed to write WC insurance in multiple states.

Effective Date:

This bill would take effect immediately after enactment.

## **Part JJ – Manual Recounts**

### Purpose:

This bill would require an automatic manual recount when an election is decided by a small margin.

### Summary of Provisions and Statement in Support:

This bill would amend the Election Law requiring county boards of elections to conduct manual recounts of ballots from any general, special or primary election in the following circumstances: (1) in a statewide election if the margin of victory is 0.2 percent or less of all ballots cast in the contest; or (2) in any other election for public office if the margin of victory is 0.5 percent or less of all ballots cast in the contest.

Currently, there is no established statewide standard for when and how a recount should occur. The purpose of this bill is to ensure confidence in the integrity of election results in every race by putting standards and procedures in place to verify the outcome in extremely close election contests.

### Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

### Effective Date:

This bill would take effect on the first of January next succeeding the date on which it shall have become law and apply to any election held 120 days or more after such effective date.

## **Part KK – Eliminate VLT Aid to All Municipalities Outside of Yonkers**

### Purpose:

This bill would eliminate Video Lottery Terminal Aid (VLT Aid) for all municipalities outside of the City of Yonkers.

### Summary of Provisions and Statement in Support:

This bill would amend the State Finance Law to eliminate VLT Aid to all municipalities outside of the City of Yonkers.

In FY 2020, the State provided approximately \$28.9 million of annual aid to the municipalities that host VLT facilities across the State. Of this amount, \$19.6 million is

distributed to the City of Yonkers. The other \$9.3 million is split among 15 different municipalities.

This bill would preserve VLT Aid to Yonkers because, unlike other recipients of this aid, the City is required to use the funding to support its school district.

Further, there are other local governments that host a VLT facility that have never received such funding, and generally the State does not provide additional aid for other types of facilities that may have similar local service impacts as a VLT facility, including community colleges, SUNY campuses, and State office buildings.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget to create parity among the VLT host communities outside Yonkers, and because it achieves \$9.3 million in annual recurring savings.

Effective Date:

This bill would take effect immediately.

**Part LL – Enhance Flexibility Within the County-Wide Shared Services Initiative**

Purpose:

This bill would enhance flexibility within the County-Wide Shared Services Initiative (CWSSI) by expanding opportunities for local government shared services plans, actions and State matching funds.

Summary of Provisions and Statement in Support:

The FY 2018 Enacted Budget introduced the County-Wide Shared Services Initiative to provide a process whereby each county could work to develop, approve, and submit to the State a County-Wide Shared Services Property Tax Savings Plan (Plan) with new shared services actions that, once implemented, achieve demonstrable taxpayer savings.

Currently, a project included in a previous Plan may not be included in a future Plan and is not eligible for State matching funds. This bill would encourage realization of shared services initiatives by allowing projects included in previous Plans that have not yet been implemented to be eligible for State matching funds.

Additionally, under current law, net savings for each project are only eligible for State matching funds for net savings achieved between January 1st and December 31st of the ensuing year. This bill would allow local governments to decide whether to



implement projects, beginning either January 1st or July 1st of the ensuing year in order to be eligible for State matching funds. This bill would, however, maintain the requirement that all projects in a Plan be implemented during the same 12-month period.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because the FY 2021 Executive Budget re-appropriates over \$200 million for the County-Wide Shared Services Initiative, and these changes will encourage greater participation and more taxpayer savings.

Effective Date:

This bill would take effect immediately.

**Part MM – Modify Voting Requirements for the Financial Restructuring Board for Local Governments**

Purpose:

This bill would modify voting requirements for the Financial Restructuring Board for Local Governments in order to improve the ability to schedule Board meetings and take action.

Summary of Provisions and Statement in Support:

Section one of this bill would authorize the Board to act by an affirmative vote of a majority of the total number of members present at a proceeding, meeting, or hearing. Currently, the Board may only act by an affirmative vote of a majority of the total number of members.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget, because the Budget reappropriates over \$60 million for grants and awards of the Financial Restructuring Board for Local Governments.

Effective Date:

This bill would take effect immediately.

## **Part NN – Clarify AIM-Related Sales Tax Payments Process for Nassau and Erie Counties**

### Purpose:

This bill would clarify the process by which AIM-related sales tax payments are made within Nassau and Erie Counties.

The FY 2020 Enacted Budget replaced AIM to certain towns and villages with additional local sales tax revenue and directed the State Comptroller to make the AIM-related payments directly to the affected towns and villages.

However, the existence of local control boards in Erie and Nassau Counties that are statutorily required to receive sales tax complicates the administration of the new law. This bill would direct the local control boards to remit necessary funds back to the State in order to allow AIM-related payments to be made to affected towns and villages in Erie and Nassau County.

### Summary of Provisions and Statement in Support:

Section one of this bill would amend Section 1261 of the Tax Law to direct the control boards to remit necessary funds back to the State in order to fulfill the withholding and distribution requirements of the FY 2020 Enacted Budget changes.

Sections two, three, and four of this bill would make the corresponding changes within the enabling Public Authorities Law statutes of each control board in order to properly effectuate the necessary payments.

### Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because the Budget assumes that these payments will be made as intended to the affected towns and villages.

### Effective Date:

This bill would take effect immediately.

## **Part OO – Authorize Shared County Jails**

### Purpose:

This bill would relieve counties of the requirement to operate/maintain their own jail, if they have approved sharing agreements for the housing of the inmate population.

Summary of Provisions and Statement in Support:

Section 217 of the County Law requires each county to maintain a jail. This bill would allow counties to pursue shared services and realize significant savings and avoided costs made possible by realizing efficiencies due to declining jail populations.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget, because it provides counties flexibility to share jails and realize additional savings.

Effective Date:

This bill would take effect immediately.

**Part PP – Strengthen Protections for Domestic Violence Victims Seeking a Divorce**

Purpose:

This bill would require courts to specifically consider the effects of domestic violence on the future financial circumstances of each party while determining equitable distribution of property in a divorce proceeding.

Summary of Provisions and Statement in Support:

This legislation would require a court to examine the circumstances and results of domestic violence, and would allow the court to find that a party has a diminished future ability to make a living due to acts of domestic violence committed against them by the other party. This measure would enhance victims' abilities to receive equitable distribution.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect on the thirtieth day after it shall have become law.

**Part QQ – Ensure Pay Equity at State and Local Public Authorities**

Purpose:

This bill extends recently enacted pay equity protections for protected class employees within State agencies to protected class employees within state and local public authorities.

Summary of Provisions and Statement in Support:

New York recently adopted the Pay Equity Law, which prohibits wage differentials within the State service for protected class employees. This bill would extend the provisions of the Pay Equity Law to protected class employees within state and local public authorities.

Section 1 of this bill would add a new section 3 to the Public Authorities Law which mirrors the existing Pay Equity Law (section 115 of the Civil Service Law).

Section 2 of the bill defines protected class, compensation and employees who work for the same establishment.

Section 3 of the bill lists when it is not a violation to pay different compensation to employees.

Budget Implications:

This bill would have no appreciable impact on State or local finances.

Effective Date:

This bill would take effect immediately.

**Part RR – Expansion of Access to Civil Orders of Protection in Family Courts**

Purpose:

This bill would allow Family Courts to issue orders of protection without requiring the petitioner to allege and prove a family offense was committed.

Summary of Provisions and Statement in Support:

Family Court is a civil court, not a criminal court. Yet, the legal construct of family offenses has tied civil relief for domestic violence victims to Penal Law offenses, and therefore criminal definitions of actionable behavior. This is increasingly problematic as the courts have narrowed the interpretation of certain Penal Law statutes listed as enumerated family offenses and often used in domestic violence cases, and victims are required to meet the elements of these criminal offenses to get the protection they need.

This bill would allow Family Courts to issue orders of protection without requiring the petitioner to allege and prove a family offense was committed. The orders of protection could be issued to stop the violence, end the family disruption and/or to obtain protection.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part SS – Ban on Contributions from Foreign-Influenced Corporations**

Purpose:

This bill would amend the election law to prohibit companies owned, partially or entirely, by foreign nationals from making political campaign contributions.

Summary of Provisions and Statement in Support:

Adds a new section to 14-116-a to article 14 of the election law that bans contributions from companies which are: (1) owned or controlled by a foreign national with 5 percent or more control or ownership of the company; (2) owned or controlled by two or more foreign nationals with ten percent or more, in aggregate, control or ownership; or (3) has a foreign national participating, directly or indirectly, in the company's decision making process as it relates to political activities in the United States. The definition of "foreign national" shall be as defined in subsection b of section 30121 of title 52 of the United State Code, including but not limited to a foreign government or a foreign principal.

Violations of this section will be punishable by an A misdemeanor and up to year in jail, as well as a civil fine up to ten thousand dollars.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect on June 1, 2020.

**Part TT – Nothing to Hide Act - Disclosure of Tax Returns**

Purpose:

This bill would require any statewide elected official, member of the legislature, appointed state commissioner, or elected local official in New York State who receives annual compensation beyond \$100,000 to file an annual copy of their tax return with the Joint Commission on Public Ethics (JCOPE).

Summary of Provisions and Statement in Support:

This proposal would amend Public Officer's Law and Election Law by requiring JCOPE to collect tax returns and make them available to the public for a period of five years. In addition, the State Board of Elections would be obligated to notify each individual nominated or designated for public office of their obligation to file their tax return with JCOPE.

This bill would facilitate greater transparency and trust in state government and assure constituents that their elected representatives are abiding by the same tax laws as all other New Yorkers and are not subject to financial conflicts of interest when enacting public policies.

Budget Implications:

Enactment of this bill is necessary to implement the FY2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part UU – Disclosure Requirements for Charitable Nonprofit Entities**

Purpose:

This bill would amend Article 7-A of the Executive Law in relation to disclosure of donations made by certain charitable nonprofit entities.

Summary of Provisions and Statement in Support:

This bill would require covered entities to disclose monetary donations to the Department of Law and the Department of Taxation and Finance and clarifies the reporting requirements, relevant reporting period, and responsibilities of the recipient entities. This bill would also set the role of the Attorney General and the Commissioner of Tax and Finance in regard to exemptions to public disclosure of such monetary donations and allows for future donations to be taken into consideration for exemption determinations. Corresponding amendments are made as applicable to communications covered under Article 7-A of the Executive Law.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part VV – Authorization for Transfers, Temporary Loans, and Amendments to Miscellaneous Capital/Debt Provisions, Including Bond Caps**

Purpose:

This bill would provide the statutory authorization necessary for the administration of funds and accounts included in the fiscal year 2020-21 Executive Budget and propose certain modifications to improve the State's General Fund position in the upcoming fiscal year. Specifically, it would: (1) authorize temporary loans and the deposits of certain revenues to specific funds and accounts, (2) authorize the transfers and deposits of funds to and across various accounts, (3) extend various provisions of Chapter 59 of the Laws of 2018 in relation to capital projects and certain certifications, and (4) modify various debt and bond provisions necessary to implement the budget.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill is necessary to execute a balanced Financial Plan in accordance with the 2020-21 Executive Budget. Similar legislation is enacted annually to authorize the transfer of funds budgeted in the financial plan (that do not have permanent statutory authorization) and to provide for other transactions necessary to effectuate the provisions of the budget. The bill includes the following provisions:

- Section 1 of this bill would authorize the Comptroller to make temporary loans to specific State funds and accounts during fiscal year 2020-21.
- Section 1-a of this bill would authorize the Comptroller to make temporary loans to accounts within specific Federal funds during fiscal year 2020-21.
- Sections 2 and 3 of this bill would authorize the Comptroller to make transfers between designated funds and accounts.
- Section 4 of this bill would authorize the Comptroller to deposit funds into the Banking Services Account.
- Section 5 of this bill would authorize the Dormitory Authority of the State of New York (DASNY), at the direction of the Director of the Division of Budget (DoB) and

upon request by the State University of New York (SUNY), to transfer up to \$22 million to SUNY for bondable equipment costs, which in turn would be re-paid to the General Fund.

- Section 6 of this bill would authorize the Comptroller, at the request of the Director of DoB and upon consultation with the SUNY Chancellor, to transfer up to \$16 million to the General Fund for debt service costs related to capital project costs for the NY-SUNY 2020 Challenge Grant program at the University at Buffalo.
- Section 7 of this bill would authorize the Comptroller, at the request of the Director of DoB and upon consultation with the SUNY Chancellor, to transfer up to \$6.5 million to the General Fund for debt service costs related to capital project costs for the NY-SUNY 2020 Challenge Grant program at the University at Albany.
- Section 8 of this bill would authorize the SUNY Chancellor to transfer the estimated tuition revenue balances from the State University Collection Fund to the State University Fund, State University General Revenue Offset Account.
- Section 9 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$1.0197 billion from the General Fund to the State University Income Fund, State University Hospitals Income Reimbursement Account.
- Section 10 of this bill would authorize the Comptroller to transfer up to \$20 million from the General Fund to the State University Income Fund, State University General Revenue Offset Account during the period of July 1, 2020 through June 30, 2021.
- Section 11 of this bill would authorize the Comptroller to transfer up to \$55 million from the State University Income Fund, State University Hospitals Income Reimbursable and Long Island Veterans' Home accounts, to the State University Capital Projects Fund.
- Section 12 of this bill would authorize the Comptroller, after consultation with the SUNY Chancellor, to transfer monies from the State University Collection and the State University Income funds to the State University Income Fund, State University Hospitals Income Reimbursable Account, in the event that insufficient funds are available to permit the full transfer of moneys authorized for transfer to the General Fund for SUNY Hospitals' debt service.
- Section 13 of this bill would authorize the Comptroller, at the direction of the Director of DoB and the SUNY Chancellor, to transfer up to \$80 million between the State University Dormitory Income Fund and the State University Residence Hall Rehabilitation Fund.



- Section 14 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$650 million from the unencumbered balance of any Special Revenue Fund or Account, Agency Fund or Account, Internal Services Fund or Account, or Enterprise Fund or Account, or any combination thereof (excluding Federal funds, or any fund in which the eligibility for Federal benefits would be impacted), to the General Fund.
- Section 15 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$100 million from any non-general fund or account, or combination thereof (excluding funds in which the eligibility for Federal benefits would be impacted), to the Technology Financing Account, the Miscellaneous Capital Projects Fund, the Federal Capital Projects Account, the Information Technology Capital Financing Account, or the centralized technology services account for the consolidation of costs related to technology services.
- Section 16 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$400 million from any non-general fund or account, or combination thereof (excluding funds in which the eligibility for Federal benefits would be impacted), to the General Fund as reimbursement for costs related to technology services.
- Section 17 of this bill would authorize the transfer of up to \$20 million from the New York State Power Authority to the State Treasury to credit of the General Fund, after April 1, 2020.
- Section 18 of this bill would authorize the transfer of up to \$23.9 million from the New York State Energy Research and Development Authority to the credit of the General Fund, on or before March 31, 2021.
- Section 19 of this bill would authorize the transfer of up to \$5 million from the New York State Energy Research and Development Authority to the credit of the Environmental Protection Fund, on or before March 31, 2021.
- Section 20 of this bill would amend State Finance Law (SFL) §97-rrr to allow the State Comptroller to deposit up to \$2.0 Billion into the School Tax Relief Fund.
- Section 21 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer designated special revenue fund balances to the capital projects fund for the purpose of reimbursement to that fund for expenses related to the maintenance and preservation of State assets.
- Section 22 allows the Director of the Budget to submit a plan to the Legislature to reduce General Fund and State Special Revenue Fund appropriations in the event that Federal financial participation in Medicaid funding to New York State or its subdivision is reduced by \$850 million or more.

- Section 23 allows the Director of the Budget to submit a plan to the Legislature to reduce General Fund and State Special Revenue Fund appropriations and related disbursements in the event that Federal financial participation or other Federal Aid funding, exclusive of Medicaid, to New York State is reduced by \$850 million or more.
- Section 24 allows the Director of the Budget to submit a plan to the Legislature to reduce General Fund and State Special Revenue Fund appropriations and related disbursements in the event that the annual estimate for receipts is reduced by \$500 million or more compared to the 2020-21 Executive Budget financial plan, but not to exceed one percent of State Operating Funds.
- Section 25 would amend SFL § 4(6) to permanently authorize the Comptroller to receive moneys for deposit to funds and accounts as identified by the Director of the Budget.
- Section 26 would amend SFL § 40(4) to permanently permit payment of prior years' liabilities.
- Section 27 would continue the authorization to use any balance remaining in the debt service appropriation for Mental Hygiene facilities to make rebates necessary to protect the tax-exempt status of the bonds.
- Section 28 of this bill would increase the bond cap for financing correctional facilities from \$8.495 billion to \$8.790 billion.
- Section 29 of this bill would increase the bond cap for financing state police capital projects from \$271.6 million to \$323.1 million.
- Section 30 of this bill would increase the bond cap for financing environmental infrastructure projects from \$5.638 billion to \$5.833 billion.
- Section 31 of this bill would increase the bond cap for financing homeland security and training facilities from \$286 million to \$314 million, and increase the bond cap for financing improvements to State office buildings and other facilities from \$952.8 million to \$1.106 billion.
- Section 32 of this bill would increase the bond cap for financing SUNY educational facilities from \$13.842 billion to \$14.742 billion.
- Section 33 of this bill would increase the bond cap for City University of New York senior and community colleges from \$8.674 billion to \$9.223 billion.
- Section 34 of this bill would increase the bond cap for financing SUNY community colleges from \$1.006 billion to \$1.051 billion.

- Section 35 of this bill would increase the bond cap for financing youth facilities from \$804.6 million to \$839.6 million.
- Section 36 of this bill would increase the bond cap for financing mental health services facilities improvement from \$9.333 billion to \$9.812 billion.
- Section 37 of this bill would increase the bond cap for financing public protection facilities in the Division of Military and Naval Affairs from \$92 million to \$117 million.
- Section 38 of this bill would increase the bond cap for financing the acquisition of equipment from \$93 million to \$193 million.
- Section 39 of this bill would increase the bond cap for financing local highway projects from \$10.806 billion to \$11.284 billion.
- Section 40 of this bill would increase the bond cap for financing library facilities from \$251 million to \$265 million.
- Section 41 of this bill would increase the bond cap for financing economic development projects from \$9.822 billion to \$10.21 billion.
- Section 42 of this bill would increase the bond cap for financing transportation initiatives from \$4.648 billion to \$5.004 billion.
- Section 43 of this bill would increase the bond cap for financing housing programs from \$6.291 billion to \$6.524 billion.
- Section 44 of this bill would increase the bond cap for financing private special education from \$130 million to \$155 million.
- Section 45 of this bill would increase the bond cap for financing the Office of Information Technology Services from \$677.35 million to \$830.05 million.
- Section 46 of this bill would renew and make permanent the provision to set aside funds for debt service payments.
- Section 47 through 49 of this bill would update the printing requirements for GO bonds to allow the notice of sale to be published 2 days prior to a bond sale on an electronic platform.
- Section 50 would amend SFL § 8(9) to clarify the presentation of the annual cash report to the Legislature prepared by the Office of the State Comptroller.
- Section 51 would amend SFL § 8(9-a)(a) to clarify the presentation of the monthly cash report to the Legislature prepared by the Office of the State Comptroller.

- Section 52 would amend SFL to add § 2-b to define budget terms related refunds, rebates, reimbursements, credits, repayments, and/or disallowances.

All of the sections of this bill would become permanent upon enactment except for sections one through eight, sections twelve through nineteen, and sections twenty-one through twenty-four, which are subject to expiration on March 31, 2021.

Budget Implications:

Enactment of this bill is necessary to implement the 2020-21 Executive Budget, including the transfer of funds budgeted in the financial plan and the provision of temporary loans from the State Treasury for cash flow purposes. This bill is also necessary to reimburse projected Capital Projects Fund spending with the proceeds of bonds sold by public authorities, to ensure the continued borrowing necessary for certain State-supported debt issuances to implement the budget, and to permit the State to carry out basic administrative functions.

Effective Date:

This bill takes effect April 1, 2020.

The provisions of this act shall take effect immediately, provided, however, that the applicable effective date of each part of this act shall be as specifically set forth in the last section of such part.