

# STATE OF NEW YORK

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S. 8005--A

A. 9005--A

## SENATE - ASSEMBLY

January 19, 2022

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

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

AN ACT to amend part E of chapter 55 of the laws of 2020, amending the state finance law relating to establishing the criminal justice discovery compensation fund; amending the criminal procedure law relating to monies recovered by county district attorneys before the filing of an accusatory instrument; and providing for the repeal of certain provisions upon expiration thereof, in relation to making certain provisions of the state finance law permanent (Part A); to amend the correction law, in relation to the placement of incarcerated individuals who have a gender identity that differs from their assigned sex at birth, have a diagnosis of gender dysphoria, who identify as transgender, gender nonconforming, or nonbinary, or who are intersex within state and local correctional facilities (Part B); to amend the correction law in relation to limited credit time and eligibility for furloughs and educational leave (Part C); to repeal subdivision 9 of section 201 of the correction law relating to the parole supervision fee (Part D); to amend the correction law and public health law, in relation to authorizing the department of corrections and community supervision access to certain records (Part E); to amend the executive law, in relation to requiring members of the state parole board to devote their entire time to the duties of their office (Part F); 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 G); to amend the civil practice law and rules and the executive law, in relation to establishing a mandatory training certification for all domestic and gender-based victim advocates and creating the New York state gender-based violence training institute within the office for the prevention

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

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of domestic violence (Part H); to amend the executive law, in relation to awarding reimbursement for certain items of essential personal property (Part I); to amend chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, in relation to extending the effectiveness thereof (Part J); to amend the alcoholic beverage control law, in relation to allowing a municipality to elect to receive notice by email (Part K); to amend the alcoholic beverage control law, in relation to requiring certain information to be requested in applications for licenses; and to repeal certain provisions of such law relating thereto (Part L); to amend chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part M); to amend the election law, in relation to voter registration (Part N); to amend the election law, in relation to the boundaries of election districts and the designation of polling places (Part O); to amend the alcoholic beverage control law, in relation to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption (Part P); to amend the general municipal law, in relation to prohibiting nepotism and certain gifts and conflicts of interest (Part Q); to amend the civil service law, in relation to establishing continuing eligible lists (Part R); to amend the civil service law, in relation to promotional examination eligibility (Part S); to amend the civil service law, in relation to the transfer of civil service sections 55-b and 55-c employees (Part T); to amend the civil service law, in relation to eligibility for shift pay differentials (Part U); to amend the civil practice law and rules and the state finance law, in relation to the rate of interest to be paid on judgment and accrued claims (Part V); to amend the general municipal law, in relation to streamlining the county-wide shared services initiative (Part W); to amend the state finance law, the tax law, and the public authorities law, in relation to providing aid and incentives for municipalities to towns and villages; and providing for the repeal of certain provisions of the tax law relating thereto (Part X); to provide for the administration of certain funds and accounts related to the 2022-2023 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 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 & 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 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 issu-



ance of certain bonds or notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the New York state urban development corporation act, in relation to the nonprofit infrastructure capital investment program; to amend the New York state urban development corporation act, in relation to personal income tax notes for 2022, in relation to authorizing the dormitory authority of the state of New York and the urban development corporation to enter into line of credit facilities for 2022, and in relation to state-supported debt issued during the 2022 fiscal year; to amend the state finance law, in relation to payments of bonds; to amend the state finance law, in relation to the mental health services fund; to amend the state finance law, in relation to the issuance of revenue bonds; to repeal subdivisions 4 and 5 of section 16 of part T of chapter 57 of the laws of 2007, relating to providing for the administration of certain funds and accounts related to the 2007-2008 budget; and providing for the repeal of certain provisions upon expiration thereof (Part Y); to establish the "independent ethics commission reform act of 2022"; to amend the executive law, in relation to creating the independent commission on ethics and lobbying in government, and to repeal certain provisions of such law relating thereto; and to amend the legislative law, the public officers law, and the executive law, in relation to making technical corrections thereto (Part Z); to amend the criminal procedure law and the correction law, in relation to automatic sealing of certain convictions (Part AA); and to amend the correction law, in relation to employment by a private sector entity or as part of a prison industries certification program authorized by the United States (Part BB)

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

1 Section 1. This act enacts into law major components of legislation  
2 necessary to implement the state public protection and general govern-  
3 ment budget for the 2022-2023 state fiscal year. Each component is whol-  
4 ly contained within a Part identified as Parts A through BB. The effec-  
5 tive date for each particular provision contained within such Part is  
6 set forth in the last section of such Part. Any provision in any section  
7 contained within a Part, including the effective date of the Part, which  
8 makes a reference to a section "of this act", when used in connection  
9 with that particular component, shall be deemed to mean and refer to the  
10 corresponding section of the Part in which it is found. Section three of  
11 this act sets forth the general effective date of this act.

12 PART A

13 Section 1. Section 3 of part E of chapter 55 of the laws of 2020,  
14 amending the state finance law relating to establishing the criminal  
15 justice discovery compensation fund; amending the criminal procedure law  
16 relating to monies recovered by county district attorneys before the  
17 filing of an accusatory instrument; and providing for the repeal of

1 certain provisions upon expiration thereof, is amended to read as  
2 follows:

3 § 3. This act shall take effect immediately; provided, however, [that  
4 subdivision 2 of section 99-hh of the state finance law, as added by  
5 section one of this act, shall expire and be deemed repealed March 31,  
6 2022, and provided, further] that the amendments to section 95.00 of the  
7 criminal procedure law made by section two of this act shall not affect  
8 the repeal of such section and shall be deemed repealed therewith.

9 § 2. This act shall take effect immediately and shall be deemed to  
10 have been in full force and effect on and after March 31, 2022.

11 PART B

12 Section 1. Subdivision 1 of section 71 of the correction law is  
13 amended by adding a new paragraph (c) to read as follows:

14 (c) Notwithstanding the foregoing, incarcerated individuals who have a  
15 gender identity that differs from their assigned sex at birth, have a  
16 diagnosis of gender dysphoria, who identify as transgender, gender  
17 nonconforming, or nonbinary, or who are intersex may be received at a  
18 correctional facility designated for males or females. The department  
19 shall establish a mechanism by which incarcerated individuals who have a  
20 gender identity that differs from their assigned sex at birth, have a  
21 diagnosis of gender dysphoria, who identify as transgender, gender  
22 nonconforming, or nonbinary, or who are intersex may request placement  
23 in a facility designated for males or females prior to reception.

24 § 2. The correction law is amended by adding a new section 135 to read  
25 as follows:

26 § 135. Placement based on gender identity. Incarcerated individuals  
27 who have a gender identity that differs from their assigned sex at  
28 birth, have a diagnosis of gender dysphoria, who identify as transgen-  
29 der, gender nonconforming, or nonbinary, or who are intersex may  
30 request to be placed in a correctional facility with persons of the  
31 gender that is consistent with such person's gender identity.

32 (a) Decisions regarding the placement of incarcerated individuals who  
33 have a gender identity that differs from their assigned sex at birth,  
34 have a diagnosis of gender dysphoria, who identify as transgender,  
35 gender nonconforming, or nonbinary, or who are intersex in a facility  
36 designated for the confinement of males or females shall be made on a  
37 case-by-case basis, with careful consideration given to housing consist-  
38 ent with the individual's gender identity, following an individualized  
39 and informed assessment but subject to denial based on safety, security  
40 or health concerns. The department shall provide a determination in  
41 writing to the affected person.

42 (b) If an incarcerated individual raises concerns for their health or  
43 safety at any time, or if their placement raises safety, security or  
44 health concerns at any time, their housing and placement shall be reas-  
45 sessed.

46 (c) Any incarcerated individual who has been placed in a facility  
47 consistent with the individual's gender identity, may request at any  
48 time to be transferred to a facility housing individuals of their  
49 assigned sex at birth.

50 (i) If granted, such request shall be effectuated as soon as practica-  
51 ble.

52 (ii) Any incarcerated individual who has a gender identity that  
53 differs from their assigned sex at birth, has a diagnosis of gender  
54 dysphoria, who identifies as transgender, gender nonconforming, or

1 nonbinary, or who is intersex who has declined to be housed in a facili-  
2 ty consistent with the individual's gender identity, or who has  
3 requested to leave such a placement, may request to have their placement  
4 reassessed in accordance with procedures established by the commission-  
5 er.

6 § 3. Section 137 of the correction law is amended by adding a new  
7 subdivision 7 to read as follows:

8 7. The commissioner shall promulgate rules and regulations to ensure  
9 the appropriate treatment of incarcerated individuals who have a gender  
10 identity that differs from their assigned sex at birth, have a diagnosis  
11 of gender dysphoria, who identify as transgender, gender nonconform-  
12 ing, or nonbinary, or who are intersex such that:

13 (a) incarcerated individuals who have a gender identity that differs  
14 from their assigned sex at birth, have a diagnosis of gender dysphoria,  
15 who identify as transgender, gender nonconforming, or nonbinary, or  
16 who are intersex shall:

17 (i) have access to department-issued undergarments and clothing that  
18 are consistent with the individuals' gender identity, and shall have the  
19 ability to receive undergarments, clothing and personal care items  
20 through package procedures, subject to gender-neutral restrictions; and

21 (ii) have the right to gender affirming medical and mental health care  
22 consistent with the community standard of care.

23 (iii) The absence of a documented history of gender variance shall not  
24 preclude an incarcerated individual from self-identification as trans-  
25 gender, gender nonconforming, or nonbinary.

26 (b) No employee of the department shall misgender any individual in  
27 the care or custody of the department by intentionally referring to  
28 someone, including but not limited to, a transgender, gender nonconform-  
29 ing, nonbinary or intersex person, using a word, pronoun or form of  
30 address that does not correctly reflect the gender with which they iden-  
31 tify.

32 (c) Employees of the department shall only use information pertaining  
33 to an incarcerated individual's gender identity and expression as neces-  
34 sary for the performance of their official duties and shall not reveal  
35 any information related to an incarcerated individual's gender identity  
36 and expression other than to the extent necessary for legitimate opera-  
37 tional functions of the facility or the department.

38 (d) No incarcerated individual may be denied access to programming or  
39 education based on their gender identity or expression.

40 (e) The commissioner shall implement procedures for incarcerated indi-  
41 viduals who have a gender identity that differs from their assigned sex  
42 at birth, have a diagnosis of gender dysphoria, who identify as trans-  
43 gender, gender nonconforming, or nonbinary, or who are intersex to  
44 designate their gender preference for personal searches.

45 (f) The department shall provide training on the provisions of this  
46 subdivision to all personnel every two years.

47 (g) The department shall make available documentation summarizing the  
48 provisions of this subdivision to incarcerated individuals who have a  
49 gender identity that differs from their assigned sex at birth, have a  
50 diagnosis of gender dysphoria, who identify as transgender, gender  
51 nonconforming, or nonbinary, or who are intersex, and shall widely  
52 distribute such documentation such that it is readily accessible.

53 § 4. Section 500-b of the correction law is amended by adding a new  
54 subdivision 14 to read as follows:

55 14. Notwithstanding any other provision, incarcerated individuals who  
56 have a gender identity that differs from their assigned sex at birth,

1 have a diagnosis of gender dysphoria, who identify as transgender,  
2 gender nonconforming, or nonbinary, or who are intersex may request to  
3 be placed in a housing unit designated for individuals of the gender  
4 that most closely aligns with such individuals' gender identity.

5 (a) Decisions regarding the placement of incarcerated individuals who  
6 have a gender identity that differs from their assigned sex at birth,  
7 have a diagnosis of gender dysphoria, who identify as transgender,  
8 gender nonconforming, or nonbinary, or who are intersex shall be made on  
9 a case-by-case basis, with careful consideration given to housing most  
10 closely aligning with the individuals' gender identity, following an  
11 individualized and informed assessment but subject to denial based on  
12 safety, security or health concerns. The chief administrative officer  
13 or their designee shall provide a determination in writing to the  
14 affected person.

15 (b) If an incarcerated individual placed in a housing unit consistent  
16 with the individual's gender identity or expression raises concerns for  
17 their health or safety at any time, or if their placement raises safety,  
18 security or health concerns at any time, their housing and placement  
19 shall be reassessed.

20 (c) An incarcerated individual who has been placed in a housing unit  
21 consistent with the individual's gender identity may request at any time  
22 to be transferred to a housing unit housing individuals of their  
23 assigned sex at birth.

24 (i) Such request shall be reviewed as soon as practicable.

25 (ii) An individual who has declined to be housed in a housing unit  
26 consistent with the individual's gender identity, or who has requested  
27 to leave such a placement, may request to have their placement reas-  
28 essed in accordance with procedures established by the chief adminis-  
29 trative officer or their designee.

30 § 5. Subdivision 1 of section 500-k of the correction law, as sepa-  
31 rately amended by chapters 93 and 322 of the laws of 2021, is amended to  
32 read as follows:

33 1. Subdivisions five [and], six and seven of section one hundred thir-  
34 ty-seven of this chapter, except paragraphs (d) and (e) of subdivision  
35 six of such section, relating to the treatment of incarcerated individ-  
36 uals in state correctional facilities are applicable to incarcerated  
37 individuals confined in county jails; except that the report required by  
38 paragraph (f) of subdivision six of such section shall be made to a  
39 person designated to receive such report in the rules and regulations of  
40 the state commission of correction, or in any county or city where there  
41 is a department of correction, to the head of such department; and the  
42 state commission of correction shall promulgate rules and regulations  
43 which prescribe the manner in which subdivision seven of section one  
44 hundred thirty-seven of this chapter shall apply to the treatment of  
45 incarcerated individuals who have a gender identity that differs from  
46 their assigned sex at birth, have a diagnosis of gender dysphoria, who  
47 identify as transgender, gender nonconforming, or nonbinary, or who  
48 are intersex confined in local correctional facilities.

49 § 6. Subdivision (a) of section 601 of the correction law, as amended  
50 by section 209 of chapter 322 of the laws of 2021, is amended to read as  
51 follows:

52 (a) Whenever an incarcerated individual shall be delivered to the  
53 superintendent of a state correctional facility pursuant to an indeter-  
54 minate or determinate sentence, the officer so delivering such incarcer-  
55 ated individual shall deliver to such superintendent, the sentence and  
56 commitment or certificate of conviction, or a certified copy thereof,

1 and a copy of any order of protection pursuant to section 380.65 of the  
2 criminal procedure law received by such officer from the clerk of the  
3 court by which such incarcerated individual shall have been sentenced, a  
4 copy of the report of the probation officer's investigation and report  
5 or a detailed statement covering the facts relative to the crime and  
6 previous history certified by the district attorney, a copy of the  
7 incarcerated individual's fingerprint records, a detailed summary of  
8 available medical records, psychiatric records and reports relating to  
9 assaults, or other violent acts, attempts at suicide or escape by the  
10 incarcerated individual while in the custody of the local correctional  
11 facility, a copy of records reflecting the individual's gender identity  
12 and gender-related housing requests; any such medical or psychiatric  
13 records in the possession of a health care provider other than the local  
14 correctional facility shall be summarized in detail and forwarded by  
15 such health care provider to the medical director of the appropriate  
16 state correctional facility upon request; the superintendent shall pres-  
17 ent to such officer a certificate of the delivery of such incarcerated  
18 individual, and the fees of such officer for transporting such incarcer-  
19 ated individual shall be paid from the treasury upon the audit and  
20 warrant of the comptroller. Whenever an incarcerated individual of the  
21 state is delivered to a local facility, the superintendent shall forward  
22 summaries of such records to the local facility with the incarcerated  
23 individual.

24 § 7. Subdivision (a) of section 601 of the correction law, as amended  
25 by section 209-a of chapter 322 of the laws of 2021, is amended to read  
26 as follows:

27 (a) Whenever an incarcerated individual shall be delivered to the  
28 superintendent of a state correctional facility pursuant to an indeter-  
29 minate or determinate sentence, the officer so delivering such incarcer-  
30 ated individual shall deliver to such superintendent, the sentence and  
31 commitment or certificate of conviction, or a certified copy thereof,  
32 and a copy of any order of protection pursuant to section 380.65 of the  
33 criminal procedure law received by such officer from the clerk of the  
34 court by which such incarcerated individual shall have been sentenced, a  
35 copy of the report of the probation officer's investigation and report  
36 or a detailed statement covering the facts relative to the crime and  
37 previous history certified by the district attorney, a copy of the  
38 incarcerated individual's fingerprint records, a detailed summary of  
39 available medical records, psychiatric records and reports relating to  
40 assaults, or other violent acts, attempts at suicide or escape by the  
41 incarcerated individual while in the custody of the local correctional  
42 facility, a copy of records reflecting the individual's gender identity  
43 and gender-related housing requests; any such medical or psychiatric  
44 records in the possession of a health care provider other than the local  
45 correctional facility shall be summarized in detail and forwarded by  
46 such health care provider to the medical director of the appropriate  
47 state correctional facility upon request; the superintendent shall pres-  
48 ent to such officer a certificate of the delivery of such incarcerated  
49 individual, and the fees of such officer for transporting such incarcer-  
50 ated individual shall be paid from the treasury upon the audit and  
51 warrant of the comptroller. Whenever an incarcerated individual of the  
52 state is delivered to a local facility, the superintendent shall forward  
53 summaries of such records to the local facility with the incarcerated  
54 individual.

55 § 8. This act shall take effect immediately; provided, however, that  
56 section five of this act shall take effect on the same date and in the

1 same manner as section 13 of chapter 93 of the laws of 2021, takes  
2 effect; provided, further, that the amendments to section 500-b of the  
3 correction law made by section four of this act shall not affect the  
4 repeal of such section and shall be deemed repealed therewith; and  
5 provided, further, that the amendments to subdivision (a) of section 601  
6 of the correction law made by section six of this act shall be subject  
7 to the expiration and reversion of such subdivision pursuant to subdivi-  
8 sion d of section 74 of chapter 3 of the laws of 1995, as amended when  
9 upon such date the provisions of section seven of this act shall take  
10 effect.

11 PART C

12 Section 1. Subparagraph i of paragraph (c) of subdivision 1 of  
13 section 803-b of the correction law, as amended by chapter 322 of the  
14 laws of 2021, is amended to read as follows,

15 (i) participates in no less than two years of college programming or  
16 participates in one year of college programming while confined in a  
17 general confinement facility and thereafter participates in six months  
18 of college programming while a participant in educational release; or

19 § 2. Subdivisions 4 and 7 of section 851 of the correction law, as  
20 amended by chapter 322 of the laws of 2021, is amended to read as  
21 follows:

22 4. "Furlough program" means a program under which eligible incarcerat-  
23 ed individuals may be granted the privilege of leaving the premises of  
24 an institution for a period not exceeding seven days for the purpose of  
25 seeking employment, maintaining family ties, solving family problems,  
26 seeking post-release housing, attending a short-term educational or  
27 vocational training course, or for any matter necessary to the further-  
28 ance of any such purposes. Notwithstanding the provisions of subdivi-  
29 sion two of this section, an eligible incarcerated individual for the  
30 furlough program shall also include an incarcerated individual who is  
31 not serving a sentence for an offense that would render such person  
32 ineligible for the limited credit time allowance, as set forth in  
33 section eight hundred three-b of this chapter, and provided further that  
34 such incarcerated individual has successfully participated in college  
35 programming while incarcerated with the department in a general confine-  
36 ment facility for a period of at least one year, and is presently  
37 successfully participating in college programming through educational  
38 leave as provided for in subdivision seven of this section.

39 7. "Educational leave" means a privilege granted to an eligible incar-  
40 cerated individual to leave the premises of an institution for a period  
41 not exceeding fourteen hours in any day for the purpose of education or  
42 vocational training, or for any matter necessary to the furtherance of  
43 any such purposes. Notwithstanding the provisions of subdivision two of  
44 this section, an eligible incarcerated individual for educational leave  
45 shall also include an incarcerated individual who is not serving a  
46 sentence for an offense that would render such person ineligible for the  
47 limited credit time allowance, as set forth in section eight hundred  
48 three-b of this chapter, and provided further that such incarcerated  
49 individual has successfully participated in college programming while  
50 incarcerated with the department in a general confinement facility for a  
51 period of at least one year.

52 § 3. This act shall take effect on April 1, 2022; provided, however,  
53 that the amendments to subdivisions 4 and 7 of section 851 of the

1 correction law made by section two of this act shall not affect the  
2 expiration of such section and shall be deemed expired therewith.

3

## PART D

4 Section 1. Subdivision 9 of section 201 of the correction law is  
5 REPEALED.

6 § 2. This act shall take effect immediately.

7

## PART E

8 Section 1. Subdivision (a) of section 601 of the correction law, as  
9 amended by section 209 of chapter 322 of the laws of 2021, is amended to  
10 read as follows:

11 (a) Whenever an incarcerated individual shall be delivered to the  
12 superintendent of a state correctional facility pursuant to an indeter-  
13 minate or determinate sentence, the officer so delivering such incarcer-  
14 ated individual shall deliver to such superintendent, the sentence and  
15 commitment or certificate of conviction, or a certified copy thereof,  
16 and a copy of any order of protection pursuant to section 380.65 of the  
17 criminal procedure law received by such officer from the clerk of the  
18 court by which such incarcerated individual shall have been sentenced, a  
19 copy of the report of the probation officer's investigation and report  
20 or a detailed statement covering the facts relative to the crime and  
21 previous history certified by the district attorney, a copy of the  
22 incarcerated individual's fingerprint records, a detailed summary of  
23 available medical records, psychiatric records and reports relating to  
24 assaults, or other violent acts, attempts at suicide or escape by the  
25 incarcerated individual while in the custody of the local correctional  
26 facility; any such medical or psychiatric records in the possession of a  
27 health care provider other than the local correctional facility shall be  
28 summarized in detail and forwarded by such health care provider to the  
29 medical director of the appropriate state correctional facility upon  
30 request; the superintendent shall present to such officer a certificate  
31 of the delivery of such incarcerated individual, and the fees of such  
32 officer for transporting such incarcerated individual shall be paid from  
33 the treasury upon the audit and warrant of the comptroller. The  
34 sentence and commitment or certificate of conviction shall be deemed to  
35 grant authorization to the department of corrections and community  
36 supervision to request a certified copy or certified transcript of birth  
37 on behalf of an incarcerated individual, when such request is made  
38 pursuant to subdivision four of section four thousand one hundred seven-  
39 ty-four of the public health law or section four thousand one hundred  
40 seventy-nine of such law. Whenever an incarcerated individual of the  
41 state is delivered to a local facility, the superintendent shall forward  
42 summaries of such records to the local facility with the incarcerated  
43 individual.

44 § 2. Subdivision 4 of section 4174 of the public health law, as  
45 amended by chapter 322 of the laws of 2021, is amended to read as  
46 follows:

47 4. No fee shall be charged for a search, certification, certificate,  
48 certified copy or certified transcript of a record to be used for school  
49 entrance, employment certificate or for purposes of public relief or  
50 when required by the veterans administration to be used in determining  
51 the eligibility of any person to participate in the benefits made avail-  
52 able by the veterans administration or when required by a board of

1 elections for the purposes of determining voter eligibility or when  
2 requested by the department of corrections and community supervision or  
3 a local correctional facility as defined in subdivision sixteen of  
4 section two of the correction law for the purpose of providing a certi-  
5 fied copy or certified transcript of birth to an incarcerated individual  
6 in anticipation of such incarcerated individual's release from custody  
7 or to obtain a death certificate to be used for administrative purposes  
8 for an incarcerated individual who has died under custody or when  
9 requested by the office of children and family services or an authorized  
10 agency for the purpose of providing a certified copy or certified tran-  
11 script of birth to a youth placed in the care and custody or custody and  
12 guardianship of the local commissioner of social services or the care  
13 and custody or custody and guardianship of the office of children and  
14 family services in anticipation of such youth's discharge from placement  
15 or foster care. Whenever a request is made by the department of  
16 corrections and community supervision for a certified copy or certified  
17 transcript of birth on behalf of an incarcerated individual pursuant to  
18 this section, a certified copy of the sentence and commitment or certifi-  
19 cate of conviction shall be deemed to grant authorization by the incar-  
20 cerated individual to the department to submit such request on their  
21 behalf, and no other authorization shall be required.

22 § 3. Section 4179 of the public health law, as amended by chapter 322  
23 of the laws of 2021, is amended to read as follows:

24 § 4179. Vital records; fees; city of New York. Notwithstanding the  
25 provisions of paragraph one of subdivision a of section 207.13 of the  
26 health code of the city of New York, the department of health shall  
27 charge, and the applicant shall pay, for a search of two consecutive  
28 calendar years under one name and the issuance of a certificate of  
29 birth, death or termination of pregnancy, or a certification of birth or  
30 death, or a certification that the record cannot be found, a fee of  
31 fifteen dollars for each copy. Provided, however, that no such fee shall  
32 be charged when the department of corrections and community supervision  
33 or a local correctional facility as defined in subdivision sixteen of  
34 section two of the correction law requests a certificate of birth or  
35 certification of birth for the purpose of providing such certificate of  
36 birth or certification of birth to an incarcerated individual in antic-  
37 ipation of such incarcerated individual's release from custody or to  
38 obtain a death certificate to be used for administrative purposes for an  
39 incarcerated individual who has died under custody or when the office of  
40 children and family services or an authorized agency requests a certi-  
41 fied copy or certified transcript of birth for a youth placed in the  
42 custody of the local commissioner of social services or the custody of  
43 the office of children and family services pursuant to article three of  
44 the family court act for the purpose of providing such certified copy or  
45 certified transcript of birth to such youth in anticipation of discharge  
46 from placement. Whenever a request is made by the department of  
47 corrections and community supervision for a certified copy or certified  
48 transcript of birth on behalf of an incarcerated individual pursuant to  
49 this section, a certified copy of the sentence and commitment or certifi-  
50 cate of conviction shall be deemed to grant authorization by the incar-  
51 cerated individual to the department to submit such request on their  
52 behalf, and no other authorization shall be required.

53 § 4. This act shall take effect on September 1, 2022; provided, howev-  
54 er, that the amendments to subdivision (a) of section 601 of the  
55 correction law made by section one of this act shall not affect the  
56 expiration of such subdivision and shall be deemed to expire therewith.

1

## PART F

2 Section 1. Section 259-b of the executive law is amended by adding a  
3 new subdivision 8 to read as follows:

4 8. Members of the board shall devote their entire time to the duties  
5 of their office and shall not practice in their respective profession or  
6 callings.

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

9

## PART G

10 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax  
11 law, as amended by section 1 of part I of chapter 55 of the laws of  
12 2020, is amended to read as follows:

13 (b) The sum of one million five hundred thousand dollars must be  
14 deposited into the New York state emergency services revolving loan fund  
15 annually; provided, however, that such sums shall not be deposited for  
16 state fiscal years two thousand eleven--two thousand twelve, two thou-  
17 sand twelve--two thousand thirteen, two thousand fourteen--two thousand  
18 fifteen, two thousand fifteen--two thousand sixteen, two thousand  
19 sixteen--two thousand seventeen, two thousand seventeen--two thousand  
20 eighteen, two thousand eighteen--two thousand nineteen, two thousand  
21 nineteen--two thousand twenty, two thousand twenty--two thousand twen-  
22 ty-one [and], two thousand twenty-one--two thousand twenty-two, two  
23 thousand twenty-two--two thousand twenty-three, and two thousand twen-  
24 ty-three--two thousand twenty-four;

25 § 2. This act shall take effect April 1, 2022.

26

## PART H

27 Section 1. Paragraphs 4 and 5 of subdivision (a) of section 4510 of  
28 the civil practice law and rules, as added by chapter 309 of the laws of  
29 2021, are amended to read as follows:

30 4. "Domestic violence program" means a residential program for victims  
31 of domestic violence or a non-residential program for victims of domes-  
32 tic violence as defined in section four hundred fifty-nine-a of the  
33 social services law [or], any similar program operated by an Indian  
34 tribe, as defined by section two of the Indian law, or any other program  
35 operated by a not-for-profit organization or local social services  
36 district, for the purpose of providing non-residential services to  
37 victims of domestic violence, including, but not limited to, information  
38 and referral services, advocacy, counseling, and community education and  
39 outreach activities and providing or arranging for hotline services.

40 5. "Domestic violence advocate" means any person who is acting under  
41 the direction and supervision of a [licensed and approved] domestic  
42 violence program and has satisfied the training standards required by  
43 the office of children and family services and the office for the  
44 prevention of domestic violence.

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

47 11. Domestic violence advocate certification. (a) The office shall, in  
48 coordination with the office of children and family services, the office  
49 for victim services, and the department of health, and in consultation  
50 with the New York state coalition against domestic violence, the New  
51 York state coalition against sexual assault, and state advocacy organ-



1 izations for the prevention of domestic and gender-based violence,  
2 promulgate rules and regulations which establish:

3 (i) minimum training standards for domestic violence advocates, as  
4 defined in section forty-five hundred ten of the civil practice law and  
5 rules; and

6 (ii) procedures for certification of current and future domestic  
7 violence advocates, including volunteer advocates, provided such domes-  
8 tic violence advocates have met the minimum training standards as set  
9 forth in this subdivision.

10 (b) Minimum training standards established by the office must include  
11 thirty hours of pre-service training and within the first year of  
12 service and at least ten hours of in-service training for domestic  
13 violence counselors. This training shall include but not be limited to,  
14 instruction on the following:

15 (i) client-counselor confidentiality requirements;

16 (ii) child abuse and maltreatment identification and reporting respon-  
17 sibilities;

18 (iii) the dynamics of domestic and gender-based violence;

19 (iv) crisis intervention techniques;

20 (v) communication skills and intervention techniques with a focus on  
21 trauma informed service delivery;

22 (vi) an overview of the state criminal justice system;

23 (vii) an update and review of state laws on domestic violence, sexual  
24 offenses, sexual abuse and incest;

25 (viii) the availability of publicly-funded and community resources for  
26 clients;

27 (ix) accessing and applying for state and federal funding streams  
28 dedicated to the provision of services for victims of domestic violence;

29 (x) diversity and inclusion which includes understanding how culture,  
30 ethnicity, religion, sexuality and/or gender identity/expression can  
31 influence/impact domestic violence victims, and how to provide services  
32 to victims in a respectful manner so as to increase the quality of  
33 services and provide better outcomes; and

34 (xi) information on the availability of medical and legal assistance  
35 for such clients.

36 (c) Minimum training standards established by the office may provide  
37 for substitution of certain experience for any provision of the training  
38 standards.

39 (d) Minimum training standards established by the office must provide  
40 that any person who has been certified by an approved rape crisis  
41 program as having satisfied the training standards specified in subdivi-  
42 sion fifteen of section two hundred six of the public health law, as  
43 added by chapter four hundred thirty-two of the laws of nineteen hundred  
44 ninety-three, be deemed to have met the minimum training standards for  
45 domestic violence advocates.

46 (e) There shall be established within the office a gender-based  
47 violence training institute for the purpose of providing guidance,  
48 training and technical assistance to domestic and gender-based violence  
49 programs to implement training programs in accordance with the minimum  
50 standards set forth in this subdivision.

51 § 3. The office of children and family services and the New York state  
52 department of health shall review all rules and regulations related to  
53 training of domestic violence advocates, rape crisis counselors, and  
54 staff of licensed and approved domestic violence programs and rape  
55 crisis programs, and ensure such rules and regulations are updated

1 consistent with the provisions of section two of this act no later than  
2 one year after it shall have become a law.

3 § 4. This act shall take effect immediately; provided that section one  
4 of this act shall take effect one year after it shall have become a law.

5 PART I

6 Section 1. Subdivision 8 of section 621 of the executive law, as added  
7 by chapter 197 of the laws of 1983, is amended to read as follows:

8 8. "Essential personal property" shall mean articles of personal prop-  
9 erty necessary and essential to the health[, welfare] or safety of the  
10 victim.

11 § 2. Subdivision 9 of section 631 of the executive law, as amended by  
12 chapter 487 of the laws of 2014, is amended to read as follows:

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

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

24 PART J

25 Section 1. Section 3 of chapter 674 of the laws of 1993, amending the  
26 public buildings law relating to value limitations on contracts, as  
27 amended by section 2 of part HH of chapter 55 of the laws of 2019, is  
28 amended to read as follows:

29 § 3. This act shall take effect immediately and shall remain in full  
30 force and effect only until June 30, [2022] 2027.

31 § 2. This act shall take effect immediately.

32 PART K

33 Section 1. Section 110-b of the alcoholic beverage control law is  
34 amended by adding a new subdivision 6-a to read as follows:

35 6-a. Such notification may be made by email, provided the municipality  
36 in which the premises is located elects to take service in such form.  
37 Such an election shall be in a writing signed by the authorized agent or  
38 clerk of the municipality. Proof of email service shall be provided to  
39 the authority in the form of an email from the municipality that reason-  
40 ably identifies the applicant, or by other such forms of proof as deter-  
41 mined by the authority.

42 § 2. This act shall take effect immediately.

43 PART L

44 Section 1. Subdivision one of Section 110 of the alcoholic beverage  
45 control law is REPEALED and new subdivisions one and one-a are added to  
46 read as follows:

47 § 110. An application for a license issued under this chapter shall  
48 contain the following information or documentation:

1 1. The name, trade name, if any, business address, address of the  
2 proposed licensed premises, telephone number, email address and social  
3 security or federal employer identification number of the applicant.

4 1-a. The following information for each principal of the applicant:

5 (a) name;

6 (b) date and place of birth;

7 (c) permanent home address;

8 (d) telephone number and email address;

9 (e) social security number;

10 (f) residential address or addresses and employment history for the  
11 five years preceding the filing of the application;

12 (g) a list of any licenses to traffic in alcoholic beverages held or  
13 applied for by the individual;

14 (h) a statement as to whether the principal has a criminal conviction  
15 that would prohibit the individual from holding a license issued under  
16 this chapter;

17 (i) the street and number of the proposed licensed premises;

18 (j) drawings, including a floor plan, depicting the appearance of the  
19 interior or exterior of the proposed licensed premises as well as a plot  
20 map of the general area where the proposed licensed premises will be  
21 located;

22 (k) a statement that the location and layout of the premises to be  
23 licensed does not violate any requirement of this chapter or any local  
24 regulation relating to location and layout of licensed premises;

25 (l) a description of the type of establishment, including but not  
26 limited to a restaurant, hotel, tavern, or grocery store, to be operated  
27 at the premises which shall include, for on-premises licenses, such  
28 other information as may be required by the authority;

29 (m) for applications for on-premises licenses, a statement indicating  
30 whether the premises will have topless entertainment and/or exotic danc-  
31 ing, whether topless or otherwise, including, but not limited to, pole  
32 dancing and lap dancing, at the premises along with any other informa-  
33 tion required by the authority to identify the applicant's method of  
34 operation;

35 (n) a statement explaining how the applicant has control of the prem-  
36 ises, either by: ownership of a fee interest; a lease; a management or  
37 other agreement giving the applicant control over the food and beverage  
38 operations at the premises; or a binding agreement to obtain such owner-  
39 ship, lease or agreement;

40 (o) a list of the funds being invested into the licensed business and  
41 the anticipated expenses to start the business;

42 (p) the name of any individual not listed in this subdivision who has  
43 a financial interest in the licensed business through a loan, gift of  
44 funds, percentage of revenue, etc.; and

45 (q) the fingerprints of the individuals named in this subdivision  
46 which shall be transmitted to the division of criminal justice services.

47 For purposes of this subdivision, principal means: if the applicant is  
48 an individual, that individual; if the applicant is a partnership, any  
49 individual owning, directly or indirectly, ten percent or more of the  
50 partnership; if the applicant is a corporation, the officers and direc-  
51 tors of the corporation and any individual owning, directly or indirect-  
52 ly, ten percent or more of the corporation; if the applicant is a limit-  
53 ed liability company, the managing members and any individual owning,  
54 directly or indirectly, ten percent or more of the limited liability  
55 company.

1 § 2. This act shall take effect on the ninetieth day after it shall  
2 have become a law; provided that any license application pending or  
3 filed with the authority on or after the effective date of this act  
4 shall be subject to section one of this act.

5

## PART M

6 Section 1. Section 5 of chapter 396 of the laws of 2010 amending the  
7 alcoholic beverage control law relating to liquidator's permits and  
8 temporary retail permits, as amended by chapter 375 of the laws of 2021,  
9 is amended to read as follows:

10 § 5. This act shall take effect on the sixtieth day after it shall  
11 have become a law[, provided that paragraph (b) of subdivision 1 of  
12 section 97-a of the alcoholic beverage control law as added by section  
13 two of this act shall expire and be deemed repealed October 12, 2022].

14 § 2. This act shall take effect immediately.

15

## PART N

16 Section 1. Subdivision 3 of section 5-210 of the election law, as  
17 amended by chapter 255 of the laws of 2015, is amended to read as  
18 follows:

19 3. Completed application forms, when received by any board of  
20 elections and, with respect to application forms promulgated by the  
21 federal election commission, when received by the state board of  
22 elections, or showing a dated cancellation mark of the United States  
23 Postal Service or contained in an envelope showing such a dated cancel-  
24 lation mark which is not later than the [twenty-fifth] fifteenth day  
25 before the next ensuing primary, general or special election, and  
26 received no later than the [twentieth] tenth day before such election,  
27 or delivered in person to such board of elections not later than the  
28 tenth day before [a special] such election, shall entitle the applicant  
29 to vote in such election, if he or she is otherwise qualified, provided,  
30 however, such applicant shall not vote on a voting machine until his or  
31 her identity is verified. Any board of elections receiving an applica-  
32 tion form from a person who does not reside in its jurisdiction but who  
33 does reside elsewhere in the state of New York, shall forthwith forward  
34 such application form to the proper board of elections. Each board of  
35 elections shall make an entry on each such form of the date it is  
36 received by such board.

37 § 2. This act shall take effect immediately.

38

## PART O

39 Section 1. Section 4-104 of the election law is amended by adding a  
40 new subdivision 5-a to read as follows:

41 5-a. Whenever a contiguous property of a college or university  
42 contains three hundred or more registrants who are registered to vote at  
43 an address on such contiguous property, the polling place designated for  
44 such registrants shall be on such contiguous property or at a nearby  
45 location recommended by the college or university and agreed to by the  
46 board of elections.

47 § 2. Paragraph a of subdivision 3 of section 4-100 of the election  
48 law, as amended by chapter 260 of the laws of 2021, is amended to read  
49 as follows:



1 a. Each election district shall be in compact form and may not be  
2 partly within and partly without a ward, town, city, a village which has  
3 five thousand or more inhabitants and is wholly within one town, the  
4 contiguous property of a college or university which contains three  
5 hundred or more registrants who are registered to vote at an address on  
6 such contiguous property, or a county legislative, assembly, senatorial  
7 or congressional district. Except as provided in paragraph b of this  
8 subdivision, election district boundaries, other than those boundaries  
9 which are coterminous with the boundaries of those political subdivi-  
10 sions and college or university properties mentioned in this paragraph,  
11 must be streets, rivers, railroad lines or other permanent character-  
12 istics of the landscape which are clearly visible to any person without  
13 the need to use any technical or mechanical device. An election district  
14 shall contain not more than nine hundred fifty registrants (excluding  
15 registrants in inactive status) or, with the approval of the county  
16 board of elections, not more than two thousand registrants (excluding  
17 registrants in inactive status), but any election district may be  
18 divided for the convenience of the voters.

19 § 3. This act shall take effect January 1, 2024.

20

## PART P

21 Section 1. Section 106 of the alcoholic beverage control law is  
22 amended by adding a new subdivision 2-a to read as follows:

23 2-a. Notwithstanding any provision of law to the contrary, in addition  
24 to any other privilege provided under this chapter, any retail license  
25 that allows for liquor and/or wine sale for on-premises consumption  
26 shall also include the privilege to sell for take-out and delivery, any  
27 product it may otherwise sell at retail, in sealed original, unsealed  
28 original, and non-original containers, subject to and upon adoption of  
29 rules and regulations of the authority which may include, but need not  
30 be limited to, any reasonable limitation on: quantity and volume, food  
31 required at time of purchase, hours of sale, and the sealing of open  
32 containers.

33 § 2. This act shall take effect immediately.

34

## PART Q

35 Section 1. Paragraph (a) of subdivision 3 of section 800 of the gener-  
36 al municipal law, as amended by chapter 1043 of the laws of 1965, is  
37 amended to read as follows:

38 (a) his [spouse, minor children and dependents] or her familial member  
39 where such familial member is any person living in the same household as  
40 the municipal officer or employee, any person who is a direct descendant  
41 of such municipal officer or employee's grandparents or the spouse of  
42 such descendant, and where such contract is entered into after the  
43 effective date of the chapter of the laws of two thousand twenty-two  
44 that amends this paragraph, except a contract of employment with the  
45 municipality which such officer or employee serves,

46 § 2. Subdivision 1 of section 803 of the general municipal law, as  
47 amended by chapter 499 of the laws of 2005, is amended to read as  
48 follows:

49 1. Any municipal officer or employee who has, will have, or later  
50 acquires an interest in or whose [spouse] familial member, as that term  
51 is used in section eight hundred of this article, has, will have, or  
52 later acquires an interest in any actual or proposed contract, purchase



1 agreement, lease agreement or other agreement, including oral agree-  
2 ments, with the municipality of which he or she is an officer or employ-  
3 ee, shall publicly disclose the nature and extent of such interest in  
4 writing to his or her immediate supervisor and to the governing body  
5 thereof as soon as he or she has knowledge of such actual or prospective  
6 interest. Such written disclosure shall be made part of and set forth in  
7 the official record of the proceedings of such body.

8 § 3. Paragraph a of subdivision 1 of section 805-a of the general  
9 municipal law, as amended by chapter 813 of the laws of 1987, is amended  
10 to read as follows:

11 a. directly or indirectly, solicit any gift, or accept or receive any  
12 gift having [a value of seventy-five dollars or] more than a nominal  
13 value, whether in the form of money, service, loan, travel, enter-  
14 tainment, hospitality, thing or promise, or in any other form, under  
15 circumstances in which it could reasonably be inferred that the gift was  
16 intended to influence him, or could reasonably be expected to influence  
17 him, in the performance of his official duties or was intended as a  
18 reward for any official action on his part;

19 § 4. This act shall take effect immediately.

20

## PART R

21 Section 1. Section 57 of the civil service law, as added by chapter 83  
22 of the laws of 1963, is amended to read as follows:

23 § 57. Continuous recruitment for certain positions. Notwithstanding  
24 any other provisions of this chapter or any other law, the civil service  
25 department or a municipal commission may establish a continuing eligible  
26 list for any class of positions [for which it finds inadequate numbers  
27 of well qualified persons available for recruitment]. Names of eligi-  
28 bles shall be inserted in such list from time to time as applicants are  
29 tested and found qualified in examinations held at such intervals as may  
30 be prescribed by the civil service department or municipal commission  
31 having jurisdiction. Such successive examinations shall, so far as prac-  
32 ticable, be constructed and rated so as to be equivalent tests of the  
33 merit and fitness of candidates. The name of any candidate who passes  
34 any such examination and who is otherwise qualified shall be placed on  
35 the continuing eligible list in the rank corresponding to [his] the  
36 candidate's final rating on such examination. The period of eligibility  
37 of successful candidates for certification and appointment from such  
38 continuing eligible list, as a result of any such examination, shall be  
39 fixed by the civil service department or municipal commission but,  
40 except as a list may reach an announced terminal date, such period shall  
41 not be less than one year; nor shall such period of eligibility exceed  
42 four years. Subject to such conditions and limitations as the civil  
43 service department or municipal commission may prescribe, a candidate  
44 may take more than one such examination; provided, however, that no such  
45 candidate shall be certified simultaneously with more than one rank on  
46 the continuing eligible list. With respect to any candidate who applies  
47 for and is granted additional credit in any such examination as a disa-  
48 bled or non-disabled veteran, and for the limited purpose of granting  
49 such additional credit, the eligible list shall be deemed to be estab-  
50 lished on the date on which [his] the candidate's name is added thereto.

51 § 2. This act shall take effect immediately.

52

## PART S



1 Section 1. Subdivision 11 of section 52 of the civil service law, as  
2 amended by chapter 214 of the laws of 1989, is amended to read as  
3 follows:

4 11. Notwithstanding any other provision of law, the state department  
5 of civil service may, for titles designated by it, extend to employees  
6 in the state service who are holding or who have held a position in the  
7 non-competitive or labor class of such service the same opportunity as  
8 employees in the competitive class to take promotion examinations [if  
9 such examinations are to be held in conjunction with open competitive  
10 examinations].

11 § 2. Subdivision 12 of section 52 of the civil service law, as added  
12 by chapter 453 of the laws of 1976, is amended to read as follows:

13 12. Notwithstanding any other provisions of law, a municipal commis-  
14 sion may, for entrance level titles as defined and designated by it,  
15 extend to employees in the service of a civil division who are holding  
16 or who have held a position in the non-competitive class of such service  
17 for a period of two years the same opportunity as employees in the  
18 competitive class to take promotion examinations for which such non-com-  
19 petitive class service is determined by the municipal commission to be  
20 appropriate preparation [if such examinations are to be held in conjunc-  
21 tion with open competitive examinations].

22 § 3. This act shall take effect immediately.

23

#### PART T

24 Section 1. Section 55-b of the civil service law is amended by adding  
25 a new subdivision 3 to read as follows:

26 3. Those employees hired under subdivision one of this section, shall  
27 be afforded the opportunity to transfer into competitive class posi-  
28 tions, provided that they meet the requirements for competitive examina-  
29 tion; and possess the requisite credentials, licenses, and certifi-  
30 fications as necessary.

31 § 2. Section 55-c of the civil service law is amended by adding a new  
32 subdivision 4 to read as follows:

33 4. Those employees hired under subdivision one of this section, shall  
34 be afforded the opportunity to transfer into competitive class posi-  
35 tions, provided that they meet the requirements for competitive examina-  
36 tion; and possess the requisite credentials, licenses, and certifi-  
37 fications as necessary.

38 § 3. This act shall take effect immediately.

39

#### PART U

40 Section 1. Subdivision 6 of section 130 of the civil service law, as  
41 amended by chapter 307 of the laws of 1979, is amended to read as  
42 follows:

43 6. Shift pay differentials. Whenever the director finds that under  
44 prevailing wage practices in private or other public employment in the  
45 state, employees in a given occupation receive a higher rate of pay or  
46 wage differential for a work shift other [than a normal day shift] than  
47 that which is paid to employees in the same occupation [for a normal day  
48 shift], [he] the director may, subject to the approval of the director  
49 of the budget, authorize a pay differential to be paid to those employ-  
50 ees in positions in the same or related occupations in the state service  
51 and who are [regularly] assigned to an equivalent or substantially  
52 equivalent work shift, on a statewide basis, provided however, where the

1 director finds that in a particular geographical area or areas wage  
2 practices would warrant a shift differential for employees in a partic-  
3 ular occupation then the director may grant a work shift pay differen-  
4 tial for such employees, subject to the approval of the director of the  
5 budget. In determining whether to authorize a pay differential the  
6 director shall consider the various duties on each shift, [other than  
7 the normal day shift,] in relation to the normal day shift. A pay  
8 differential under this subdivision shall be a percentage of basic sala-  
9 ry, an hourly rate, an annual rate, or a fixed dollar amount per pay  
10 period, as prescribed in each case by the director of the classification  
11 and compensation division subject to approval of the director of the  
12 budget. Such differential shall be paid in addition to and shall not be  
13 part of an employee's basic annual salary, and shall not affect or  
14 impair any performance advancement payments, performance awards, longev-  
15 ity payments or other rights or benefits to which an employee may be  
16 entitled under the provisions of this chapter, provided, however, that  
17 any differential payable pursuant to this subdivision shall be included  
18 as compensation for retirement purposes. A pay differential shall be  
19 terminated for any employee when [he] the employee ceases to be employed  
20 in the work shift or position for which such pay differential was  
21 authorized. A pay differential shall remain in effect until terminated  
22 by the director of the classification and compensation division with the  
23 consent of the director of the budget or until a new pay differential is  
24 authorized pursuant to this subdivision. The director of the budget may  
25 adopt such regulations as [he may deem] necessary to carry out the  
26 provisions of this subdivision.

27 § 2. This act shall take effect immediately.

28

#### PART V

29 Section 1. Section 5004 of the civil practice law and rules, as  
30 amended by chapter 258 of the laws of 1981, is amended to read as  
31 follows:

32 § 5004. Rate of interest. [Interest shall be at the rate of nine per  
33 centum per annum, except where otherwise provided by statute.] Notwith-  
34 standing any other provision of law or regulation to the contrary,  
35 including any law or regulation that limits the annual rate of interest  
36 to be paid on a judgment or accrued claim, the annual rate of interest  
37 to be paid on a judgment or accrued claim shall be calculated at the  
38 one-year United States treasury bill rate. For the purposes of this  
39 section, the "one-year United States treasury bill rate" means the week-  
40 ly average one-year constant maturity treasury yield, as published by  
41 the board of governors of the federal reserve system, for the calendar  
42 week preceding the date of the entry of the judgment awarding damages.  
43 Provided however, that this section shall not apply to any provision of  
44 the tax law which provides for the annual rate of interest to be paid on  
45 a judgment or accrued claim.

46 § 2. Subdivision (a) of section 5004 of the civil practice law and  
47 rules, as amended by chapter 831 of the laws of 2021, is amended to read  
48 as follows:

49 (a) [Interest shall be at the rate of nine per centum per annum,  
50 except where otherwise provided by statute; provided] Notwithstanding  
51 any other provision of law or regulation to the contrary, including any  
52 law or regulation that limits the annual rate of interest to be paid on  
53 a judgment or accrued claim, the annual rate of interest to be paid on a  
54 judgment or accrued claim shall be calculated at the one-year United

1 States treasury bill rate. For purposes of this section, the "one-year  
2 United States treasury bill rate" means the weekly average one-year  
3 constant maturity treasury yield, as published by the board of governors  
4 of the federal reserve system, for the calendar week preceding the date  
5 of the entry of the judgment awarding damages; provided however, that  
6 this section shall not apply to any provision of the tax law which  
7 provides for the annual rate of interest to be paid on a judgment or  
8 accrued claim. Provided, however, the annual rate of interest to be paid  
9 in an action arising out of a consumer debt where a natural person is a  
10 defendant shall be two per centum per annum (i) on a judgment or accrued  
11 claim for judgments entered on or after the effective date of the chap-  
12 ter of the laws of two thousand twenty-one which amended this section,  
13 and (ii) for interest upon a judgment pursuant to section five thousand  
14 three of this article from the date of the entry of judgment on any part  
15 of a judgment entered before the effective date of the chapter of the  
16 laws of two thousand twenty-one which amended this section that is  
17 unpaid as of such effective date.

18 § 3. Section 16 of the state finance law, as amended by chapter 681 of  
19 the laws of 1982, is amended to read as follows:

20 § 16. Rate of interest on judgments and accrued claims against the  
21 state. The rate of interest to be paid by the state upon any judgment  
22 or accrued claim against the state shall [not exceed nine per centum per  
23 annum] be calculated at the one-year United States treasury bill rate.  
24 For the purposes of this section, the "one-year United States treasury  
25 bill rate" means the weekly average one-year constant maturity treasury  
26 yield, as published by the board of governors of the federal reserve  
27 system, for the calendar week preceding the date of the entry of the  
28 judgment awarding damages. Provided however, that this section shall not  
29 apply to any provision of the tax law which provides for the annual rate  
30 of interest to be paid on a judgment or accrued claim.

31 § 4. This act shall take effect immediately, and shall be deemed to  
32 have been in full force and effect on and after April 1, 2022; provided,  
33 however, section two of this act shall take effect on the same date and  
34 in the same manner as section 1 of chapter 831 of the laws of 2021,  
35 takes effect.

36

#### PART W

37 Section 1. Subdivision 8 of section 239-bb of the general municipal  
38 law, as amended by chapter 294 of the laws of 2021, is amended to read  
39 as follows:

40 8. For each county, new shared services actions [not included] in [a  
41 previously] an approved and submitted plan pursuant to this section or  
42 part BBB of chapter fifty-nine of the laws of two thousand seventeen,  
43 may be eligible for funding to match savings from such action, subject  
44 to available appropriation. Savings that are actually and demonstrably  
45 realized by the participating local governments are eligible for match-  
46 ing funding. For actions that are part of an approved plan transmitted  
47 to the secretary of state in accordance with paragraph b of subdivision  
48 seven of this section, savings achieved during either: (i) January first  
49 through December thirty-first from new actions implemented on or after  
50 January first through December thirty-first of the year immediately  
51 following an approved and transmitted plan, or (ii) July first of the  
52 year immediately following an approved and transmitted plan through June  
53 thirtieth of the subsequent year from new actions implemented July first  
54 of the year immediately following an approved plan through June thirti-



1 eth of the subsequent year may be eligible for matching funding. Only  
2 net savings between local governments for each action would be eligible  
3 for matching funding. Savings from internal efficiencies or any other  
4 action taken by a local government without the participation of another  
5 local government are not eligible for matching funding. Each county and  
6 all of the local governments within the county that are part of any  
7 action to be implemented as part of an approved plan must collectively  
8 apply for the matching funding by submitting one consolidated applica-  
9 tion per plan, and agree on the distribution and use of any matching  
10 funding in order to qualify for matching funding. Any such consolidated  
11 application shall be submitted to the department of state in such form  
12 and manner as directed by the department no later than December thirty-  
13 first of the second calendar year following plan adoption; provided,  
14 however, that for plans adopted prior to calendar year two thousand  
15 twenty, for which no application for matching funding has been submit-  
16 ted, one consolidated application per plan year may be submitted to the  
17 department no later than December thirty-first, two thousand twenty-two.  
18 § 2. This act shall take effect immediately.

19

## PART X

20 Section 1. Paragraph b of subdivision 10 of section 54 of the state  
21 finance law is amended by adding a new subparagraph (vii) to read as  
22 follows:

23 (vii) Notwithstanding subparagraph (i) of this paragraph, within  
24 amounts appropriated in the state fiscal year commencing April first,  
25 two thousand twenty-two, and annually thereafter, there shall be  
26 apportioned and paid to each existing municipality as of April first,  
27 two thousand twenty-two a base level grant in an amount equal to the aid  
28 received by such municipality in the state fiscal year commencing April  
29 first, two thousand eighteen; provided, however, and notwithstanding  
30 any law to the contrary, in the state fiscal year commencing April  
31 first, two thousand twenty-two, and annually thereafter, the town of  
32 Palm Tree shall receive a base level grant of twenty-four thousand two  
33 hundred thirteen dollars, and the village of Sagaponack shall receive a  
34 base level grant of two thousand dollars, and the village of Woodbury  
35 shall receive a base level grant of twenty-seven thousand dollars, and  
36 the village of South Blooming Grove shall receive a base level grant of  
37 nineteen thousand dollars.

38 § 2. Paragraph 3 of subdivision c of section 1261 of the tax law, as  
39 amended by section 1 of part NN of chapter 55 of the laws of 2020, is  
40 amended to read as follows:

41 (3) However, the taxes, penalties and interest which (i) the county of  
42 Nassau, (ii) the county of Erie, to the extent the county of Erie is  
43 contractually or statutorily obligated to allocate and apply or pay net  
44 collections to the city of Buffalo and to the extent that such county  
45 has set aside net collections for educational purposes attributable to  
46 the Buffalo school district, or the city of Buffalo or (iii) the county  
47 of Erie is authorized to impose pursuant to section twelve hundred ten  
48 of this article, other than such taxes in the amounts described, respec-  
49 tively, in subdivisions one and two of section one thousand two hundred  
50 sixty-two-e of this part, during the period that such section authorizes  
51 Nassau county to establish special or local assistance programs there-  
52 under, together with any penalties and interest related thereto, and  
53 after the comptroller has reserved such refund fund and such costs,  
54 shall, commencing on the next payment date after the effective date of

1 this sentence and of each month thereafter, until such date as (i) the  
2 Nassau county interim finance authority shall have no obligations  
3 outstanding, or (ii) the Buffalo fiscal stability authority shall cease  
4 to exist, or (iii) the Erie county fiscal stability authority shall  
5 cease to exist, be paid by the comptroller, respectively, to (i) the  
6 Nassau county interim finance authority to be applied by the Nassau  
7 county interim finance authority, or (ii) to the Buffalo fiscal stabili-  
8 ty authority to be applied by the Buffalo fiscal stability authority, or  
9 (iii) to the Erie county fiscal stability authority to be applied by the  
10 Erie county fiscal stability authority, as the case may be, in the  
11 following order of priority: first pursuant to the Nassau county interim  
12 finance authority's contracts with bondholders or the Buffalo fiscal  
13 stability authority's contracts with bondholders or the Erie county  
14 fiscal stability authority's contracts with bondholders, respectively,  
15 then to pay the Nassau county interim finance authority's operating  
16 expenses not otherwise provided for or the Buffalo fiscal stability  
17 authority's operating expenses not otherwise provided for or the Erie  
18 county fiscal stability authority's operating expenses not otherwise  
19 provided for, respectively, [then (i) for the Nassau county interim  
20 finance authority to pay to the state as soon as practicable in the  
21 months of May and December each year, the amount necessary to fulfill  
22 the town and village distribution requirement on behalf of Nassau county  
23 pursuant to paragraph five-a of this subdivision, or (ii) for the  
24 Buffalo fiscal stability authority to pay to the state as soon as prac-  
25 ticable in the months of May and December each year, the percentage of  
26 the amount necessary to fulfill the town and village distribution  
27 requirement on behalf of Erie county pursuant to paragraph five-a of  
28 this subdivision that equates to the percentage of the county net  
29 collections that the city of Buffalo and the Buffalo city school  
30 district, together, are due in the months of May and December each year,  
31 or (iii) for the Erie county fiscal stability authority to pay to the  
32 state as soon as practicable in the months of May and December each  
33 year, the amount necessary to fulfill the town and village distribution  
34 requirement on behalf of Erie county pursuant to paragraph five-a of  
35 this subdivision, less the amount being paid to the state by the Buffalo  
36 fiscal stability authority in each respective month,] and then (i)  
37 pursuant to the Nassau county interim finance authority's agreements  
38 with the county of Nassau, which agreements shall require the Nassau  
39 county interim finance authority to transfer such taxes, penalties and  
40 interest remaining after providing for contractual or other obligations  
41 of the Nassau county interim finance authority, and subject to any  
42 agreement between such authority and the county of Nassau, to the county  
43 of Nassau as frequently as practicable; or (ii) pursuant to the Buffalo  
44 fiscal stability authority's agreements with the city of Buffalo, which  
45 agreements shall require the Buffalo fiscal stability authority to  
46 transfer such taxes, penalties and interest remaining after providing  
47 for contractual or other obligations of the Buffalo fiscal stability  
48 authority, and subject to any agreement between such authority and the  
49 city of Buffalo, to the city of Buffalo or the city of Buffalo school  
50 district, as the case may be, as frequently as practicable; or (iii)  
51 pursuant to the Erie county fiscal stability authority's agreements with  
52 the county of Erie, which agreements shall require the Erie county  
53 fiscal stability authority to transfer such taxes, penalties and inter-  
54 est remaining after providing for contractual or other obligations of  
55 the Erie county fiscal stability authority, and subject to any agreement  
56 between such authority and the county of Erie, to the county of Erie as



1 frequently as practicable. During the period that the comptroller is  
2 required to make payments to the Nassau county interim finance authority  
3 described in the previous sentence, the county of Nassau shall have no  
4 right, title or interest in or to such taxes, penalties and interest  
5 required to be paid to the Nassau county interim finance authority,  
6 except as provided in such authority's agreements with the county of  
7 Nassau. During the period that the comptroller is required to make  
8 payments to the Buffalo fiscal stability authority described in the  
9 second previous sentence, the city of Buffalo and such school district  
10 shall have no right, title or interest in or to such taxes, penalties  
11 and interest required to be paid to the Buffalo fiscal stability author-  
12 ity, except as provided in such authority's agreements with the city of  
13 Buffalo. During the period that the comptroller is required to make  
14 payments to the Erie county fiscal stability authority described in the  
15 third previous sentence, the county of Erie shall have no right, title  
16 or interest in or to such taxes, penalties and interest required to be  
17 paid to the Erie county fiscal stability authority, except as provided  
18 in such authority's agreements with the county of Erie.

19 § 3. Paragraph 5-a of subdivision c of section 1261 of the tax law is  
20 REPEALED.

21 § 4. Subdivision 5 of section 3657 of the public authorities law, as  
22 amended by section 3 of part NN of chapter 55 of the laws of 2020, is  
23 amended to read as follows:

24 5. Tax revenues received by the authority pursuant to section twelve  
25 hundred sixty-one of the tax law, together with any other revenues  
26 received by the authority, shall be applied in the following order of  
27 priority: first pursuant to the authority's contracts with bondholders,  
28 then to pay the authority's operating expenses not otherwise provided  
29 for, [then to pay to the state pursuant to paragraph three of subdivi-  
30 sion (c) of section twelve hundred sixty-one of the tax law,] and then,  
31 subject to the authority's agreements with the county, to transfer the  
32 balance of such tax revenues not required to meet contractual or other  
33 obligations of the authority to the county as frequently as practicable.

34 § 5. Subdivision 5 of section 3965 of the public authorities law, as  
35 amended by section 5 of part NN of chapter 55 of the laws of 2020, is  
36 amended to read as follows:

37 5. Revenues of the authority shall be applied in the following order  
38 of priority: first to pay debt service or for set asides to pay debt  
39 service on the authority's bonds, notes, or other obligations and to  
40 replenish any reserve funds securing such bonds, notes or other obli-  
41 gations of the authority in accordance with the provision of indenture  
42 or bond resolution of the authority; then to pay the authority's operat-  
43 ing expenses not otherwise provided for; [then to pay to the state  
44 pursuant to paragraph three of subdivision (c) of section twelve hundred  
45 sixty-one of the tax law;] and then, subject to the authority's agree-  
46 ments with the county for itself or on behalf of any covered organiza-  
47 tion to transfer as frequently as practicable the balance of revenues  
48 not required to meet contractual or other obligations of the authority  
49 to the county as provided in subdivision seven of this section.

50 § 6. Subdivision 5 of section 3865 of the public authorities law, as  
51 amended by section 4 of part NN of chapter 55 of the laws of 2020, is  
52 amended to read as follows:

53 5. Revenues of the authority shall be applied in the following order  
54 of priority: first to pay debt service or for set asides to pay debt  
55 service on the authority's bonds, notes, or other obligations and to  
56 replenish any reserve funds securing such bonds, notes or other obli-

1 gations of the authority, in accordance with the provision of any inden-  
2 ture or bond resolution of the authority; then to pay the authority's  
3 operating expenses not otherwise provided for; [then to pay to the state  
4 pursuant to paragraph three of subdivision (c) of section twelve hundred  
5 sixty-one of the tax law;] and then, subject to the authority's agree-  
6 ment with the city, for itself or on behalf of the city's dependent  
7 school district and any other covered organization, to transfer as  
8 frequently as practicable the balance of revenues not required to meet  
9 contractual or other obligations of the authority to the city or the  
10 city's dependent school district as provided in subdivision seven of  
11 this section.

12 § 7. This act shall take effect July 1, 2022.

13

PART Y

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

- 18 1. DOL-Child performer protection account (20401).
- 19 2. Local government records management account (20501).
- 20 3. Child health plus program account (20810).
- 21 4. EPIC premium account (20818).
- 22 5. Education - New (20901).
- 23 6. VLT - Sound basic education fund (20904).
- 24 7. Sewage treatment program management and administration fund  
25 (21000).
- 26 8. Hazardous bulk storage account (21061).
- 27 9. Utility environmental regulatory account (21064).
- 28 10. Federal grants indirect cost recovery account (21065).
- 29 11. Low level radioactive waste account (21066).
- 30 12. Recreation account (21067).
- 31 13. Public safety recovery account (21077).
- 32 14. Environmental regulatory account (21081).
- 33 15. Natural resource account (21082).
- 34 16. Mined land reclamation program account (21084).
- 35 17. Great lakes restoration initiative account (21087).
- 36 18. Environmental protection and oil spill compensation fund (21200).
- 37 19. Public transportation systems account (21401).
- 38 20. Metropolitan mass transportation (21402).
- 39 21. Operating permit program account (21451).
- 40 22. Mobile source account (21452).
- 41 23. Statewide planning and research cooperative system account  
42 (21902).
- 43 24. New York state thruway authority account (21905).
- 44 25. Mental hygiene program fund account (21907).
- 45 26. Mental hygiene patient income account (21909).
- 46 27. Financial control board account (21911).
- 47 28. Regulation of racing account (21912).
- 48 29. State university dormitory income reimbursable account (21937).
- 49 30. Criminal justice improvement account (21945).
- 50 31. Environmental laboratory reference fee account (21959).
- 51 32. Training, management and evaluation account (21961).
- 52 33. Clinical laboratory reference system assessment account (21962).
- 53 34. Indirect cost recovery account (21978).
- 54 35. Multi-agency training account (21989).

- 1 36. Bell jar collection account (22003).
- 2 37. Industry and utility service account (22004).
- 3 38. Real property disposition account (22006).
- 4 39. Parking account (22007).
- 5 40. Courts special grants (22008).
- 6 41. Asbestos safety training program account (22009).
- 7 42. Camp Smith billeting account (22017).
- 8 43. Batavia school for the blind account (22032).
- 9 44. Investment services account (22034).
- 10 45. Surplus property account (22036).
- 11 46. Financial oversight account (22039).
- 12 47. Regulation of Indian gaming account (22046).
- 13 48. Rome school for the deaf account (22053).
- 14 49. Seized assets account (22054).
- 15 50. Administrative adjudication account (22055).
- 16 51. New York City assessment account (22062).
- 17 52. Cultural education account (22063).
- 18 53. Local services account (22078).
- 19 54. DHCR mortgage servicing account (22085).
- 20 55. Housing indirect cost recovery account (22090).
- 21 56. DHCR-HCA application fee account (22100).
- 22 57. Low income housing monitoring account (22130).
- 23 58. Corporation administration account (22135).
- 24 59. New York State Home for Veterans in the Lower-Hudson Valley
- 25 account (22144).
- 26 60. Deferred compensation administration account (22151).
- 27 61. Rent revenue other New York City account (22156).
- 28 62. Rent revenue account (22158).
- 29 63. Transportation aviation account (22165).
- 30 64. Tax revenue arrearage account (22168).
- 31 65. New York state medical indemnity fund account (22240).
- 32 66. Behavioral health parity compliance fund (22246).
- 33 67. State university general income offset account (22654).
- 34 68. Lake George park trust fund account (22751).
- 35 69. State police motor vehicle law enforcement account (22802).
- 36 70. Highway safety program account (23001).
- 37 71. DOH drinking water program account (23102).
- 38 72. NYCCC operating offset account (23151).
- 39 73. Commercial gaming regulation account (23702).
- 40 74. Highway use tax administration account (23801).
- 41 75. New York state secure choice administrative account (23806).
- 42 76. New York state cannabis revenue fund (24800).
- 43 77. Fantasy sports administration account (24951).
- 44 78. Highway and bridge capital account (30051).
- 45 79. Aviation purpose account (30053).
- 46 80. State university residence hall rehabilitation fund (30100).
- 47 81. State parks infrastructure account (30351).
- 48 82. Clean water/clean air implementation fund (30500).
- 49 83. Hazardous waste remedial cleanup account (31506).
- 50 84. Youth facilities improvement account (31701).
- 51 85. Housing assistance fund (31800).
- 52 86. Housing program fund (31850).
- 53 87. Highway facility purpose account (31951).
- 54 88. New York racing account (32213).
- 55 89. Capital miscellaneous gifts account (32214).
- 56 90. Information technology capital financing account (32215).

- 1 91. New York environmental protection and spill remediation account
- 2 (32219).
- 3 92. Mental hygiene facilities capital improvement fund (32300).
- 4 93. Correctional facilities capital improvement fund (32350).
- 5 94. New York State Storm Recovery Capital Fund (33000).
- 6 95. OGS convention center account (50318).
- 7 96. Empire Plaza Gift Shop (50327).
- 8 97. Centralized services fund (55000).
- 9 98. Archives records management account (55052).
- 10 99. Federal single audit account (55053).
- 11 100. Civil service administration account (55055).
- 12 101. Civil service EHS occupational health program account (55056).
- 13 102. Banking services account (55057).
- 14 103. Cultural resources survey account (55058).
- 15 104. Neighborhood work project account (55059).
- 16 105. Automation & printing chargeback account (55060).
- 17 106. OFT NYT account (55061).
- 18 107. Data center account (55062).
- 19 108. Intrusion detection account (55066).
- 20 109. Domestic violence grant account (55067).
- 21 110. Centralized technology services account (55069).
- 22 111. Labor contact center account (55071).
- 23 112. Human services contact center account (55072).
- 24 113. Tax contact center account (55073).
- 25 114. Department of law civil recoveries account (55074).
- 26 115. Executive direction internal audit account (55251).
- 27 116. CIO Information technology centralized services account (55252).
- 28 117. Health insurance internal service account (55300).
- 29 118. Civil service employee benefits division administrative account
- 30 (55301).
- 31 119. Correctional industries revolving fund (55350).
- 32 120. Employees health insurance account (60201).
- 33 121. Medicaid management information system escrow fund (60900).
- 34 § 1-a. The state comptroller is hereby authorized and directed to loan
- 35 money in accordance with the provisions set forth in subdivision 5 of
- 36 section 4 of the state finance law to any account within the following
- 37 federal funds, provided the comptroller has made a determination that
- 38 sufficient federal grant award authority is available to reimburse such
- 39 loans:
- 40 1. Federal USDA-food and nutrition services fund (25000).
- 41 2. Federal health and human services fund (25100).
- 42 3. Federal education fund (25200).
- 43 4. Federal block grant fund (25250).
- 44 5. Federal miscellaneous operating grants fund (25300).
- 45 6. Federal unemployment insurance administration fund (25900).
- 46 7. Federal unemployment insurance occupational training fund (25950).
- 47 8. Federal emergency employment act fund (26000).
- 48 9. Federal capital projects fund (31350).
- 49 § 2. Notwithstanding any law to the contrary, and in accordance with
- 50 section 4 of the state finance law, the comptroller is hereby authorized
- 51 and directed to transfer, upon request of the director of the budget, on
- 52 or before March 31, 2023, up to the unencumbered balance or the follow-
- 53 ing amounts:
- 54 Economic Development and Public Authorities:
- 55 1. \$1,175,000 from the miscellaneous special revenue fund, underground
- 56 facilities safety training account (22172), to the general fund.

- 1 2. An amount up to the unencumbered balance from the miscellaneous  
2 special revenue fund, business and licensing services account (21977),  
3 to the general fund.
- 4 3. \$14,810,000 from the miscellaneous special revenue fund, code  
5 enforcement account (21904), to the general fund.
- 6 4. \$3,000,000 from the general fund to the miscellaneous special  
7 revenue fund, tax revenue arrearage account (22168).
- 8 Education:
- 9 1. \$2,653,000,000 from the general fund to the state lottery fund,  
10 education account (20901), as reimbursement for disbursements made from  
11 such fund for supplemental aid to education pursuant to section 92-c of  
12 the state finance law that are in excess of the amounts deposited in  
13 such fund for such purposes pursuant to section 1612 of the tax law.
- 14 2. \$1,237,000,000 from the general fund to the state lottery fund, VLT  
15 education account (20904), as reimbursement for disbursements made from  
16 such fund for supplemental aid to education pursuant to section 92-c of  
17 the state finance law that are in excess of the amounts deposited in  
18 such fund for such purposes pursuant to section 1612 of the tax law.
- 19 3. \$139,200,000 from the general fund to the New York state commercial  
20 gaming fund, commercial gaming revenue account (23701), as reimbursement  
21 for disbursements made from such fund for supplemental aid to education  
22 pursuant to section 97-nnnn of the state finance law that are in excess  
23 of the amounts deposited in such fund for purposes pursuant to section  
24 1352 of the racing, pari-mutuel wagering and breeding law.
- 25 4. \$496,000,000 from the general fund to the mobile sports wagering  
26 fund, education account (24955), as reimbursement for disbursements made  
27 from such fund for supplemental aid to education pursuant to section  
28 92-c of the state finance law that are in excess of the amounts deposit-  
29 ed in such fund for such purposes pursuant to section 1367 of the  
30 racing, pari-mutuel wagering and breeding law.
- 31 5. \$7,000,000 from the interactive fantasy sports fund, fantasy sports  
32 education account (24950), to the state lottery fund, education account  
33 (20901), as reimbursement for disbursements made from such fund for  
34 supplemental aid to education pursuant to section 92-c of the state  
35 finance law.
- 36 6. An amount up to the unencumbered balance in the fund on March 31,  
37 2023 from the charitable gifts trust fund, elementary and secondary  
38 education account (24901), to the general fund, for payment of general  
39 support for public schools pursuant to section 3609-a of the education  
40 law.
- 41 7. Moneys from the state lottery fund (20900) up to an amount deposit-  
42 ed in such fund pursuant to section 1612 of the tax law in excess of the  
43 current year appropriation for supplemental aid to education pursuant to  
44 section 92-c of the state finance law.
- 45 8. \$300,000 from the New York state local government records manage-  
46 ment improvement fund, local government records management account  
47 (20501), to the New York state archives partnership trust fund, archives  
48 partnership trust maintenance account (20351).
- 49 9. \$900,000 from the general fund to the miscellaneous special revenue  
50 fund, Batavia school for the blind account (22032).
- 51 10. \$900,000 from the general fund to the miscellaneous special reven-  
52 ue fund, Rome school for the deaf account (22053).
- 53 11. \$343,400,000 from the state university dormitory income fund  
54 (40350) to the miscellaneous special revenue fund, state university  
55 dormitory income reimbursable account (21937).



1 12. \$8,318,000 from the general fund to the state university income  
2 fund, state university income offset account (22654), for the state's  
3 share of repayment of the STIP loan.

4 13. \$68,000,000 from the state university income fund, state universi-  
5 ty hospitals income reimbursable account (22656) to the general fund for  
6 hospital debt service for the period April 1, 2022 through March 31,  
7 2023.

8 14. \$7,790,000 from the miscellaneous special revenue fund, office of  
9 the professions account (22051), to the miscellaneous capital projects  
10 fund, office of the professions electronic licensing account (32222).

11 15. \$24,000,000 from any of the state education department's special  
12 revenue and internal service funds to the miscellaneous special revenue  
13 fund, indirect cost recovery account (21978).

14 16. \$4,200,000 from any of the state education department's special  
15 revenue or internal service funds to the capital projects fund (30000).

16 Environmental Affairs:

17 1. \$16,000,000 from any of the department of environmental conserva-  
18 tion's special revenue federal funds, and/or federal capital funds, to  
19 the environmental conservation special revenue fund, federal indirect  
20 recovery account (21065).

21 2. \$5,000,000 from any of the department of environmental conserva-  
22 tion's special revenue federal funds, and/or federal capital funds, to  
23 the conservation fund (21150) or Marine Resources Account (21151) as  
24 necessary to avoid diversion of conservation funds.

25 3. \$3,000,000 from any of the office of parks, recreation and historic  
26 preservation capital projects federal funds and special revenue federal  
27 funds to the miscellaneous special revenue fund, federal grant indirect  
28 cost recovery account (22188).

29 4. \$1,000,000 from any of the office of parks, recreation and historic  
30 preservation special revenue federal funds to the miscellaneous capital  
31 projects fund, I love NY water account (32212).

32 5. \$100,000,000 from the general fund to the environmental protection  
33 fund, environmental protection fund transfer account (30451).

34 6. \$6,000,000 from the general fund to the hazardous waste remedial  
35 fund, hazardous waste oversight and assistance account (31505).

36 7. An amount up to or equal to the cash balance within the special  
37 revenue-other waste management & cleanup account (21053) to the capital  
38 projects fund (30000) for services and capital expenses related to the  
39 management and cleanup program as put forth in section 27-1915 of the  
40 environmental conservation law.

41 8. \$1,800,000 from the miscellaneous special revenue fund, public  
42 service account (22011) to the miscellaneous special revenue fund, util-  
43 ity environmental regulatory account (21064).

44 9. \$7,000,000 from the general fund to the enterprise fund, state fair  
45 account (50051).

46 10. \$4,000,000 from the waste management & cleanup account (21053) to  
47 the general fund.

48 11. \$3,000,000 from the waste management & cleanup account (21053) to  
49 the environmental protection fund transfer account (30451).

50 12. Up to \$10,000,000 from the general fund to the miscellaneous  
51 special revenue fund, patron services account (22163).

52 Family Assistance:

53 1. \$7,000,000 from any of the office of children and family services,  
54 office of temporary and disability assistance, or department of health  
55 special revenue federal funds and the general fund, in accordance with  
56 agreements with social services districts, to the miscellaneous special

1 revenue fund, office of human resources development state match account  
2 (21967).

3 2. \$4,000,000 from any of the office of children and family services  
4 or office of temporary and disability assistance special revenue federal  
5 funds to the miscellaneous special revenue fund, family preservation and  
6 support services and family violence services account (22082).

7 3. \$18,670,000 from any of the office of children and family services,  
8 office of temporary and disability assistance, or department of health  
9 special revenue federal funds and any other miscellaneous revenues  
10 generated from the operation of office of children and family services  
11 programs to the general fund.

12 4. \$175,000,000 from any of the office of temporary and disability  
13 assistance or department of health special revenue funds to the general  
14 fund.

15 5. \$2,500,000 from any of the office of temporary and disability  
16 assistance special revenue funds to the miscellaneous special revenue  
17 fund, office of temporary and disability assistance program account  
18 (21980).

19 6. \$35,000,000 from any of the office of children and family services,  
20 office of temporary and disability assistance, department of labor, and  
21 department of health special revenue federal funds to the office of  
22 children and family services miscellaneous special revenue fund, multi-  
23 agency training contract account (21989).

24 7. \$205,000,000 from the miscellaneous special revenue fund, youth  
25 facility per diem account (22186), to the general fund.

26 8. \$621,850 from the general fund to the combined gifts, grants, and  
27 bequests fund, WB Hoyt Memorial account (20128).

28 9. \$5,000,000 from the miscellaneous special revenue fund, state  
29 central registry (22028), to the general fund.

30 10. \$900,000 from the general fund to the Veterans' Remembrance and  
31 Cemetery Maintenance and Operation account (20201).

32 11. \$505,000,000 from the general fund to the housing program fund  
33 (31850).

34 General Government:

35 1. \$12,000,000 from the general fund to the health insurance revolving  
36 fund (55300).

37 2. \$292,400,000 from the health insurance reserve receipts fund  
38 (60550) to the general fund.

39 3. \$150,000 from the general fund to the not-for-profit revolving loan  
40 fund (20650).

41 4. \$150,000 from the not-for-profit revolving loan fund (20650) to the  
42 general fund.

43 5. \$3,000,000 from the miscellaneous special revenue fund, surplus  
44 property account (22036), to the general fund.

45 6. \$19,000,000 from the miscellaneous special revenue fund, revenue  
46 arrearage account (22024), to the general fund.

47 7. \$1,826,000 from the miscellaneous special revenue fund, revenue  
48 arrearage account (22024), to the miscellaneous special revenue fund,  
49 authority budget office account (22138).

50 8. \$1,000,000 from the miscellaneous special revenue fund, parking  
51 account (22007), to the general fund, for the purpose of reimbursing the  
52 costs of debt service related to state parking facilities.

53 9. \$11,460,000 from the general fund to the agencies internal service  
54 fund, central technology services account (55069), for the purpose of  
55 enterprise technology projects.



- 1 10. \$10,000,000 from the general fund to the agencies internal service  
2 fund, state data center account (55062).
- 3 11. \$12,000,000 from the miscellaneous special revenue fund, parking  
4 account (22007), to the centralized services, building support services  
5 account (55018).
- 6 12. \$30,000,000 from the general fund to the internal service fund,  
7 business services center account (55022).
- 8 13. \$8,000,000 from the general fund to the internal service fund,  
9 building support services account (55018).
- 10 14. \$1,500,000 from the combined expendable trust fund, plaza special  
11 events account (20120), to the general fund.
- 12 15. \$50,000,000 from the general fund to the New York State cannabis  
13 revenue fund (24800).
- 14 16. \$50,000,000 from the New York State cannabis revenue fund (24800)  
15 to the general fund.
- 16 Health:
- 17 1. A transfer from the general fund to the combined gifts, grants and  
18 bequests fund, breast cancer research and education account (20155), up  
19 to an amount equal to the monies collected and deposited into that  
20 account in the previous fiscal year.
- 21 2. A transfer from the general fund to the combined gifts, grants and  
22 bequests fund, prostate cancer research, detection, and education  
23 account (20183), up to an amount equal to the moneys collected and  
24 deposited into that account in the previous fiscal year.
- 25 3. A transfer from the general fund to the combined gifts, grants and  
26 bequests fund, Alzheimer's disease research and assistance account  
27 (20143), up to an amount equal to the moneys collected and deposited  
28 into that account in the previous fiscal year.
- 29 4. \$8,750,000 from the HCRA resources fund (20800) to the miscella-  
30 neous special revenue fund, empire state stem cell trust fund account  
31 (22161).
- 32 5. \$2,000,000 from the miscellaneous special revenue fund, certificate  
33 of need account (21920), to the miscellaneous capital projects fund,  
34 healthcare IT capital subfund (32216).
- 35 6. \$2,000,000 from the miscellaneous special revenue fund, vital  
36 health records account (22103), to the miscellaneous capital projects  
37 fund, healthcare IT capital subfund (32216).
- 38 7. \$6,000,000 from the miscellaneous special revenue fund, profes-  
39 sional medical conduct account (22088), to the miscellaneous capital  
40 projects fund, healthcare IT capital subfund (32216).
- 41 8. \$112,500,000 from the HCRA resources fund (20800) to the capital  
42 projects fund (30000).
- 43 9. \$6,550,000 from the general fund to the medical marihuana trust  
44 fund, health operation and oversight account (23755).
- 45 10. An amount up to the unencumbered balance from the charitable gifts  
46 trust fund, health charitable account (24900), to the general fund, for  
47 payment of general support for primary, preventive, and inpatient health  
48 care, dental and vision care, hunger prevention and nutritional assist-  
49 ance, and other services for New York state residents with the overall  
50 goal of ensuring that New York state residents have access to quality  
51 health care and other related services.
- 52 11. \$500,000 from the miscellaneous special revenue fund, New York  
53 State cannabis revenue fund, to the miscellaneous special revenue fund,  
54 environmental laboratory fee account (21959).
- 55 12. An amount up to the unencumbered balance from the public health  
56 emergency charitable gifts trust fund to the general fund, for payment

1 of goods and services necessary to respond to a public health disaster  
2 emergency or to assist or aid in responding to such a disaster.

3 13. \$1,000,000,000 from the general fund to the health care transfor-  
4 mation fund (24850).

5 Labor:

6 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and  
7 penalty account (21923), to the child performer's protection fund, child  
8 performer protection account (20401).

9 2. \$11,700,000 from the unemployment insurance interest and penalty  
10 fund, unemployment insurance special interest and penalty account  
11 (23601), to the general fund.

12 3. \$50,000,000 from the DOL fee and penalty account (21923), unemploy-  
13 ment insurance special interest and penalty account (23601), and public  
14 work enforcement account (21998), to the general fund.

15 4. \$850,000 from the miscellaneous special revenue fund, DOL elevator  
16 safety program fund (22252) to the miscellaneous special revenue fund,  
17 DOL fee and penalty account (21923).

18 Mental Hygiene:

19 1. \$3,800,000 from the general fund, to the agencies internal service  
20 fund, civil service EHS occupational health program account (55056).

21 2. \$2,000,000 from the general fund, to the mental hygiene facilities  
22 capital improvement fund (32300).

23 3. \$20,000,000 from the opioid settlement fund (23817) to the miscel-  
24 laneous capital projects fund, opioid settlement capital account.

25 4. \$20,000,000 from the miscellaneous capital projects fund, opioid  
26 settlement capital account to the opioid settlement fund (23817).

27 Public Protection:

28 1. \$1,350,000 from the miscellaneous special revenue fund, emergency  
29 management account (21944), to the general fund.

30 2. \$2,587,000 from the general fund to the miscellaneous special  
31 revenue fund, recruitment incentive account (22171).

32 3. \$22,773,000 from the general fund to the correctional industries  
33 revolving fund, correctional industries internal service account  
34 (55350).

35 4. \$2,000,000,000 from any of the division of homeland security and  
36 emergency services special revenue federal funds to the general fund.

37 5. \$115,420,000 from the state police motor vehicle law enforcement  
38 and motor vehicle theft and insurance fraud prevention fund, state  
39 police motor vehicle enforcement account (22802), to the general fund  
40 for state operation expenses of the division of state police.

41 6. \$136,130,000 from the general fund to the correctional facilities  
42 capital improvement fund (32350).

43 7. \$5,000,000 from the general fund to the dedicated highway and  
44 bridge trust fund (30050) for the purpose of work zone safety activities  
45 provided by the division of state police for the department of transpor-  
46 tation.

47 8. \$10,000,000 from the miscellaneous special revenue fund, statewide  
48 public safety communications account (22123), to the capital projects  
49 fund (30000).

50 9. \$9,830,000 from the miscellaneous special revenue fund, legal  
51 services assistance account (22096), to the general fund.

52 10. \$1,000,000 from the general fund to the agencies internal service  
53 fund, neighborhood work project account (55059).

54 11. \$7,980,000 from the miscellaneous special revenue fund, finger-  
55 print identification & technology account (21950), to the general fund.

1 12. \$1,100,000 from the state police motor vehicle law enforcement and  
2 motor vehicle theft and insurance fraud prevention fund, motor vehicle  
3 theft and insurance fraud account (22801), to the general fund.

4 13. \$14,400,000 from the general fund to the miscellaneous special  
5 revenue fund, criminal justice improvement account (21945).

6 Transportation:

7 1. \$20,000,000 from the general fund to the mass transportation oper-  
8 ating assistance fund, public transportation systems operating assist-  
9 ance account (21401), of which \$12,000,000 constitutes the base need for  
10 operations.

11 2. \$727,500,000 from the general fund to the dedicated highway and  
12 bridge trust fund (30050).

13 3. \$244,250,000 from the general fund to the MTA financial assistance  
14 fund, mobility tax trust account (23651).

15 4. \$5,000,000 from the miscellaneous special revenue fund, transporta-  
16 tion regulation account (22067) to the dedicated highway and bridge  
17 trust fund (30050), for disbursements made from such fund for motor  
18 carrier safety that are in excess of the amounts deposited in the dedi-  
19 cated highway and bridge trust fund (30050) for such purpose pursuant to  
20 section 94 of the transportation law.

21 5. \$3,000,000 from the miscellaneous special revenue fund, traffic  
22 adjudication account (22055), to the general fund.

23 6. \$5,000,000 from the miscellaneous special revenue fund, transporta-  
24 tion regulation account (22067) to the general fund, for disbursements  
25 made from such fund for motor carrier safety that are in excess of the  
26 amounts deposited in the general fund for such purpose pursuant to  
27 section 94 of the transportation law.

28 Miscellaneous:

29 1. \$750,000,000 from the general fund to any funds or accounts for the  
30 purpose of reimbursing certain outstanding accounts receivable balances.

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

33 3. \$450,000,000 from the New York state storm recovery capital fund  
34 (33000) to the revenue bond tax fund (40152).

35 4. \$15,500,000 from the general fund, community projects account GG  
36 (10256), to the general fund, state purposes account (10050).

37 5. \$100,000,000 from any special revenue federal fund to the general  
38 fund, state purposes account (10050).

39 6. \$12,750,000,000 from the special revenue federal fund, ARPA-Fiscal  
40 Recovery Fund (25546) to the general fund, state purposes account  
41 (10050) to cover eligible costs incurred by the state.

42 § 3. Notwithstanding any law to the contrary, and in accordance with  
43 section 4 of the state finance law, the comptroller is hereby authorized  
44 and directed to transfer, on or before March 31, 2023:

45 1. Upon request of the commissioner of environmental conservation, up  
46 to \$12,745,400 from revenues credited to any of the department of envi-  
47 ronmental conservation special revenue funds, including \$4,000,000 from  
48 the environmental protection and oil spill compensation fund (21200),  
49 and \$1,834,600 from the conservation fund (21150), to the environmental  
50 conservation special revenue fund, indirect charges account (21060).

51 2. Upon request of the commissioner of agriculture and markets, up to  
52 \$3,000,000 from any special revenue fund or enterprise fund within the  
53 department of agriculture and markets to the general fund, to pay appro-  
54 priate administrative expenses.

55 3. Upon request of the commissioner of agriculture and markets, up to  
56 \$2,000,000 from the state exposition special fund, state fair receipts

1 account (50051) to the miscellaneous capital projects fund, state fair  
2 capital improvement account (32208).

3 4. Upon request of the commissioner of the division of housing and  
4 community renewal, up to \$6,221,000 from revenues credited to any divi-  
5 sion of housing and community renewal federal or miscellaneous special  
6 revenue fund to the miscellaneous special revenue fund, housing indirect  
7 cost recovery account (22090).

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

12 6. Upon request of the commissioner of health up to \$13,694,000 from  
13 revenues credited to any of the department of health's special revenue  
14 funds, to the miscellaneous special revenue fund, administration account  
15 (21982).

16 7. Upon the request of the attorney general, up to \$4,000,000 from  
17 revenues credited to the federal health and human services fund, federal  
18 health and human services account (25117) or the miscellaneous special  
19 revenue fund, recoveries and revenue account (22041), to the miscella-  
20 neous special revenue fund, litigation settlement and civil recovery  
21 account (22117).

22 8. Upon the request of the commission of agriculture and markets, up  
23 to \$3,000,000 from any special revenue fund or enterprise fund within  
24 the department of agriculture and markets to the general fund, to pay  
25 appropriate administrative expenses.

26 9. Upon the request of the commission of agriculture and markets, up  
27 to \$2,000,000 from the state exposition special fund, state fair  
28 receipts account (50051) to the miscellaneous capital projects fund,  
29 state fair capital improvement account (32208).

30 § 4. On or before March 31, 2023, the comptroller is hereby authorized  
31 and directed to deposit earnings that would otherwise accrue to the  
32 general fund that are attributable to the operation of section 98-a of  
33 the state finance law, to the agencies internal service fund, banking  
34 services account (55057), for the purpose of meeting direct payments  
35 from such account.

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

43 § 6. Notwithstanding any law to the contrary, and in accordance with  
44 section 4 of the state finance law, the comptroller is hereby authorized  
45 and directed to transfer, upon request of the director of the budget and  
46 upon consultation with the state university chancellor or his or her  
47 designee, on or before March 31, 2023, up to \$16,000,000 from the state  
48 university income fund general revenue account (22653) to the state  
49 general fund for debt service costs related to campus supported capital  
50 project costs for the NY-SUNY 2020 challenge grant program at the  
51 University at Buffalo.

52 § 7. Notwithstanding any law to the contrary, and in accordance with  
53 section 4 of the state finance law, the comptroller is hereby authorized  
54 and directed to transfer, upon request of the director of the budget and  
55 upon consultation with the state university chancellor or his or her  
56 designee, on or before March 31, 2023, up to \$6,500,000 from the state

1 university income fund general revenue account (22653) to the state  
2 general fund for debt service costs related to campus supported capital  
3 project costs for the NY-SUNY 2020 challenge grant program at the  
4 University at Albany.

5 § 8. Notwithstanding any law to the contrary, the state university  
6 chancellor or his or her designee is authorized and directed to transfer  
7 estimated tuition revenue balances from the state university collection  
8 fund (61000) to the state university income fund, state university  
9 general revenue offset account (22655) on or before March 31, 2023.

10 § 9. Notwithstanding any law to the contrary, and in accordance with  
11 section 4 of the state finance law, the comptroller is hereby authorized  
12 and directed to transfer, upon request of the director of the budget, up  
13 to \$1,100,384,416 from the general fund to the state university income  
14 fund, state university general revenue offset account (22655) during the  
15 period of July 1, 2022 through June 30, 2023 to support operations at  
16 the state university.

17 § 10. Notwithstanding any law to the contrary, and in accordance with  
18 section 4 of the state finance law, the comptroller is hereby authorized  
19 and directed to transfer, upon request of the director of the budget, up  
20 to \$48,834,000 from the general fund to the state university income  
21 fund, state university general revenue offset account (22655) during the  
22 period of July 1, 2022 to June 30, 2023 for general fund operating  
23 support pursuant to subparagraph (4-b) of paragraph h of subdivision 2  
24 of section three hundred fifty-five of the education law.

25 § 11. Notwithstanding any law to the contrary, and in accordance with  
26 section 4 of the state finance law, the comptroller is hereby authorized  
27 and directed to transfer, upon request of the director of the budget, up  
28 to \$20,000,000 from the general fund to the state university income  
29 fund, state university general revenue offset account (22655) during the  
30 period of July 1, 2022 to June 30, 2023 to support operations at the  
31 state university in accordance with the maintenance of effort pursuant  
32 to subparagraph (4) of paragraph h of subdivision 2 of section 355 of  
33 the education law.

34 § 12. Notwithstanding any law to the contrary, and in accordance with  
35 section 4 of the state finance law, the comptroller is hereby authorized  
36 and directed to transfer, upon request of the state university chancel-  
37 lor or his or her designee, up to \$55,000,000 from the state university  
38 income fund, state university hospitals income reimbursable account  
39 (22656), for services and expenses of hospital operations and capital  
40 expenditures at the state university hospitals; and the state university  
41 income fund, Long Island veterans' home account (22652) to the state  
42 university capital projects fund (32400) on or before June 30, 2023.

43 § 13. Notwithstanding any law to the contrary, and in accordance with  
44 section 4 of the state finance law, the comptroller, after consultation  
45 with the state university chancellor or his or her designee, is hereby  
46 authorized and directed to transfer moneys, in the first instance, from  
47 the state university collection fund, Stony Brook hospital collection  
48 account (61006), Brooklyn hospital collection account (61007), and Syra-  
49 cuse hospital collection account (61008) to the state university income  
50 fund, state university hospitals income reimbursable account (22656) in  
51 the event insufficient funds are available in the state university  
52 income fund, state university hospitals income reimbursable account  
53 (22656) to permit the full transfer of moneys authorized for transfer,  
54 to the general fund for payment of debt service related to the SUNY  
55 hospitals. Notwithstanding any law to the contrary, the comptroller is  
56 also hereby authorized and directed, after consultation with the state

1 university chancellor or his or her designee, to transfer moneys from  
2 the state university income fund to the state university income fund,  
3 state university hospitals income reimbursable account (22656) in the  
4 event insufficient funds are available in the state university income  
5 fund, state university hospitals income reimbursable account (22656) to  
6 pay hospital operating costs or to permit the full transfer of moneys  
7 authorized for transfer, to the general fund for payment of debt service  
8 related to the SUNY hospitals on or before March 31, 2023.

9 § 14. Notwithstanding any law to the contrary, upon the direction of  
10 the director of the budget and the chancellor of the state university of  
11 New York or his or her designee, and in accordance with section 4 of the  
12 state finance law, the comptroller is hereby authorized and directed to  
13 transfer monies from the state university dormitory income fund (40350)  
14 to the state university residence hall rehabilitation fund (30100), and  
15 from the state university residence hall rehabilitation fund (30100) to  
16 the state university dormitory income fund (40350), in an amount not to  
17 exceed \$100 million from each fund.

18 § 15. Notwithstanding any law to the contrary, and in accordance with  
19 section 4 of the state finance law, the comptroller is hereby authorized  
20 and directed to transfer, at the request of the director of the budget,  
21 up to \$700 million from the unencumbered balance of any special revenue  
22 fund or account, agency fund or account, internal service fund or  
23 account, enterprise fund or account, or any combination of such funds  
24 and accounts, to the general fund. The amounts transferred pursuant to  
25 this authorization shall be in addition to any other transfers expressly  
26 authorized in the 2022-23 budget. Transfers from federal funds, debt  
27 service funds, capital projects funds, the community projects fund, or  
28 funds that would result in the loss of eligibility for federal benefits  
29 or federal funds pursuant to federal law, rule, or regulation as assent-  
30 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of  
31 1951 are not permitted pursuant to this authorization.

32 § 16. Notwithstanding any law to the contrary, and in accordance with  
33 section 4 of the state finance law, the comptroller is hereby authorized  
34 and directed to transfer, at the request of the director of the budget,  
35 up to \$100 million from any non-general fund or account, or combination  
36 of funds and accounts, to the miscellaneous special revenue fund, tech-  
37 nology financing account (22207), the miscellaneous capital projects  
38 fund, the federal capital projects account (31350), information technol-  
39 ogy capital financing account (32215), or the centralized technology  
40 services account (55069), for the purpose of consolidating technology  
41 procurement and services. The amounts transferred to the miscellaneous  
42 special revenue fund, technology financing account (22207) pursuant to  
43 this authorization shall be equal to or less than the amount of such  
44 monies intended to support information technology costs which are  
45 attributable, according to a plan, to such account made in pursuance to  
46 an appropriation by law. Transfers to the technology financing account  
47 shall be completed from amounts collected by non-general funds or  
48 accounts pursuant to a fund deposit schedule or permanent statute, and  
49 shall be transferred to the technology financing account pursuant to a  
50 schedule agreed upon by the affected agency commissioner. Transfers from  
51 funds that would result in the loss of eligibility for federal benefits  
52 or federal funds pursuant to federal law, rule, or regulation as assent-  
53 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of  
54 1951 are not permitted pursuant to this authorization.

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

1 and directed to transfer, at the request of the director of the budget,  
2 up to \$400 million from any non-general fund or account, or combination  
3 of funds and accounts, to the general fund for the purpose of consol-  
4 idating technology procurement and services. The amounts transferred  
5 pursuant to this authorization shall be equal to or less than the amount  
6 of such monies intended to support information technology costs which  
7 are attributable, according to a plan, to such account made in pursuance  
8 to an appropriation by law. Transfers to the general fund shall be  
9 completed from amounts collected by non-general funds or accounts pursu-  
10 ant to a fund deposit schedule. Transfers from funds that would result  
11 in the loss of eligibility for federal benefits or federal funds pursu-  
12 ant to federal law, rule, or regulation as assented to in chapter 683 of  
13 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted  
14 pursuant to this authorization.

15 § 18. Notwithstanding any provision of law to the contrary, as deemed  
16 feasible and advisable by its trustees, the power authority of the state  
17 of New York is authorized and directed to transfer to the state treasury  
18 to the credit of the general fund up to \$20,000,000 for the state fiscal  
19 year commencing April 1, 2022, the proceeds of which will be utilized to  
20 support energy-related state activities.

21 § 19. Notwithstanding any provision of law, rule or regulation to the  
22 contrary, the New York state energy research and development authority  
23 is authorized and directed to make the following contributions to the  
24 state treasury to the credit of the general fund on or before March 31,  
25 2023: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the  
26 authority from the auction or sale of carbon dioxide emission allowances  
27 allocated by the department of environmental conservation.

28 § 20. Notwithstanding any provision of law, rule or regulation to the  
29 contrary, the New York state energy research and development authority  
30 is authorized and directed to transfer five million dollars to the cred-  
31 it of the Environmental Protection Fund on or before March 31, 2023 from  
32 proceeds collected by the authority from the auction or sale of carbon  
33 dioxide emission allowances allocated by the department of environmental  
34 conservation.

35 § 21. Subdivision 5 of section 97-rrr of the state finance law, as  
36 amended by section 20 of part JJJ of chapter 59 of the laws of 2021, is  
37 amended to read as follows:

38 5. Notwithstanding the provisions of section one hundred seventy-one-a  
39 of the tax law, as separately amended by chapters four hundred eighty-  
40 one and four hundred eighty-four of the laws of nineteen hundred eight-  
41 y-one, and notwithstanding the provisions of chapter ninety-four of the  
42 laws of two thousand eleven, or any other provisions of law to the  
43 contrary, during the fiscal year beginning April first, two thousand  
44 [twenty-one] twenty-two, the state comptroller is hereby authorized and  
45 directed to deposit to the fund created pursuant to this section from  
46 amounts collected pursuant to article twenty-two of the tax law and  
47 pursuant to a schedule submitted by the director of the budget, up to  
48 [ \$1,979,457,000 ] \$1,830,985,000, as may be certified in such schedule as  
49 necessary to meet the purposes of such fund for the fiscal year begin-  
50 ning April first, two thousand [twenty-one] twenty-two.

51 § 22. Notwithstanding any law to the contrary, the comptroller is  
52 hereby authorized and directed to transfer, upon request of the director  
53 of the budget, on or before March 31, 2023, the following amounts from  
54 the following special revenue accounts to the capital projects fund  
55 (30000), for the purposes of reimbursement to such fund for expenses  
56 related to the maintenance and preservation of state assets:

- 1 1. \$43,000 from the miscellaneous special revenue fund, administrative  
2 program account (21982).
- 3 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes  
4 hospital account (22140).
- 5 3. \$456,000 from the miscellaneous special revenue fund, New York city  
6 veterans' home account (22141).
- 7 4. \$570,000 from the miscellaneous special revenue fund, New York  
8 state home for veterans' and their dependents at oxford account (22142).
- 9 5. \$170,000 from the miscellaneous special revenue fund, western New  
10 York veterans' home account (22143).
- 11 6. \$323,000 from the miscellaneous special revenue fund, New York  
12 state for veterans in the lower-hudson valley account (22144).
- 13 7. \$2,550,000 from the miscellaneous special revenue fund, patron  
14 services account (22163).
- 15 8. \$7,502,241 from the miscellaneous special revenue fund, state  
16 university general income reimbursable account (22653).
- 17 9. \$135,656,957 from the miscellaneous special revenue fund, state  
18 university revenue offset account (22655).
- 19 10. \$49,329,802 from the state university dormitory income fund, state  
20 university dormitory income fund (40350).
- 21 11. \$1,000,000 from the miscellaneous special revenue fund, litigation  
22 settlement and civil recovery account (22117).

23 § 23. Subdivision 8 of section 53 of the state finance law, as amended  
24 by chapter 58 of the laws of 1982, is amended to read as follows:

25 8. Notwithstanding the foregoing provisions of this section, in addi-  
26 tion to the restrictions set forth therein, the governor may authorize a  
27 transfer to the general fund, to a capital projects fund, or to a fund  
28 established to account for revenues from the federal government only  
29 after the approval of:

- 30 (1) the temporary president of the senate or the [chairman] chair of  
31 the senate finance committee (the "senate"); and
- 32 (2) the speaker of the assembly or the [chairman] chair of the assem-  
33 bly ways and means committee (the "assembly").

34 Provided however, if either the senate or the assembly fails to affir-  
35 matively deny or approve such transfer within ten days from the date on  
36 which the governor provides notification of such transfer, then the  
37 transfer shall be deemed approved by both the senate and the assembly.

38 § 24. Subdivision 6 of section 4 of the state finance law, as amended  
39 by section 25 of part JJ of chapter 56 of the laws of 2020, is amended  
40 to read as follows:

41 6. Notwithstanding any law to the contrary, at the beginning of the  
42 state fiscal year, the state comptroller is hereby authorized and  
43 directed to receive for deposit to the credit of a fund and/or an  
44 account such monies as are identified by the director of the budget as  
45 having been intended for such deposit to support disbursements from such  
46 fund and/or account made in pursuance of an appropriation by law. As  
47 soon as practicable upon enactment of the budget, the director of the  
48 budget shall, but not less than three days following preliminary  
49 submission to the chairs of the senate finance committee and the assem-  
50 bly ways and means committee, file with the state comptroller an iden-  
51 tification of specific monies to be so deposited. Any subsequent change  
52 regarding the monies to be so deposited shall be filed by the director  
53 of the budget, as soon as practicable, but not less than three days  
54 following preliminary submission to the chairs of the senate finance  
55 committee and the assembly ways and means committee.

1 All monies identified by the director of the budget to be deposited to  
2 the credit of a fund and/or account shall be consistent with the intent  
3 of the budget for the then current state fiscal year as enacted by the  
4 legislature.

5 [The provisions of this subdivision shall expire on March thirty-  
6 first, two thousand twenty-two.]

7 § 25. Subdivision 4 of section 40 of the state finance law, as amended  
8 by section 26 of part JJ of chapter 56 of the laws of 2020, is amended  
9 to read as follows:

10 4. Every appropriation made from a fund or account to a department or  
11 agency shall be available for the payment of prior years' liabilities in  
12 such fund or account for fringe benefits, indirect costs, and telecommu-  
13 nications expenses and expenses for other centralized services fund  
14 programs without limit. Every appropriation shall also be available for  
15 the payment of prior years' liabilities other than those indicated  
16 above, but only to the extent of one-half of one percent of the total  
17 amount appropriated to a department or agency in such fund or account.

18 [The provisions of this subdivision shall expire March thirty-first,  
19 two thousand twenty-two.]

20 § 26. Subdivision 2 of section 92-cc of the state finance law, as  
21 amended by section 12-a of part I of chapter 60 of the laws of 2015, is  
22 amended to read as follows:

23 2. Such fund shall have a maximum balance not to exceed [five] fifteen  
24 per centum of the aggregate amount projected to be disbursed from the  
25 [general fund] state operating funds during the fiscal year immediately  
26 following the then-current fiscal year. At the request of the director  
27 of the budget, the state comptroller shall transfer monies to the rainy  
28 day reserve fund up to and including an amount equivalent to [seventy-  
29 five one-hundredths of one] three per centum of the aggregate amount  
30 projected to be disbursed from the [general fund] state operating funds  
31 during the then-current fiscal year, unless such transfer would increase  
32 the rainy day reserve fund to an amount in excess of [five] fifteen per  
33 centum of the aggregate amount projected to be disbursed from the  
34 [general fund] state operating funds during the fiscal year immediately  
35 following the then-current fiscal year, in which event such transfer  
36 shall be limited to such amount as will increase the rainy day reserve  
37 fund to such [five] fifteen per centum limitation.

38 § 27. Paragraph (c) of subdivision 4 of section 99-aa of the state  
39 finance law, as added by section 22-d of part XXX of chapter 59 of the  
40 laws of 2017, is amended to read as follows:

41 (c) At the request of the director of the budget, the state comp-  
42 troller shall transfer monies from the general fund to the trust fund up  
43 to and including an amount equivalent to one and fifty one-hundredths of  
44 one per centum of the total actuarial accrued liability included in the  
45 state of New York comprehensive annual financial report.

46 § 28. Subdivision 4 of section 89-h of the state finance law, as  
47 amended by chapter 92 of the laws of 2021, is amended to read as  
48 follows:

49 4. The moneys of the medical cannabis trust fund, following appropri-  
50 ation by the legislature, shall be allocated upon a certificate of  
51 approval of availability by the director of the budget as follows: (a)  
52 Twenty-two and five-tenths percent of the monies shall be transferred to  
53 the counties in New York state in which the medical cannabis was manu-  
54 factured and allocated in proportion to the gross sales originating from  
55 medical cannabis manufactured in each such county; (b) twenty-two and  
56 five-tenths percent of the moneys shall be transferred to the counties

1 in New York state in which the medical cannabis was dispensed and allo-  
2 cated in proportion to the gross sales occurring in each such county;  
3 (c) five percent of the monies shall be transferred to the office of  
4 addiction services and supports, which shall use that revenue for addi-  
5 tional drug abuse prevention, counseling and treatment services; (d)  
6 five percent of the revenue received by the department shall be trans-  
7 ferred to the division of criminal justice services, which shall use  
8 that revenue for a program of discretionary grants to state and local  
9 law enforcement agencies that demonstrate a need relating to article  
10 three of the cannabis law; said grants could be used for personnel costs  
11 of state and local law enforcement agencies; and (e) forty-five percent  
12 of the monies shall be [transferred] deposited to the New York state  
13 cannabis revenue fund. For purposes of this subdivision, the city of New  
14 York shall be deemed to be a county.

15 § 29. Notwithstanding any other law, rule, or regulation to the  
16 contrary, the state comptroller is hereby authorized and directed to use  
17 any balance remaining in the mental health services fund debt service  
18 appropriation, after payment by the state comptroller of all obligations  
19 required pursuant to any lease, sublease, or other financing arrangement  
20 between the dormitory authority of the state of New York as successor to  
21 the New York state medical care facilities finance agency, and the  
22 facilities development corporation pursuant to chapter 83 of the laws of  
23 1995 and the department of mental hygiene for the purpose of making  
24 payments to the dormitory authority of the state of New York for the  
25 amount of the earnings for the investment of monies deposited in the  
26 mental health services fund that such agency determines will or may have  
27 to be rebated to the federal government pursuant to the provisions of  
28 the internal revenue code of 1986, as amended, in order to enable such  
29 agency to maintain the exemption from federal income taxation on the  
30 interest paid to the holders of such agency's mental services facilities  
31 improvement revenue bonds. Annually on or before each June 30th, such  
32 agency shall certify to the state comptroller its determination of the  
33 amounts received in the mental health services fund as a result of the  
34 investment of monies deposited therein that will or may have to be  
35 rebated to the federal government pursuant to the provisions of the  
36 internal revenue code of 1986, as amended.

37 § 30. Subdivision 1 of section 16 of part D of chapter 389 of the laws  
38 of 1997, relating to the financing of the correctional facilities  
39 improvement fund and the youth facility improvement fund, as amended by  
40 section 25 of part JJJ of chapter 59 of the laws of 2021, is amended to  
41 read as follows:

42 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
43 notwithstanding the provisions of section 18 of section 1 of chapter 174  
44 of the laws of 1968, the New York state urban development corporation is  
45 hereby authorized to issue bonds, notes and other obligations in an  
46 aggregate principal amount not to exceed [nine billion one hundred thir-  
47 ty-nine million six hundred nineteen thousand dollars \$9,139,619,000]  
48 nine billion five hundred two million seven hundred thirty-nine thousand  
49 dollars \$9,502,739,000, and shall include all bonds, notes and other  
50 obligations issued pursuant to chapter 56 of the laws of 1983, as  
51 amended or supplemented. The proceeds of such bonds, notes or other  
52 obligations shall be paid to the state, for deposit in the correctional  
53 facilities capital improvement fund to pay for all or any portion of the  
54 amount or amounts paid by the state from appropriations or reappropri-  
55 ations made to the department of corrections and community supervision  
56 from the correctional facilities capital improvement fund for capital

1 projects. The aggregate amount of bonds, notes or other obligations  
2 authorized to be issued pursuant to this section shall exclude bonds,  
3 notes or other obligations issued to refund or otherwise repay bonds,  
4 notes or other obligations theretofore issued, the proceeds of which  
5 were paid to the state for all or a portion of the amounts expended by  
6 the state from appropriations or reappropriations made to the department  
7 of corrections and community supervision; provided, however, that upon  
8 any such refunding or repayment the total aggregate principal amount of  
9 outstanding bonds, notes or other obligations may be greater than [nine  
10 billion one hundred thirty-nine million six hundred nineteen thousand  
11 dollars \$9,139,619,000] nine billion five hundred two million seven  
12 hundred thirty-nine thousand dollars \$9,502,739,000, only if the present  
13 value of the aggregate debt service of the refunding or repayment bonds,  
14 notes or other obligations to be issued shall not exceed the present  
15 value of the aggregate debt service of the bonds, notes or other obli-  
16 gations so to be refunded or repaid. For the purposes hereof, the pres-  
17 ent value of the aggregate debt service of the refunding or repayment  
18 bonds, notes or other obligations and of the aggregate debt service of  
19 the bonds, notes or other obligations so refunded or repaid, shall be  
20 calculated by utilizing the effective interest rate of the refunding or  
21 repayment bonds, notes or other obligations, which shall be that rate  
22 arrived at by doubling the semi-annual interest rate (compounded semi-  
23 annually) necessary to discount the debt service payments on the refund-  
24 ing or repayment bonds, notes or other obligations from the payment  
25 dates thereof to the date of issue of the refunding or repayment bonds,  
26 notes or other obligations and to the price bid including estimated  
27 accrued interest or proceeds received by the corporation including esti-  
28 mated accrued interest from the sale thereof.

29 § 31. Subdivision (a) of section 27 of part Y of chapter 61 of the  
30 laws of 2005, relating to providing for the administration of certain  
31 funds and accounts related to the 2005-2006 budget, as amended by  
32 section 26 of part JJJ of chapter 59 of the laws of 2021, is amended to  
33 read as follows:

34 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
35 notwithstanding any provisions of law to the contrary, the urban devel-  
36 opment corporation is hereby authorized to issue bonds or notes in one  
37 or more series in an aggregate principal amount not to exceed [three  
38 hundred seventy-four million six hundred thousand dollars \$374,600,000]  
39 four hundred twenty-six million one hundred thousand dollars  
40 \$426,100,000, excluding bonds issued to finance one or more debt service  
41 reserve funds, to pay costs of issuance of such bonds, and bonds or  
42 notes issued to refund or otherwise repay such bonds or notes previously  
43 issued, for the purpose of financing capital projects including IT  
44 initiatives for the division of state police, debt service and leases;  
45 and to reimburse the state general fund for disbursements made therefor.  
46 Such bonds and notes of such authorized issuer shall not be a debt of  
47 the state, and the state shall not be liable thereon, nor shall they be  
48 payable out of any funds other than those appropriated by the state to  
49 such authorized issuer for debt service and related expenses pursuant to  
50 any service contract executed pursuant to subdivision (b) of this  
51 section and such bonds and notes shall contain on the face thereof a  
52 statement to such effect. Except for purposes of complying with the  
53 internal revenue code, any interest income earned on bond proceeds shall  
54 only be used to pay debt service on such bonds.

1 § 32. Subdivision 3 of section 1285-p of the public authorities law,  
2 as amended by section 27 of part JJJ of chapter 59 of the laws of 2021,  
3 is amended to read as follows:

4 3. The maximum amount of bonds that may be issued for the purpose of  
5 financing environmental infrastructure projects authorized by this  
6 section shall be [seven billion one hundred thirty million ten thousand  
7 dollars \$7,130,010,000] eight billion eighty-nine million one hundred  
8 ten thousand dollars \$8,089,110,000, exclusive of bonds issued to fund  
9 any debt service reserve funds, pay costs of issuance of such bonds, and  
10 bonds or notes issued to refund or otherwise repay bonds or notes previ-  
11 ously issued. Such bonds and notes of the corporation shall not be a  
12 debt of the state, and the state shall not be liable thereon, nor shall  
13 they be payable out of any funds other than those appropriated by the  
14 state to the corporation for debt service and related expenses pursuant  
15 to any service contracts executed pursuant to subdivision one of this  
16 section, and such bonds and notes shall contain on the face thereof a  
17 statement to such effect.

18 § 33. Subdivision (a) of section 48 of part K of chapter 81 of the  
19 laws of 2002, relating to providing for the administration of certain  
20 funds and accounts related to the 2002-2003 budget, as amended by  
21 section 28 of part JJJ of chapter 59 of the laws of 2021, is amended to  
22 read as follows:

23 (a) Subject to the provisions of chapter 59 of the laws of 2000 but  
24 notwithstanding the provisions of section 18 of the urban development  
25 corporation act, the corporation is hereby authorized to issue bonds or  
26 notes in one or more series in an aggregate principal amount not to  
27 exceed [three hundred forty-seven million five hundred thousand dollars  
28 \$347,500,000] three hundred eighty-three million five hundred thousand  
29 dollars \$383,500,000, excluding bonds issued to fund one or more debt  
30 service reserve funds, to pay costs of issuance of such bonds, and bonds  
31 or notes issued to refund or otherwise repay such bonds or notes previ-  
32 ously issued, for the purpose of financing capital costs related to  
33 homeland security and training facilities for the division of state  
34 police, the division of military and naval affairs, and any other state  
35 agency, including the reimbursement of any disbursements made from the  
36 state capital projects fund, and is hereby authorized to issue bonds or  
37 notes in one or more series in an aggregate principal amount not to  
38 exceed [one billion three hundred eight million six hundred eighty-six  
39 thousand dollars \$1,308,686,000] one billion five hundred ninety-one  
40 million nine hundred eighty-six thousand dollars \$1,591,986,000, exclud-  
41 ing bonds issued to fund one or more debt service reserve funds, to pay  
42 costs of issuance of such bonds, and bonds or notes issued to refund or  
43 otherwise repay such bonds or notes previously issued, for the purpose  
44 of financing improvements to State office buildings and other facilities  
45 located statewide, including the reimbursement of any disbursements made  
46 from the state capital projects fund. Such bonds and notes of the corpo-  
47 ration shall not be a debt of the state, and the state shall not be  
48 liable thereon, nor shall they be payable out of any funds other than  
49 those appropriated by the state to the corporation for debt service and  
50 related expenses pursuant to any service contracts executed pursuant to  
51 subdivision (b) of this section, and such bonds and notes shall contain  
52 on the face thereof a statement to such effect.

53 § 34. Paragraph (c) of subdivision 19 of section 1680 of the public  
54 authorities law, as amended by section 29 of part JJJ of chapter 59 of  
55 the laws of 2021, is amended to read as follows:

1 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
2 thousand, the dormitory authority shall not issue any bonds for state  
3 university educational facilities purposes if the principal amount of  
4 bonds to be issued when added to the aggregate principal amount of bonds  
5 issued by the dormitory authority on and after July first, nineteen  
6 hundred eighty-eight for state university educational facilities will  
7 exceed [fifteen billion five hundred fifty-five million eight hundred  
8 sixty-four thousand dollars \$15,555,864,000] sixteen billion three  
9 hundred seventy-one million eight hundred sixty-four thousand dollars  
10 \$16,371,864,000; provided, however, that bonds issued or to be issued  
11 shall be excluded from such limitation if: (1) such bonds are issued to  
12 refund state university construction bonds and state university  
13 construction notes previously issued by the housing finance agency; or  
14 (2) such bonds are issued to refund bonds of the authority or other  
15 obligations issued for state university educational facilities purposes  
16 and the present value of the aggregate debt service on the refunding  
17 bonds does not exceed the present value of the aggregate debt service on  
18 the bonds refunded thereby; provided, further that upon certification by  
19 the director of the budget that the issuance of refunding bonds or other  
20 obligations issued between April first, nineteen hundred ninety-two and  
21 March thirty-first, nineteen hundred ninety-three will generate long  
22 term economic benefits to the state, as assessed on a present value  
23 basis, such issuance will be deemed to have met the present value test  
24 noted above. For purposes of this subdivision, the present value of the  
25 aggregate debt service of the refunding bonds and the aggregate debt  
26 service of the bonds refunded, shall be calculated by utilizing the true  
27 interest cost of the refunding bonds, which shall be that rate arrived  
28 at by doubling the semi-annual interest rate (compounded semi-annually)  
29 necessary to discount the debt service payments on the refunding bonds  
30 from the payment dates thereof to the date of issue of the refunding  
31 bonds to the purchase price of the refunding bonds, including interest  
32 accrued thereon prior to the issuance thereof. The maturity of such  
33 bonds, other than bonds issued to refund outstanding bonds, shall not  
34 exceed the weighted average economic life, as certified by the state  
35 university construction fund, of the facilities in connection with which  
36 the bonds are issued, and in any case not later than the earlier of  
37 thirty years or the expiration of the term of any lease, sublease or  
38 other agreement relating thereto; provided that no note, including  
39 renewals thereof, shall mature later than five years after the date of  
40 issuance of such note. The legislature reserves the right to amend or  
41 repeal such limit, and the state of New York, the dormitory authority,  
42 the state university of New York, and the state university construction  
43 fund are prohibited from covenanting or making any other agreements with  
44 or for the benefit of bondholders which might in any way affect such  
45 right.

46 § 35. Paragraph (c) of subdivision 14 of section 1680 of the public  
47 authorities law, as amended by section 30 of part JJJ of chapter 59 of  
48 the laws of 2021, is amended to read as follows:

49 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
50 thousand, (i) the dormitory authority shall not deliver a series of  
51 bonds for city university community college facilities, except to refund  
52 or to be substituted for or in lieu of other bonds in relation to city  
53 university community college facilities pursuant to a resolution of the  
54 dormitory authority adopted before July first, nineteen hundred eighty-  
55 five or any resolution supplemental thereto, if the principal amount of  
56 bonds so to be issued when added to all principal amounts of bonds

1 previously issued by the dormitory authority for city university commu-  
2 nity college facilities, except to refund or to be substituted in lieu  
3 of other bonds in relation to city university community college facili-  
4 ties will exceed the sum of four hundred twenty-five million dollars and  
5 (ii) the dormitory authority shall not deliver a series of bonds issued  
6 for city university facilities, including community college facilities,  
7 pursuant to a resolution of the dormitory authority adopted on or after  
8 July first, nineteen hundred eighty-five, except to refund or to be  
9 substituted for or in lieu of other bonds in relation to city university  
10 facilities and except for bonds issued pursuant to a resolution suppl-  
11 mental to a resolution of the dormitory authority adopted prior to July  
12 first, nineteen hundred eighty-five, if the principal amount of bonds so  
13 to be issued when added to the principal amount of bonds previously  
14 issued pursuant to any such resolution, except bonds issued to refund or  
15 to be substituted for or in lieu of other bonds in relation to city  
16 university facilities, will exceed [nine billion six hundred sixty-one  
17 million thirty thousand dollars \$9,661,030,000] ten billion ninety-eight  
18 million six hundred twenty-six thousand dollars \$10,098,626,000. The  
19 legislature reserves the right to amend or repeal such limit, and the  
20 state of New York, the dormitory authority, the city university, and the  
21 fund are prohibited from covenanting or making any other agreements with  
22 or for the benefit of bondholders which might in any way affect such  
23 right.

24 § 36. Subdivision 10-a of section 1680 of the public authorities law,  
25 as amended by section 31 of part JJJ of chapter 59 of the laws of 2021,  
26 is amended to read as follows:

27 10-a. Subject to the provisions of chapter fifty-nine of the laws of  
28 two thousand, but notwithstanding any other provision of the law to the  
29 contrary, the maximum amount of bonds and notes to be issued after March  
30 thirty-first, two thousand two, on behalf of the state, in relation to  
31 any locally sponsored community college, shall be [one billion sixty-six  
32 million two hundred fifty-seven thousand dollars \$1,066,257,000] one  
33 billion one hundred twenty-three million one hundred forty thousand  
34 dollars \$1,123,140,000. Such amount shall be exclusive of bonds and  
35 notes issued to fund any reserve fund or funds, costs of issuance and to  
36 refund any outstanding bonds and notes, issued on behalf of the state,  
37 relating to a locally sponsored community college.

38 § 37. Subdivision 1 of section 17 of part D of chapter 389 of the laws  
39 of 1997, relating to the financing of the correctional facilities  
40 improvement fund and the youth facility improvement fund, as amended by  
41 section 32 of part JJJ of chapter 59 of the laws of 2021, is amended to  
42 read as follows:

43 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
44 notwithstanding the provisions of section 18 of section 1 of chapter 174  
45 of the laws of 1968, the New York state urban development corporation is  
46 hereby authorized to issue bonds, notes and other obligations in an  
47 aggregate principal amount not to exceed [eight hundred seventy-six  
48 million fifteen thousand dollars \$876,015,000] nine hundred eleven  
49 million seven hundred fifteen thousand dollars \$911,715,000, which  
50 authorization increases the aggregate principal amount of bonds, notes  
51 and other obligations authorized by section 40 of chapter 309 of the  
52 laws of 1996, and shall include all bonds, notes and other obligations  
53 issued pursuant to chapter 211 of the laws of 1990, as amended or  
54 supplemented. The proceeds of such bonds, notes or other obligations  
55 shall be paid to the state, for deposit in the youth facilities improve-  
56 ment fund, to pay for all or any portion of the amount or amounts paid

1 by the state from appropriations or reappropriations made to the office  
2 of children and family services from the youth facilities improvement  
3 fund for capital projects. The aggregate amount of bonds, notes and  
4 other obligations authorized to be issued pursuant to this section shall  
5 exclude bonds, notes or other obligations issued to refund or otherwise  
6 repay bonds, notes or other obligations theretofore issued, the proceeds  
7 of which were paid to the state for all or a portion of the amounts  
8 expended by the state from appropriations or reappropriations made to  
9 the office of children and family services; provided, however, that upon  
10 any such refunding or repayment the total aggregate principal amount of  
11 outstanding bonds, notes or other obligations may be greater than [eight  
12 hundred seventy-six million fifteen thousand dollars \$876,015,000] nine  
13 hundred eleven million seven hundred fifteen thousand dollars  
14 \$911,715,000, only if the present value of the aggregate debt service of  
15 the refunding or repayment bonds, notes or other obligations to be  
16 issued shall not exceed the present value of the aggregate debt service  
17 of the bonds, notes or other obligations so to be refunded or repaid.  
18 For the purposes hereof, the present value of the aggregate debt service  
19 of the refunding or repayment bonds, notes or other obligations and of  
20 the aggregate debt service of the bonds, notes or other obligations so  
21 refunded or repaid, shall be calculated by utilizing the effective  
22 interest rate of the refunding or repayment bonds, notes or other obli-  
23 gations, which shall be that rate arrived at by doubling the semi-annual  
24 interest rate (compounded semi-annually) necessary to discount the debt  
25 service payments on the refunding or repayment bonds, notes or other  
26 obligations from the payment dates thereof to the date of issue of the  
27 refunding or repayment bonds, notes or other obligations and to the  
28 price bid including estimated accrued interest or proceeds received by  
29 the corporation including estimated accrued interest from the sale ther-  
30 eof.

31 § 38. Paragraph b of subdivision 2 of section 9-a of section 1 of  
32 chapter 392 of the laws of 1973, constituting the New York state medical  
33 care facilities finance agency act, as amended by section 33 of part JJJ  
34 of chapter 59 of the laws of 2021, is amended to read as follows:

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

1 mental health services facilities improvement bonds and mental health  
2 services facilities improvement notes in an aggregate principal amount  
3 exceeding [ten billion four hundred seventy-six million seven hundred  
4 seventy-three thousand dollars \$10,476,773,000] ten billion nine hundred  
5 thirty-two million six hundred thirty-three thousand dollars  
6 \$10,932,633,000, excluding mental health services facilities improvement  
7 bonds and mental health services facilities improvement notes issued to  
8 refund outstanding mental health services facilities improvement bonds  
9 and mental health services facilities improvement notes; provided,  
10 however, that upon any such refunding or repayment of mental health  
11 services facilities improvement bonds and/or mental health services  
12 facilities improvement notes the total aggregate principal amount of  
13 outstanding mental health services facilities improvement bonds and  
14 mental health facilities improvement notes may be greater than [ten  
15 billion four hundred seventy-six million seven hundred seventy-three  
16 thousand dollars \$10,476,773,000] ten billion nine hundred thirty-two  
17 million six hundred thirty-three thousand dollars \$10,932,633,000, only  
18 if, except as hereinafter provided with respect to mental health  
19 services facilities bonds and mental health services facilities notes  
20 issued to refund mental hygiene improvement bonds authorized to be  
21 issued pursuant to the provisions of section 47-b of the private housing  
22 finance law, the present value of the aggregate debt service of the  
23 refunding or repayment bonds to be issued shall not exceed the present  
24 value of the aggregate debt service of the bonds to be refunded or  
25 repaid. For purposes hereof, the present values of the aggregate debt  
26 service of the refunding or repayment bonds, notes or other obligations  
27 and of the aggregate debt service of the bonds, notes or other obli-  
28 gations so refunded or repaid, shall be calculated by utilizing the  
29 effective interest rate of the refunding or repayment bonds, notes or  
30 other obligations, which shall be that rate arrived at by doubling the  
31 semi-annual interest rate (compounded semi-annually) necessary to  
32 discount the debt service payments on the refunding or repayment bonds,  
33 notes or other obligations from the payment dates thereof to the date of  
34 issue of the refunding or repayment bonds, notes or other obligations  
35 and to the price bid including estimated accrued interest or proceeds  
36 received by the authority including estimated accrued interest from the  
37 sale thereof. Such bonds, other than bonds issued to refund outstanding  
38 bonds, shall be scheduled to mature over a term not to exceed the aver-  
39 age useful life, as certified by the facilities development corporation,  
40 of the projects for which the bonds are issued, and in any case shall  
41 not exceed thirty years and the maximum maturity of notes or any  
42 renewals thereof shall not exceed five years from the date of the  
43 original issue of such notes. Notwithstanding the provisions of this  
44 section, the agency shall have the power and is hereby authorized to  
45 issue mental health services facilities improvement bonds and/or mental  
46 health services facilities improvement notes to refund outstanding  
47 mental hygiene improvement bonds authorized to be issued pursuant to the  
48 provisions of section 47-b of the private housing finance law and the  
49 amount of bonds issued or outstanding for such purposes shall not be  
50 included for purposes of determining the amount of bonds issued pursuant  
51 to this section. The director of the budget shall allocate the aggregate  
52 principal authorized to be issued by the agency among the office of  
53 mental health, office for people with developmental disabilities, and  
54 the office of addiction services and supports, in consultation with  
55 their respective commissioners to finance bondable appropriations previ-  
56 ously approved by the legislature.



1 § 39. Subdivision (a) of section 28 of part Y of chapter 61 of the  
2 laws of 2005, relating to providing for the administration of certain  
3 funds and accounts related to the 2005-2006 budget, as amended by  
4 section 34 of part JJJ of chapter 59 of the laws of 2021, is amended to  
5 read as follows:

6 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
7 notwithstanding any provisions of law to the contrary, one or more  
8 authorized issuers as defined by section 68-a of the state finance law  
9 are hereby authorized to issue bonds or notes in one or more series in  
10 an aggregate principal amount not to exceed [one hundred seventy-two  
11 million dollars \$172,000,000] one hundred ninety-seven million dollars  
12 \$197,000,000, excluding bonds issued to finance one or more debt service  
13 reserve funds, to pay costs of issuance of such bonds, and bonds or  
14 notes issued to refund or otherwise repay such bonds or notes previously  
15 issued, for the purpose of financing capital projects for public  
16 protection facilities in the Division of Military and Naval Affairs,  
17 debt service and leases; and to reimburse the state general fund for  
18 disbursements made therefor. Such bonds and notes of such authorized  
19 issuer shall not be a debt of the state, and the state shall not be  
20 liable thereon, nor shall they be payable out of any funds other than  
21 those appropriated by the state to such authorized issuer for debt  
22 service and related expenses pursuant to any service contract executed  
23 pursuant to subdivision (b) of this section and such bonds and notes  
24 shall contain on the face thereof a statement to such effect. Except for  
25 purposes of complying with the internal revenue code, any interest  
26 income earned on bond proceeds shall only be used to pay debt service on  
27 such bonds.

28 § 40. Section 53 of section 1 of chapter 174 of the laws of 1968,  
29 constituting the New York state urban development corporation act, as  
30 amended by section 35 of part JJJ of chapter 59 of the laws of 2021, is  
31 amended to read as follows:

32 § 53. 1. Notwithstanding the provisions of any other law to the  
33 contrary, the dormitory authority and the urban development corporation  
34 are hereby authorized to issue bonds or notes in one or more series for  
35 the purpose of funding project costs for the acquisition of equipment,  
36 including but not limited to the creation or modernization of informa-  
37 tion technology systems and related research and development equipment,  
38 health and safety equipment, heavy equipment and machinery, the creation  
39 or improvement of security systems, and laboratory equipment and other  
40 state costs associated with such capital projects. The aggregate princi-  
41 pal amount of bonds authorized to be issued pursuant to this section  
42 shall not exceed [two hundred ninety-three million dollars \$293,000,000]  
43 three hundred ninety-three million dollars \$393,000,000, excluding bonds  
44 issued to fund one or more debt service reserve funds, to pay costs of  
45 issuance of such bonds, and bonds or notes issued to refund or otherwise  
46 repay such bonds or notes previously issued. Such bonds and notes of the  
47 dormitory authority and the urban development corporation shall not be a  
48 debt of the state, and the state shall not be liable thereon, nor shall  
49 they be payable out of any funds other than those appropriated by the  
50 state to the dormitory authority and the urban development corporation  
51 for principal, interest, and related expenses pursuant to a service  
52 contract and such bonds and notes shall contain on the face thereof a  
53 statement to such effect. Except for purposes of complying with the  
54 internal revenue code, any interest income earned on bond proceeds shall  
55 only be used to pay debt service on such bonds.

1 2. Notwithstanding any other provision of law to the contrary, in  
2 order to assist the dormitory authority and the urban development corpo-  
3 ration in undertaking the financing for project costs for the acquisi-  
4 tion of equipment, including but not limited to the creation or modern-  
5 ization of information technology systems and related research and  
6 development equipment, health and safety equipment, heavy equipment and  
7 machinery, the creation or improvement of security systems, and labora-  
8 tory equipment and other state costs associated with such capital  
9 projects, the director of the budget is hereby authorized to enter into  
10 one or more service contracts with the dormitory authority and the urban  
11 development corporation, none of which shall exceed thirty years in  
12 duration, upon such terms and conditions as the director of the budget  
13 and the dormitory authority and the urban development corporation agree,  
14 so as to annually provide to the dormitory authority and the urban  
15 development corporation, in the aggregate, a sum not to exceed the prin-  
16 cipal, interest, and related expenses required for such bonds and notes.  
17 Any service contract entered into pursuant to this section shall provide  
18 that the obligation of the state to pay the amount therein provided  
19 shall not constitute a debt of the state within the meaning of any  
20 constitutional or statutory provision and shall be deemed executory only  
21 to the extent of monies available and that no liability shall be  
22 incurred by the state beyond the monies available for such purpose,  
23 subject to annual appropriation by the legislature. Any such contract or  
24 any payments made or to be made thereunder may be assigned and pledged  
25 by the dormitory authority and the urban development corporation as  
26 security for its bonds and notes, as authorized by this section.

27 § 41. Subdivision (b) of section 11 of chapter 329 of the laws of  
28 1991, amending the state finance law and other laws relating to the  
29 establishment of the dedicated highway and bridge trust fund, as amended  
30 by section 36 of part JJJ of chapter 59 of the laws of 2021, is amended  
31 to read as follows:

32 (b) Any service contract or contracts for projects authorized pursuant  
33 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section  
34 14-k of the transportation law, and entered into pursuant to subdivision  
35 (a) of this section, shall provide for state commitments to provide  
36 annually to the thruway authority a sum or sums, upon such terms and  
37 conditions as shall be deemed appropriate by the director of the budget,  
38 to fund, or fund the debt service requirements of any bonds or any obli-  
39 gations of the thruway authority issued to fund or to reimburse the  
40 state for funding such projects having a cost not in excess of [twelve  
41 billion two hundred sixty million five hundred twenty-eight thousand  
42 dollars \$12,260,528,000] thirteen billion fifty-three million eight  
43 hundred eighty-one thousand dollars \$13,053,881,000 cumulatively by the  
44 end of fiscal year [2021-22] 2022-23. For purposes of this subdivision,  
45 such projects shall be deemed to include capital grants to cities, towns  
46 and villages for the reimbursement of eligible capital costs of local  
47 highway and bridge projects within such municipality, where allocations  
48 to cities, towns and villages are based on the total number of New York  
49 or United States or interstate signed touring route miles for which such  
50 municipality has capital maintenance responsibility, and where such  
51 eligible capital costs include the costs of construction and repair of  
52 highways, bridges, highway-railroad crossings, and other transportation  
53 facilities for projects with a service life of ten years or more.

54 § 42. Subdivision 1 of section 1689-i of the public authorities law,  
55 as amended by section 37 of part JJJ of chapter 59 of the laws of 2021,  
56 is amended to read as follows:

1 1. The dormitory authority is authorized to issue bonds, at the  
2 request of the commissioner of education, to finance eligible library  
3 construction projects pursuant to section two hundred seventy-three-a of  
4 the education law, in amounts certified by such commissioner not to  
5 exceed a total principal amount of [two hundred ninety-nine million  
6 dollars \$299,000,000] three hundred thirteen million dollars  
7 \$313,000,000.

8 § 43. Section 44 of section 1 of chapter 174 of the laws of 1968,  
9 constituting the New York state urban development corporation act, as  
10 amended by section 38 of part JJJ of chapter 59 of the laws of 2021, is  
11 amended to read as follows:

12 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the  
13 provisions of any other law to the contrary, the dormitory authority and  
14 the corporation are hereby authorized to issue bonds or notes in one or  
15 more series for the purpose of funding project costs for the regional  
16 economic development council initiative, the economic transformation  
17 program, state university of New York college for nanoscale and science  
18 engineering, projects within the city of Buffalo or surrounding envi-  
19 rons, the New York works economic development fund, projects for the  
20 retention of professional football in western New York, the empire state  
21 economic development fund, the clarkson-trudeau partnership, the New  
22 York genome center, the cornell university college of veterinary medi-  
23 cine, the olympic regional development authority, projects at nano  
24 Utica, onondaga county revitalization projects, Binghamton university  
25 school of pharmacy, New York power electronics manufacturing consortium,  
26 regional infrastructure projects, high tech innovation and economic  
27 development infrastructure program, high technology manufacturing  
28 projects in Chautauqua and Erie county, an industrial scale research and  
29 development facility in Clinton county, upstate revitalization initi-  
30 ative projects, downstate revitalization initiative, market New York  
31 projects, fairground buildings, equipment or facilities used to house  
32 and promote agriculture, the state fair, the empire state trail, the  
33 moynihan station development project, the Kingsbridge armory project,  
34 strategic economic development projects, the cultural, arts and public  
35 spaces fund, water infrastructure in the city of Auburn and town of  
36 Owasco, a life sciences laboratory public health initiative, not-for-  
37 profit pounds, shelters and humane societies, arts and cultural facili-  
38 ties improvement program, restore New York's communities initiative,  
39 heavy equipment, economic development and infrastructure projects,  
40 Roosevelt Island operating corporation capital projects, Lake Ontario  
41 regional projects, Pennsylvania station and other transit projects and  
42 other state costs associated with such projects. The aggregate principal  
43 amount of bonds authorized to be issued pursuant to this section shall  
44 not exceed [eleven billion two hundred seventy-nine million two hundred  
45 two thousand dollars \$11,279,202,000] thirteen billion nine hundred  
46 thirty-eight million four hundred two thousand dollars \$13,938,402,000,  
47 excluding bonds issued to fund one or more debt service reserve funds,  
48 to pay costs of issuance of such bonds, and bonds or notes issued to  
49 refund or otherwise repay such bonds or notes previously issued. Such  
50 bonds and notes of the dormitory authority and the corporation shall not  
51 be a debt of the state, and the state shall not be liable thereon, nor  
52 shall they be payable out of any funds other than those appropriated by  
53 the state to the dormitory authority and the corporation for principal,  
54 interest, and related expenses pursuant to a service contract and such  
55 bonds and notes shall contain on the face thereof a statement to such  
56 effect. Except for purposes of complying with the internal revenue code,

1 any interest income earned on bond proceeds shall only be used to pay  
2 debt service on such bonds.

3 2. Notwithstanding any other provision of law to the contrary, in  
4 order to assist the dormitory authority and the corporation in undertak-  
5 ing the financing for project costs for the regional economic develop-  
6 ment council initiative, the economic transformation program, state  
7 university of New York college for nanoscale and science engineering,  
8 projects within the city of Buffalo or surrounding environs, the New  
9 York works economic development fund, projects for the retention of  
10 professional football in western New York, the empire state economic  
11 development fund, the clarkson-trudeau partnership, the New York genome  
12 center, the cornell university college of veterinary medicine, the olym-  
13 pic regional development authority, projects at nano Utica, onondaga  
14 county revitalization projects, Binghamton university school of pharma-  
15 cy, New York power electronics manufacturing consortium, regional  
16 infrastructure projects, New York State Capital Assistance Program for  
17 Transportation, infrastructure, and economic development, high tech  
18 innovation and economic development infrastructure program, high tech-  
19 nology manufacturing projects in Chautauqua and Erie county, an indus-  
20 trial scale research and development facility in Clinton county, upstate  
21 revitalization initiative projects, downstate revitalization initiative,  
22 market New York projects, fairground buildings, equipment or facilities  
23 used to house and promote agriculture, the state fair, the empire state  
24 trail, the moynihan station development project, the Kingsbridge armory  
25 project, strategic economic development projects, the cultural, arts and  
26 public spaces fund, water infrastructure in the city of Auburn and town  
27 of Owasco, a life sciences laboratory public health initiative, not-for-  
28 profit pounds, shelters and humane societies, arts and cultural facili-  
29 ties improvement program, restore New York's communities initiative,  
30 heavy equipment, economic development and infrastructure projects,  
31 Roosevelt Island operating corporation capital projects, Lake Ontario  
32 regional projects, Pennsylvania station and other transit projects and  
33 other state costs associated with such projects the director of the  
34 budget is hereby authorized to enter into one or more service contracts  
35 with the dormitory authority and the corporation, none of which shall  
36 exceed thirty years in duration, upon such terms and conditions as the  
37 director of the budget and the dormitory authority and the corporation  
38 agree, so as to annually provide to the dormitory authority and the  
39 corporation, in the aggregate, a sum not to exceed the principal, inter-  
40 est, and related expenses required for such bonds and notes. Any service  
41 contract entered into pursuant to this section shall provide that the  
42 obligation of the state to pay the amount therein provided shall not  
43 constitute a debt of the state within the meaning of any constitutional  
44 or statutory provision and shall be deemed executory only to the extent  
45 of monies available and that no liability shall be incurred by the state  
46 beyond the monies available for such purpose, subject to annual appro-  
47 priation by the legislature. Any such contract or any payments made or  
48 to be made thereunder may be assigned and pledged by the dormitory  
49 authority and the corporation as security for its bonds and notes, as  
50 authorized by this section.

51 § 44. Subdivision 1 of section 386-b of the public authorities law, as  
52 amended by section 39 of part JJJ of chapter 59 of the laws of 2021, is  
53 amended to read as follows:

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

1 the purpose of financing peace bridge projects and capital costs of  
2 state and local highways, parkways, bridges, the New York state thruway,  
3 Indian reservation roads, and facilities, and transportation infrastruc-  
4 ture projects including aviation projects, non-MTA mass transit  
5 projects, and rail service preservation projects, including work appur-  
6 tenant and ancillary thereto. The aggregate principal amount of bonds  
7 authorized to be issued pursuant to this section shall not exceed [eight  
8 billion eight hundred thirty-nine million nine hundred sixty-three thou-  
9 sand dollars \$8,839,963,000] ten billion one hundred forty-seven million  
10 eight hundred sixty-three thousand dollars \$10,147,863,000, excluding  
11 bonds issued to fund one or more debt service reserve funds, to pay  
12 costs of issuance of such bonds, and to refund or otherwise repay such  
13 bonds or notes previously issued. Such bonds and notes of the authori-  
14 ty, the dormitory authority and the urban development corporation shall  
15 not be a debt of the state, and the state shall not be liable thereon,  
16 nor shall they be payable out of any funds other than those appropriated  
17 by the state to the authority, the dormitory authority and the urban  
18 development corporation for principal, interest, and related expenses  
19 pursuant to a service contract and such bonds and notes shall contain on  
20 the face thereof a statement to such effect. Except for purposes of  
21 complying with the internal revenue code, any interest income earned on  
22 bond proceeds shall only be used to pay debt service on such bonds.

23 § 45. Paragraph (a) of subdivision 2 of section 47-e of the private  
24 housing finance law, as amended by section 40 of part JJJ of chapter 59  
25 of the laws of 2021, is amended to read as follows:

26 (a) Subject to the provisions of chapter fifty-nine of the laws of two  
27 thousand, in order to enhance and encourage the promotion of housing  
28 programs and thereby achieve the stated purposes and objectives of such  
29 housing programs, the agency shall have the power and is hereby author-  
30 ized from time to time to issue negotiable housing program bonds and  
31 notes in such principal amount as shall be necessary to provide suffi-  
32 cient funds for the repayment of amounts disbursed (and not previously  
33 reimbursed) pursuant to law or any prior year making capital appropri-  
34 ations or reappropriations for the purposes of the housing program;  
35 provided, however, that the agency may issue such bonds and notes in an  
36 aggregate principal amount not exceeding [seven billion five hundred  
37 forty-five million one hundred seven thousand dollars \$7,545,107,000]  
38 twelve billion four hundred fifty-one million five hundred eleven thou-  
39 sand dollars \$12,451,511,000, plus a principal amount of bonds issued to  
40 fund the debt service reserve fund in accordance with the debt service  
41 reserve fund requirement established by the agency and to fund any other  
42 reserves that the agency reasonably deems necessary for the security or  
43 marketability of such bonds and to provide for the payment of fees and  
44 other charges and expenses, including underwriters' discount, trustee  
45 and rating agency fees, bond insurance, credit enhancement and liquidity  
46 enhancement related to the issuance of such bonds and notes. No reserve  
47 fund securing the housing program bonds shall be entitled or eligible to  
48 receive state funds apportioned or appropriated to maintain or restore  
49 such reserve fund at or to a particular level, except to the extent of  
50 any deficiency resulting directly or indirectly from a failure of the  
51 state to appropriate or pay the agreed amount under any of the contracts  
52 provided for in subdivision four of this section.

53 § 46. Subdivision 1 of section 50 of section 1 of chapter 174 of the  
54 laws of 1968, constituting the New York state urban development corpo-  
55 ration act, as amended by section 41 of part JJJ of chapter 59 of the  
56 laws of 2021, is amended to read as follows:

1 1. Notwithstanding the provisions of any other law to the contrary,  
2 the dormitory authority and the urban development corporation are hereby  
3 authorized to issue bonds or notes in one or more series for the purpose  
4 of funding project costs undertaken by or on behalf of the state educa-  
5 tion department, special act school districts, state-supported schools  
6 for the blind and deaf, approved private special education schools,  
7 non-public schools, community centers, day care facilities, residential  
8 camps, day camps, Native American Indian Nation schools, and other state  
9 costs associated with such capital projects. The aggregate principal  
10 amount of bonds authorized to be issued pursuant to this section shall  
11 not exceed [two hundred thirty-six million dollars \$236,000,000] three  
12 hundred one million seven hundred thousand dollars \$301,700,000, exclud-  
13 ing bonds issued to fund one or more debt service reserve funds, to pay  
14 costs of issuance of such bonds, and bonds or notes issued to refund or  
15 otherwise repay such bonds or notes previously issued. Such bonds and  
16 notes of the dormitory authority and the urban development corporation  
17 shall not be a debt of the state, and the state shall not be liable  
18 thereon, nor shall they be payable out of any funds other than those  
19 appropriated by the state to the dormitory authority and the urban  
20 development corporation for principal, interest, and related expenses  
21 pursuant to a service contract and such bonds and notes shall contain on  
22 the face thereof a statement to such effect. Except for purposes of  
23 complying with the internal revenue code, any interest income earned on  
24 bond proceeds shall only be used to pay debt service on such bonds.

25 § 47. Subdivision 1 of section 47 of section 1 of chapter 174 of the  
26 laws of 1968, constituting the New York state urban development corpo-  
27 ration act, as amended by section 42 of part JJJ of chapter 59 of the  
28 laws of 2021, is amended to read as follows:

29 1. Notwithstanding the provisions of any other law to the contrary,  
30 the dormitory authority and the corporation are hereby authorized to  
31 issue bonds or notes in one or more series for the purpose of funding  
32 project costs for the office of information technology services, depart-  
33 ment of law, and other state costs associated with such capital  
34 projects. The aggregate principal amount of bonds authorized to be  
35 issued pursuant to this section shall not exceed [nine hundred seventy-  
36 four million two hundred fifty-four thousand dollars \$974,254,000] one  
37 billion one hundred twenty-five million sixty-six thousand dollars  
38 \$1,125,066,000 excluding bonds issued to fund one or more debt service  
39 reserve funds, to pay costs of issuance of such bonds, and bonds or  
40 notes issued to refund or otherwise repay such bonds or notes previously  
41 issued. Such bonds and notes of the dormitory authority and the corpo-  
42 ration shall not be a debt of the state, and the state shall not be  
43 liable thereon, nor shall they be payable out of any funds other than  
44 those appropriated by the state to the dormitory authority and the  
45 corporation for principal, interest, and related expenses pursuant to a  
46 service contract and such bonds and notes shall contain on the face  
47 thereof a statement to such effect. Except for purposes of complying  
48 with the internal revenue code, any interest income earned on bond  
49 proceeds shall only be used to pay debt service on such bonds.

50 § 48. Paragraph (b) of subdivision 1 of section 385 of the public  
51 authorities law, as amended by section 43 of part JJJ of chapter 59 of  
52 the laws of 2021, is amended to read as follows:

53 (b) The authority is hereby authorized, as additional corporate  
54 purposes thereof solely upon the request of the director of the budget:  
55 (i) to issue special emergency highway and bridge trust fund bonds and  
56 notes for a term not to exceed thirty years and to incur obligations

1 secured by the moneys appropriated from the dedicated highway and bridge  
2 trust fund established in section eighty-nine-b of the state finance  
3 law; (ii) to make available the proceeds in accordance with instructions  
4 provided by the director of the budget from the sale of such special  
5 emergency highway and bridge trust fund bonds, notes or other obli-  
6 gations, net of all costs to the authority in connection therewith, for  
7 the purposes of financing all or a portion of the costs of activities  
8 for which moneys in the dedicated highway and bridge trust fund estab-  
9 lished in section eighty-nine-b of the state finance law are authorized  
10 to be utilized or for the financing of disbursements made by the state  
11 for the activities authorized pursuant to section eighty-nine-b of the  
12 state finance law; and (iii) to enter into agreements with the commis-  
13 sioner of transportation pursuant to section ten-e of the highway law  
14 with respect to financing for any activities authorized pursuant to  
15 section eighty-nine-b of the state finance law, or agreements with the  
16 commissioner of transportation pursuant to sections ten-f and ten-g of  
17 the highway law in connection with activities on state highways pursuant  
18 to these sections, and (iv) to enter into service contracts, contracts,  
19 agreements, deeds and leases with the director of the budget or the  
20 commissioner of transportation and project sponsors and others to  
21 provide for the financing by the authority of activities authorized  
22 pursuant to section eighty-nine-b of the state finance law, and each of  
23 the director of the budget and the commissioner of transportation are  
24 hereby authorized to enter into service contracts, contracts, agree-  
25 ments, deeds and leases with the authority, project sponsors or others  
26 to provide for such financing. The authority shall not issue any bonds  
27 or notes in an amount in excess of [eighteen billion one hundred fifty  
28 million dollars \$18,150,000,000] nineteen billion seven hundred seven-  
29 ty-six million nine hundred twenty thousand dollars \$19,776,920,000,  
30 plus a principal amount of bonds or notes: (A) to fund capital reserve  
31 funds; (B) to provide capitalized interest; and, (C) to fund other costs  
32 of issuance. In computing for the purposes of this subdivision, the  
33 aggregate amount of indebtedness evidenced by bonds and notes of the  
34 authority issued pursuant to this section, as amended by a chapter of  
35 the laws of nineteen hundred ninety-six, there shall be excluded the  
36 amount of bonds or notes issued that would constitute interest under the  
37 United States Internal Revenue Code of 1986, as amended, and the amount  
38 of indebtedness issued to refund or otherwise repay bonds or notes.

39 § 49. Subdivision 1 of section 386-a of the public authorities law, as  
40 amended by section 44 of part JJJ of chapter 59 of the laws of 2021, is  
41 amended to read as follows:

42 1. Notwithstanding any other provision of law to the contrary, the  
43 authority, the dormitory authority and the urban development corporation  
44 are hereby authorized to issue bonds or notes in one or more series for  
45 the purpose of assisting the metropolitan transportation authority in  
46 the financing of transportation facilities as defined in subdivision  
47 seventeen of section twelve hundred sixty-one of this chapter or other  
48 capital projects. The aggregate principal amount of bonds authorized to  
49 be issued pursuant to this section shall not exceed twelve billion five  
50 hundred fifteen million eight hundred fifty-six thousand dollars  
51 \$12,515,856,000, excluding bonds issued to fund one or more debt service  
52 reserve funds, to pay costs of issuance of such bonds, and to refund or  
53 otherwise repay such bonds or notes previously issued. Such bonds and  
54 notes of the authority, the dormitory authority and the urban develop-  
55 ment corporation shall not be a debt of the state, and the state shall  
56 not be liable thereon, nor shall they be payable out of any funds other



1 than those appropriated by the state to the authority, the dormitory  
2 authority and the urban development corporation for principal, interest,  
3 and related expenses pursuant to a service contract and such bonds and  
4 notes shall contain on the face thereof a statement to such effect.  
5 Except for purposes of complying with the internal revenue code, any  
6 interest income earned on bond proceeds shall only be used to pay debt  
7 service on such bonds. Notwithstanding any other provision of law to the  
8 contrary, including the limitations contained in subdivision four of  
9 section sixty-seven-b of the state finance law, (A) any bonds and notes  
10 issued prior to April first, two thousand [~~twenty-two~~] twenty-three  
11 pursuant to this section may be issued with a maximum maturity of fifty  
12 years, and (B) any bonds issued to refund such bonds and notes may be  
13 issued with a maximum maturity of fifty years from the respective date  
14 of original issuance of such bonds and notes.

15 § 50. Subdivision 1 of section 1680-r of the public authorities law,  
16 as amended by section 47 of part JJJ of chapter 59 of the laws of 2021,  
17 is amended to read as follows:

18 1. Notwithstanding the provisions of any other law to the contrary,  
19 the dormitory authority and the urban development corporation are hereby  
20 authorized to issue bonds or notes in one or more series for the purpose  
21 of funding project costs for the capital restructuring financing program  
22 for health care and related facilities licensed pursuant to the public  
23 health law or the mental hygiene law and other state costs associated  
24 with such capital projects, the health care facility transformation  
25 programs, the essential health care provider program, and other health  
26 care capital project costs. The aggregate principal amount of bonds  
27 authorized to be issued pursuant to this section shall not exceed [~~three~~  
28 billion fifty-three million dollars \$3,053,000,000] four billion six  
29 hundred fifty-three million dollars \$4,653,000,000, excluding bonds  
30 issued to fund one or more debt service reserve funds, to pay costs of  
31 issuance of such bonds, and bonds or notes issued to refund or otherwise  
32 repay such bonds or notes previously issued. Such bonds and notes of the  
33 dormitory authority and the urban development corporation shall not be a  
34 debt of the state, and the state shall not be liable thereon, nor shall  
35 they be payable out of any funds other than those appropriated by the  
36 state to the dormitory authority and the urban development corporation  
37 for principal, interest, and related expenses pursuant to a service  
38 contract and such bonds and notes shall contain on the face thereof a  
39 statement to such effect. Except for purposes of complying with the  
40 internal revenue code, any interest income earned on bond proceeds shall  
41 only be used to pay debt service on such bonds.

42 § 51. Subdivision 1 of section 1680-k of the public authorities law,  
43 as amended by section 62 of part BBB of chapter 59 of the laws of 2018,  
44 is amended to read as follows:

45 1. Subject to the provisions of chapter fifty-nine of the laws of two  
46 thousand, but notwithstanding any provisions of law to the contrary, the  
47 dormitory authority is hereby authorized to issue bonds or notes in one  
48 or more series in an aggregate principal amount not to exceed forty  
49 million [~~seven hundred fifteen thousand dollars~~] eight hundred thirty  
50 thousand dollars (\$40,830,000) excluding bonds issued to finance one or  
51 more debt service reserve funds, to pay costs of issuance of such bonds,  
52 and bonds or notes issued to refund or otherwise repay such bonds or  
53 notes previously issued, for the purpose of financing the construction  
54 of the New York state agriculture and markets food laboratory. Eligible  
55 project costs may include, but not be limited to the cost of design,  
56 financing, site investigations, site acquisition and preparation, demo-

1 lition, construction, rehabilitation, acquisition of machinery and  
2 equipment, and infrastructure improvements. Such bonds and notes of such  
3 authorized issuers shall not be a debt of the state, and the state shall  
4 not be liable thereon, nor shall they be payable out of any funds other  
5 than those appropriated by the state to such authorized issuers for debt  
6 service and related expenses pursuant to any service contract executed  
7 pursuant to subdivision two of this section and such bonds and notes  
8 shall contain on the face thereof a statement to such effect. Except for  
9 purposes of complying with the internal revenue code, any interest  
10 income earned on bond proceeds shall only be used to pay debt service on  
11 such bonds.

12 § 52. Paragraph (b) of subdivision 3 and clause (B) of subparagraph  
13 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-  
14 ter 63 of the laws of 2005 relating to the composition and responsibil-  
15 ities of the New York state higher education capital matching grant  
16 board, as amended by section 7 of part K of chapter 39 of the laws of  
17 2019, are amended to read as follows:

18 (b) Within amounts appropriated therefor, the board is hereby author-  
19 ized and directed to award matching capital grants totaling [three  
20 hundred million dollars, \$300,000,000] three hundred thirty million  
21 dollars, \$330,000,000. Each college shall be eligible for a grant award  
22 amount as determined by the calculations pursuant to subdivision five of  
23 this section. In addition, such colleges shall be eligible to compete  
24 for additional funds pursuant to paragraph (h) of subdivision four of  
25 this section.

26 (B) The dormitory authority shall not issue any bonds or notes in an  
27 amount in excess of [three hundred million dollars, \$300,000,000] three  
28 hundred thirty million dollars, \$330,000,000 for the purposes of this  
29 section; excluding bonds or notes issued to fund one or more debt  
30 service reserve funds, to pay costs of issuance of such bonds, and bonds  
31 or notes issued to refund or otherwise repay such bonds or notes previ-  
32 ously issued. Except for purposes of complying with the internal revenue  
33 code, any interest on bond proceeds shall only be used to pay debt  
34 service on such bonds.

35 § 53. Subdivision 1 of section 51 of section 1 of chapter 174 of the  
36 laws of 1968, constituting the New York state urban development corpo-  
37 ration act, as amended by section 42-c of part XXX of chapter 59 of the  
38 laws of 2017, is amended to read as follows:

39 1. Notwithstanding the provisions of any other law to the contrary,  
40 the dormitory authority and the urban development corporation are hereby  
41 authorized to issue bonds or notes in one or more series for the purpose  
42 of funding project costs for the nonprofit infrastructure capital  
43 investment program and other state costs associated with such capital  
44 projects. The aggregate principal amount of bonds authorized to be  
45 issued pursuant to this section shall not exceed [one hundred twenty  
46 million dollars] one hundred seventy million dollars \$170,000,000,  
47 excluding bonds issued to fund one or more debt service reserve funds,  
48 to pay costs of issuance of such bonds, and bonds or notes issued to  
49 refund or otherwise repay such bonds or notes previously issued. Such  
50 bonds and notes of the dormitory authority and the urban development  
51 corporation shall not be a debt of the state, and the state shall not be  
52 liable thereon, nor shall they be payable out of any funds other than  
53 those appropriated by the state to the dormitory authority and the urban  
54 development corporation for principal, interest, and related expenses  
55 pursuant to a service contract and such bonds and notes shall contain on  
56 the face thereof a statement to such effect. Except for purposes of

1 complying with the internal revenue code, any interest income earned on  
2 bond proceeds shall only be used to pay debt service on such bonds.

3 § 54. Section 1 of chapter 174 of the laws of 1968, constituting the  
4 New York state urban development corporation act, is amended by adding a  
5 new section 54-b to read as follows:

6 § 54-b. Personal income tax notes. 1. Findings and declaration of  
7 need. (a) The state of New York finds and determines that shortfalls in  
8 the state's financial plan arising from adverse economic and fiscal  
9 events and risks, disasters and emergencies, including but not limited  
10 to, public health emergencies, may occur or develop, and that the finan-  
11 cial impact of such events, risks, disasters and emergencies could be  
12 prudently mitigated by certain fiscal management authorization measures  
13 being legislatively authorized and established.

14 (b) Notwithstanding any other provision of law to the contrary,  
15 including, specifically, the provisions of chapter 59 of the laws of  
16 2000 and section sixty-seven-b of the state finance law, the dormitory  
17 authority of the state of New York and the corporation are hereby  
18 authorized to issue personal income tax revenue anticipation notes with  
19 a maturity no later than March 31, 2023, in one or more series in an  
20 aggregate principal amount for each fiscal year not to exceed three  
21 billion dollars, and to pay costs of issuance of such notes, for the  
22 purpose of temporarily financing budgetary needs of the state. Such  
23 purpose shall constitute an authorized purpose under subdivision two of  
24 section sixty-eight-a of the state finance law for all purposes of arti-  
25 cle five-C of the state finance law with respect to the notes authorized  
26 by this paragraph. Such notes shall not be renewed, extended or  
27 refunded. For so long as any notes authorized by this paragraph shall be  
28 outstanding, the restrictions, limitations and requirements contained in  
29 article five-B of the state finance law shall not apply.

30 (c) Such notes of the dormitory authority and the corporation shall  
31 not be a debt of the state, and the state shall not be liable thereon,  
32 nor shall they be payable out of any funds other than those appropriated  
33 by the state to the dormitory authority and the corporation for debt  
34 service and related expenses pursuant to any financing agreement  
35 described in paragraph (d) of this subdivision, and such notes shall  
36 contain on the face thereof a statement to such effect. Such notes shall  
37 be issued on a subordinate basis and shall be secured by subordinate  
38 payments from the revenue bond tax fund established pursuant to section  
39 ninety-two-z of the state finance law. Except for purposes of complying  
40 with the internal revenue code, any interest income earned on note  
41 proceeds shall only be used to pay debt service on such notes. All of  
42 the provisions of the state finance law, the dormitory authority act and  
43 this act relating to notes and bonds which are not inconsistent with the  
44 provisions of this section shall apply to notes authorized by paragraph  
45 (b) of this subdivision, including but not limited to the power to  
46 establish adequate reserves therefor, subject to the final maturity  
47 limitation for such notes set forth in paragraph (b) of this subdivi-  
48 sion. The issuance of any notes authorized by paragraph (b) of this  
49 subdivision shall further be subject to the approval of the director of  
50 the division of the budget.

51 (d) Notwithstanding any other law, rule or regulation to the contrary  
52 but subject to the limitations contained in paragraph (b) of this subdivi-  
53 vision, in order to assist the dormitory authority and the corporation  
54 in undertaking the administration and financing of such notes, the  
55 director of the budget is hereby authorized to supplement any existing  
56 financing agreement with the dormitory authority and/or the corporation,

1 or to enter into a new financing agreement with the dormitory authority  
2 and/or the corporation, upon such terms and conditions as the director  
3 of the budget and the dormitory authority and the corporation shall  
4 agree, so as to provide to the dormitory authority and the corporation,  
5 a sum not to exceed the debt service payments and related expenses  
6 required for any notes issued pursuant to paragraph (b) of this subdivi-  
7 sion. Any financing agreement supplemented or entered into pursuant to  
8 this section shall provide that the obligation of the state to pay the  
9 amount therein provided shall not constitute a debt of the state within  
10 the meaning of any constitutional or statutory provision and shall be  
11 deemed executory only to the extent of monies available and that no  
12 liability shall be incurred by the state beyond the monies available for  
13 such purposes, subject to annual appropriation by the legislature. Any  
14 such financing agreement or any payments made or to be made thereunder  
15 may be assigned or pledged by the dormitory authority and the corpo-  
16 ration as security for the notes authorized by paragraph (b) of this  
17 subdivision.

18 (e) Notwithstanding any other provision of law to the contrary,  
19 including specifically the provisions of subdivision 3 of section 67-b  
20 of the state finance law, no capital work or purpose shall be required  
21 for any issuance of personal income tax revenue anticipation notes  
22 issued by the dormitory authority and the corporation pursuant to para-  
23 graph (b) of this subdivision.

24 (f) Notwithstanding any other law, rule, or regulation to the contra-  
25 ry, the comptroller is hereby authorized and directed to deposit to the  
26 credit of the general fund, all proceeds of personal income tax revenue  
27 anticipation notes issued by the dormitory authority and the New York  
28 state urban development corporation pursuant to paragraph (b) of this  
29 subdivision.

30 2. Effect of inconsistent provisions. Insofar as the provisions of  
31 this section are inconsistent with the provisions of any other law,  
32 general, special, or local, the provisions of this section shall be  
33 controlling.

34 3. Severability; construction. The provisions of this section shall be  
35 severable, and if the application of any clause, sentence, paragraph,  
36 subdivision, section or part of this section to any person or circum-  
37 stance shall be adjudged by any court of competent jurisdiction to be  
38 invalid, such judgment shall not necessarily affect, impair or invali-  
39 date the application of any such clause, sentence, paragraph, subdivi-  
40 sion, section, part of this section or remainder thereof, as the case  
41 may be, to any other person or circumstance, but shall be confined in  
42 its operation to the clause, sentence, paragraph, subdivision, section  
43 or part thereof directly involved in the controversy in which such judg-  
44 ment shall have been rendered.

45 § 55. Section 1 of chapter 174 of the laws of 1968, constituting the  
46 New York state urban development corporation act, is amended by adding a  
47 new section 55-b to read as follows:

48 § 55-b. Line of credit facilities. 1. Findings and declaration of  
49 need. (a) The state of New York finds and determines that shortfalls in  
50 the state's financial plan arising from adverse economic and fiscal  
51 events and risks, disasters and emergencies, including but not limited  
52 to, public health emergencies, may occur or develop, and that the finan-  
53 cial impact of such events, risks, disasters and emergencies could be  
54 prudently mitigated by certain fiscal management authorization measures  
55 being legislatively authorized and established.

56 (b) Definitions. When used in this subdivision:

1 (i) "Line of credit facility" shall mean one or more revolving credit  
2 commitment arrangements between the dormitory authority of the state of  
3 New York and/or the urban development corporation with an individual  
4 financial institution or a consortium of financial institutions for the  
5 purpose of assisting the state to temporarily finance its budgetary  
6 needs.

7 (ii) "Related expenses and fees" shall mean interest costs, commitment  
8 fees and other costs, expenses and fees incurred in connection with a  
9 line of credit facility and/or a service contract or other agreement of  
10 the state securing such line of credit facility that contractually obli-  
11 gates the state to pay debt service subject to an appropriation.

12 (c) Notwithstanding any other provision of law to the contrary,  
13 including, specifically, the provisions of chapter 59 of the laws of  
14 2000 and section 67-b of the state finance law, the dormitory authority  
15 of the state of New York and the urban development corporation are  
16 authorized until March 31, 2023 to: (i) enter into one or more line of  
17 credit facilities not in excess of two billion dollars in aggregate  
18 principal amount; (ii) draw, at one or more times at the direction of  
19 the director of the budget, upon such line of credit facilities and  
20 provide to the state the amounts so drawn for the purpose of assisting  
21 the state to temporarily finance its budgetary needs; provided, however,  
22 that the total principal amounts of such draws for each fiscal year  
23 shall not exceed two billion dollars; and (iii) secure repayment of all  
24 draws under such line of credit facilities and the payment of related  
25 expenses and fees, which repayment and payment obligations shall not  
26 constitute a debt of the state within the meaning of any constitutional  
27 or statutory provision and shall be deemed executory only to the extent  
28 moneys are available and that no liability shall be incurred by the  
29 state beyond the moneys available for such purpose, and that such  
30 payment obligation is subject to annual appropriation by the legisla-  
31 ture. Any line of credit facility agreements entered into by the dormi-  
32 tory authority of the state of New York and/or the urban development  
33 corporation with financial institutions pursuant to this section may  
34 contain such provisions that the dormitory authority of the state of New  
35 York and/or the urban development corporation deem necessary or desira-  
36 ble for the establishment of such credit facilities. The maximum term of  
37 any line of credit facility shall be one year from the date of incur-  
38 rence; provided however that no draw on any such line of credit facility  
39 shall occur after March 31, 2023, and provided further that any such  
40 line of credit facility whose term extends beyond March 31, 2023 shall  
41 be supported by sufficient appropriation authority enacted by the legis-  
42 lature that provides for the repayment of all amounts drawn and remain-  
43 ing unpaid as of March 31, 2023, as well as the payment of related  
44 expenses and fees incurred and to become due and payable by the dormito-  
45 ry authority of the state of New York and/or the urban development  
46 corporation.

47 (d) Notwithstanding any other law, rule, or regulation to the contra-  
48 ry, the comptroller is hereby authorized and directed to deposit to the  
49 credit of the general fund, all amounts provided by the dormitory  
50 authority of the state of New York and/or the urban development corpo-  
51 ration to the state from draws made on any line of credit facility  
52 authorized by paragraph (c) of this subdivision.

53 (e) Notwithstanding any other provision of law to the contrary, for so  
54 long as any amounts under a line of credit facility authorized by para-  
55 graph (c) of this subdivision are due and payable, such amounts shall  
56 not constitute nor be treated as state-supported debt for purposes of

1 article 5-B of the state finance law. As applicable, all of the  
2 provisions of the state finance law, the dormitory authority act and the  
3 New York state urban development corporation act relating to notes and  
4 bonds which are not inconsistent with the provisions of this section  
5 shall apply to any line of credit facility established in accordance  
6 with the authorization contained in paragraph (c) of this subdivision.

7 (f) Each draw on a line of credit facility authorized by paragraph (c)  
8 of this subdivision shall only be made if the service contract or other  
9 agreement entered into in connection with such line of credit facility  
10 is supported by sufficient appropriation authority enacted by the legis-  
11 lature to repay the amount of the draw and to pay the related expenses  
12 and fees to become due and payable. Amounts repaid under a line of cred-  
13 it facility may be re-borrowed under the same or another line of credit  
14 facility authorized by paragraph (c) of this subdivision provided that  
15 the legislature has enacted sufficient appropriation authority that  
16 provides for the repayment of any such re-borrowed amounts and the  
17 payment of the related expenses and fees to become due and payable.  
18 Neither the dormitory authority of the state of New York nor the urban  
19 development corporation shall have any financial liability for the  
20 repayment of draws under any line of credit facility authorized by para-  
21 graph (c) of this subdivision and the payment of the related expenses  
22 and fees beyond the moneys received for such purpose under any service  
23 contract or other agreement authorized by paragraph (g) of this subdivi-  
24 sion.

25 (g) The director of the budget is authorized to enter into one or more  
26 service contracts or other agreements, none of which shall exceed one  
27 year in duration, with the dormitory authority of the state of New York  
28 and/or the urban development corporation, upon such terms and conditions  
29 as the director of the budget and dormitory authority of the state of  
30 New York and/or the urban development corporation shall agree. Any  
31 service contract or other agreement entered into pursuant to this para-  
32 graph shall provide for state commitments to provide annually to the  
33 dormitory authority of the state of New York and/or the urban develop-  
34 ment corporation a sum or sums, upon such terms and conditions as shall  
35 be deemed appropriate by the director of the budget and the dormitory  
36 authority of the state of New York and/or the urban development corpo-  
37 ration, to fund the payment of all amounts to become due and payable  
38 under any line of credit facility. Any such service contract or other  
39 agreement shall provide that the obligation of the director of the budg-  
40 et or of the state to fund or to pay the amounts therein provided for  
41 shall not constitute a debt of the state within the meaning of any  
42 constitutional or statutory provision and shall be deemed executory only  
43 to the extent moneys are available and that no liability shall be  
44 incurred by the state beyond the moneys available for such purpose, and  
45 that such obligation is subject to annual appropriation by the legisla-  
46 ture.

47 (h) Any service contract or other agreement entered into pursuant to  
48 paragraph (g) of this subdivision or any payments made or to be made  
49 thereunder may be assigned and pledged by the dormitory authority of the  
50 state of New York and/or the urban development corporation as security  
51 for any related payment obligation it may have with one or more finan-  
52 cial institutions in connection with a line of credit facility author-  
53 ized by paragraph (c) of this subdivision.

54 (i) In addition to the foregoing, the director of the budget, the  
55 dormitory authority of the state of New York and the urban development  
56 corporation shall each be authorized to enter into such other agreements

1 and to take or cause to be taken such additional actions as are neces-  
2 sary or desirable to effectuate the purposes of the transactions contem-  
3 plated by a line of credit facility and the related service contract or  
4 other agreement, subject to the limitations and restrictions set forth  
5 in this subdivision.

6 (j) No later than seven days after a draw occurs on a line of credit  
7 facility, the director of the budget shall provide notification of such  
8 draw to the president pro tempore of the senate and the speaker of the  
9 assembly.

10 2. Effect of inconsistent provisions. Insofar as the provisions of  
11 this section are inconsistent with the provisions of any other law,  
12 general, special, or local, the provisions of this act shall be control-  
13 ling.

14 3. Severability; construction. The provisions of this section shall be  
15 severable, and if the application of any clause, sentence, paragraph,  
16 subdivision, section or part of this section to any person or circum-  
17 stance shall be adjudged by any court of competent jurisdiction to be  
18 invalid, such judgment shall not necessarily affect, impair or invali-  
19 date the application of any such clause, sentence, paragraph, subdivi-  
20 sion, section, part of this section or remainder thereof, as the case  
21 may be, to any other person or circumstance, but shall be confined in  
22 its operation to the clause, sentence, paragraph, subdivision, section  
23 or part thereof directly involved in the controversy in which such judg-  
24 ment shall have been rendered.

25 § 56. Section 1 of chapter 174 of the laws of 1968, constituting the  
26 New York state urban development corporation act, is amended by adding a  
27 new section 58 to read as follows:

28 § 58. Gateway project. 1. Findings and declaration of need. The state  
29 of New York finds and determines that providing funding for the passen-  
30 ger rail transportation project commonly known as the gateway project,  
31 is needed to preserve and improve the functionality and strengthen the  
32 resiliency of long-distance and commuter rail infrastructure between the  
33 state of New York and the state of New Jersey.

34 2. Definitions. When used in this section:

35 "Commission" shall mean the gateway development commission, a bi-state  
36 commission and a body corporate and politic established by the state of  
37 New Jersey and the state of New York, acting in the public interest and  
38 exercising essential governmental functions in accordance with the Gate-  
39 way development commission act, and any successor thereto.

40 "Federal transportation loan" shall mean one or more loans made to the  
41 commission to finance the Hudson tunnel project under or pursuant to any  
42 U.S. Department of Transportation program or act, including but not  
43 limited to the Railroad Rehabilitation & Improvement Financing Program  
44 or the Transportation Infrastructure Finance and Innovation Act, which  
45 loan or loans are related to the state capital commitment.

46 "Gateway development commission act" shall mean chapter 108 of the  
47 laws of New York, 2019, as amended.

48 "Gateway project" shall mean the passenger rail and related infras-  
49 tructure projects undertaken by the commission, including the hudson  
50 tunnel project.

51 "Hudson tunnel project" shall mean the project consisting of  
52 construction of a tunnel connecting the states of New York and New  
53 Jersey and the completion of certain ancillary facilities including  
54 construction of concrete casing at Hudson Yards in Manhattan, New York  
55 and the rehabilitation of the existing North River Tunnels.

1 "State capital commitment" shall mean an aggregate principal amount  
2 not to exceed \$2,350,000,000, plus any interest costs, including capi-  
3 talized interest, and related expenses and fees payable by the state of  
4 New York to the commission under one or more service contracts or other  
5 agreements pursuant to this section, as well as any expenses of the  
6 state incurred in connection therewith.

7 "Related expenses and fees" shall mean commitment fees and other  
8 ancillary costs, expenses and fees incurred, and to become due and paya-  
9 ble, by the commission in connection with the Federal transportation  
10 loan.

11 3. Notwithstanding any other provision of law to the contrary, in  
12 order to provide for the payment for the state capital commitment, the  
13 director of the budget is hereby authorized to enter into one or more  
14 service contracts or other agreements with the commission, none of which  
15 shall exceed the maximum duration of the Federal transportation loan,  
16 upon such terms and conditions as the director of the budget and commis-  
17 sion agree, so as to provide to the commission, for each state fiscal  
18 year, a sum not to exceed the amount required for the payment of the  
19 state capital commitment for such fiscal year. Any such service contract  
20 or other agreement shall provide that the obligation of the state to pay  
21 the amount therein provided shall not constitute a debt of the state  
22 within the meaning of any constitutional or statutory provision and  
23 shall be deemed executory only to the extent of monies available, that  
24 no liability shall be incurred by the state beyond the monies available  
25 for such purpose, and that such obligation is subject to annual appro-  
26 priation by the legislature. Any such service contract or other agree-  
27 ment and any payments made or to be made thereunder may be assigned and  
28 pledged by the commission as security for the repayment by the commis-  
29 sion of the Federal transportation loan.

30 4. The director of the budget is also authorized to enter into such  
31 other agreements and to take or cause to be taken such additional  
32 actions as are necessary or desirable to effectuate the purposes of the  
33 transactions contemplated by the state capital commitment provided for  
34 herein and the service contract or other agreement authorized by subdi-  
35 vision 3 of this section.

36 § 57. Subdivisions 4 and 5 of section 16 of part T of chapter 57 of  
37 the laws of 2007, relating to providing for the administration of  
38 certain funds and accounts related to the 2007-2008 budget, are  
39 REPEALED.

40 § 58. This act shall take effect immediately and shall be deemed to  
41 have been in full force and effect on and after April 1, 2022; provided,  
42 however, that the provisions of sections one, one-a, two, three, four,  
43 five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seven-  
44 teen, eighteen, nineteen, twenty, twenty-two, and twenty-three of this  
45 act shall expire March 31, 2023 when upon such date the provisions of  
46 such sections shall be deemed repealed; provided, further, that the  
47 amendments to section 89-h of the state finance law made by section  
48 twenty-eight of this act shall not affect the repeal of such section and  
49 shall be deemed repealed therewith.

50

## PART Z

51 Section 1. This act shall be known and may be cited as the "independ-  
52 ent ethics commission reform act of 2022".

53 § 2. Section 94 of the executive law is REPEALED and a new section 94  
54 is added to read as follows:

1 § 94. Independent commission on ethics and lobbying in government. 1.  
2 Commission established. There is hereby established within the depart-  
3 ment of state, the "independent commission on ethics and lobbying in  
4 government", an independent agency responsible for administering,  
5 enforcing, and interpreting New York state's ethics and lobbying laws.  
6 The commission shall have and exercise the powers and duties set forth  
7 in this section with respect to statewide elected officials, members of  
8 the legislature and employees of the legislature, and state officers and  
9 employees as defined in section seventy-three of the public officers  
10 law, candidates for statewide elected office and for the senate or  
11 assembly, and the political party chairman as is defined in section  
12 seventy-three-a of the public officers law, lobbyists and the clients of  
13 lobbyists as defined in section one-c of the legislative law, and indi-  
14 viduals who have formerly held such positions, were lobbyists or clients  
15 of lobbyists as defined in section one-c of the legislative law, or who  
16 have formerly been such candidates. This section shall not be deemed to  
17 have revoked or rescinded any regulations or advisory opinions in effect  
18 on the effective date of this section that were issued by predecessor  
19 ethics and lobbying bodies. The commission shall cooperate, consult, and  
20 coordinate with the legislative ethics commission, to the extent possi-  
21 ble, to administer and enforce the laws under its jurisdiction.

22 2. Definitions. For the purposes of this section, the following terms  
23 shall have the following meanings:

24 (a) "commission" means the independent commission on ethics and  
25 lobbying in government established pursuant to subdivision one of this  
26 section.

27 (b) "selection committee" means the committee of the American Bar  
28 Association accredited New York state-law school deans or interim deans  
29 tasked with selecting the members of the commission pursuant to subdivi-  
30 sion three of this section.

31 (c) "respondent" means the individual or individuals or organization  
32 or organizations subject to an inquiry, investigation, or enforcement  
33 action.

34 3. Selection committee. (a) The selection committee shall select five  
35 commission members.

36 (b) The selection committee shall publish a procedure by which it will  
37 solicit and receive applications from members of the public, review  
38 qualifications, and select commission membership and reappointment in  
39 accordance with this section. The chair of the selection committee  
40 shall rotate annually among the deans in alphabetical order by the names  
41 of their respective law schools. Appropriate staffing and other  
42 resources shall be provided for in the commission's budget for the  
43 selection committee to carry out its powers, functions, and duties.

44 (c) The majority of the selection committee shall constitute a quorum  
45 to hold a meeting.

46 (d) Notwithstanding the provisions of article seven of the public  
47 officers law, no meeting or proceeding of the selection committee shall  
48 be open to the public, except the applicable records pertaining to the  
49 selection process for a member's seat shall be subject to disclosure  
50 pursuant to article six of the public officers law only after an indi-  
51 vidual member is appointed to the commission. Requests for such records  
52 shall be made to, and processed by, the commission's records access  
53 officer.

54 (e) In the selection of the commission members, the selection commit-  
55 tee shall take all appropriate steps to recruit and prioritize the  
56 selection of members who will bring diversity of lived experience,

1 diversity of geographic location, and professional expertise and skill-  
2 sets, such as, but not limited to, ethics, familiarity with the lobbying  
3 industry, public administration, compliance, or education, to reflect  
4 the mission of the commission.

5 (f) No individual shall be eligible for appointment as a member of the  
6 commission who is currently, or has within the last two years:

7 (i) been registered as a lobbyist in New York state;

8 (ii) been a member of the New York state legislature, a statewide  
9 elected official, or a commissioner of an executive agency appointed  
10 by the governor;

11 (iii) been a political party chairman, as defined in section seven-  
12 ty-three of the public officers law; or

13 (iv) been a state officer or employee or legislative employee as  
14 defined in section seventy-three of the public officers law.

15 4. Commission. (a) The first class of members of the commission shall  
16 serve staggered terms to ensure continuity. For the first class of the  
17 commission, two members shall serve a term of four years, two members  
18 shall serve a term of two years, and one member shall serve a term of  
19 one year. All subsequent members shall serve a term of four years. No  
20 member shall be selected to the commission for more than two full  
21 consecutive terms, except, that a member who has held the position by  
22 filling a vacancy, can be selected to the commission for an additional  
23 two full consecutive terms.

24 (b) The commission by majority vote shall elect a chairperson from  
25 among its members for a term of two years. A chairperson may be elected  
26 to more than one term for such office.

27 (c) Members of the commission may be removed by majority vote of the  
28 commission solely for substantial neglect of duty, misconduct in office,  
29 violation of the confidentiality restrictions set forth in this  
30 section, inability to discharge the powers or duties of office or  
31 violation of this section, after written notice and opportunity for a  
32 reply.

33 (d) Any vacancy occurring on the commission shall be filled within  
34 thirty days of its occurrence in the same manner as a member is initial-  
35 ly selected to complete the vacant term.

36 (e) During the period of a member's service as a member of the commis-  
37 sion, the member shall refrain from making, or soliciting from other  
38 persons, any contributions to candidates for election to the offices of  
39 governor, lieutenant governor, member of the assembly or the senate,  
40 attorney general or state comptroller.

41 (f) Members of the commission shall receive a per diem allowance equal  
42 to the salary of a justice of the supreme court divided by two hundred  
43 twenty for each day or each pro-rated day actually spent in the perform-  
44 ance of the member's duties under this section, and, in addition there-  
45 to, shall be reimbursed for all reasonable expenses actually and neces-  
46 sarily incurred by the member in the performance of the member's duties  
47 under this section. For the purposes of this subdivision, a day shall  
48 consist of at least seven and one-half hours spent in the performance of  
49 the member's duties under this section.

50 (g) A meeting may be called by the chairperson or three members of the  
51 commission. The commission shall be subject to articles six and seven  
52 of the public officers law.

53 (h) Three members of the commission shall constitute a quorum, and the  
54 commission shall have the power to act by majority vote of the total  
55 number of members of the commission without vacancy.

1 (i) The commission shall meet at least once per month for at least ten  
2 months in a calendar year. The commission shall hold a public hearing  
3 at least once each calendar year to take testimony regarding the  
4 operation of the commission and solicit public input regarding potential  
5 or proposed changes in the laws under its jurisdiction.

6 5. Powers. (a) The commission has the authority to: (i) adopt, amend,  
7 and rescind any rules and regulations pertaining to section seventy-  
8 three, seventy-three-a or seventy-four of the public officers law,  
9 article one-A of the legislative law, or section one hundred seven of  
10 the civil service law; (ii) adopt, amend, and rescind any procedures of  
11 the commission, including but not limited to, procedures for advice and  
12 guidance, training, filing, review, and enforcement of financial disclo-  
13 sure statements, investigations, enforcement, and due process hearings;  
14 and (iii) develop and promulgate any programs for reviews, training, and  
15 guidance to carry out the commission's mission.

16 (b) The commission has the authority to compel the testimony of  
17 witnesses, and may administer oaths or affirmations, subpoena witnesses,  
18 compel their attendance and require the production of any books or  
19 records which it may deem relevant or material.

20 6. Executive director and commission staff. The commission shall:

21 (a) (i) Appoint an executive director who shall act in accordance with  
22 the policies of the commission. The executive director shall be  
23 appointed without regard to political affiliation and solely on the  
24 basis of fitness to perform the duties assigned by this section, and  
25 shall be a qualified, independent professional. No individual shall be  
26 eligible to be appointed as an executive director if the individual is  
27 currently, or within the last two years has been:

28 (1) registered as a lobbyist in New York state;

29 (2) a member of the New York state legislature or a statewide elected  
30 official or a commissioner of an executive agency appointed by the  
31 governor; or

32 (3) a political party chairman, as defined in section seventy-three of  
33 the public officers law.

34 (ii) Notwithstanding the provisions of this subdivision, the executive  
35 director may be a current or former New York state government employee.  
36 The executive director shall, prior to the individual's appointment,  
37 have had at least ten years of experience in the management of auditing,  
38 investigation, and enforcement of governmental operations, or management  
39 of complex compliance programs relating to ethics and lobbying.

40 (iii) The appointment and removal of the executive director shall be  
41 made solely by a majority vote of the commission.

42 (iv) The term of office of the executive director shall be four years  
43 from the date of appointment. The salary of the executive director shall  
44 be determined by the members of the commission based on experience.

45 (v) The commission may remove the executive director for neglect of  
46 duty, misconduct in office, violation of the confidentiality  
47 restrictions in this section, or inability or failure to discharge the  
48 powers or duties of office, including the failure to follow the lawful  
49 instructions of the commission.

50 (b) Delegate authority to the executive director to act in the name of  
51 the commission between meetings of the commission provided such deleg-  
52 ation is in writing, the specific powers to be delegated are enumerated,  
53 and the commission shall not delegate any decisions specified in this  
54 section that require a vote of the commission.

55 (c) Establish units within the commission to carry out its duties,  
56 including, but not limited to, (i) an advice and guidance unit, (ii) a

1 training unit, (iii) a financial disclosure unit, (iv) a lobbying unit,  
2 and (v) an investigations and enforcement unit.

3 (d) Appoint such other staff as are necessary to carry out its duties  
4 under this section, including, but not limited to, a deputy director of  
5 an advice and guidance unit to provide timely confidential advice to  
6 persons subject to the commission's jurisdiction, a deputy director for  
7 training, a deputy director for investigations and enforcement, and a  
8 deputy director for lobbying.

9 (e) Review and approve a staffing plan provided and prepared by the  
10 executive director which shall contain, at a minimum, a list of the  
11 various units and divisions as well as the number of positions in each  
12 unit, titles and their duties, and salaries, as well as the various  
13 qualifications for each position including, but not limited to, educa-  
14 tion and prior experience for each position.

15 7. Advice and guidance. (a) The commission shall establish a unit or  
16 units solely for ethics and lobbying guidance, and give such prompt,  
17 informal advice to persons whose conduct it oversees.

18 (b) Persons receiving such informal advice may rely on that advice  
19 absent misrepresentation or omission of material facts to the commission  
20 and such communications with the commission shall be treated as confi-  
21 dential, except as disclosure is needed to prevent or rectify a  
22 crime or fraud, or prevent a substantial threat to public health or  
23 safety or if required by court order.

24 (c) The commission may also render, on written request or on its own  
25 initiative, advisory opinions, and may allow for public comment before  
26 issuance of an advisory opinion. Such an opinion rendered by the  
27 commission shall be relied on by those subject to the commission's  
28 jurisdiction and until, or unless, amended, superseded, or revoked.  
29 Such opinion may also be relied upon by any such person, and may be  
30 introduced and shall be a defense, in any criminal or civil action.

31 8. Training. (a) The commission shall establish a training unit and  
32 shall develop and administer an on-going program for the education and  
33 training in ethics and lobbying for those subject to the provisions of  
34 this section, as follows:

35 (i) The commission shall develop and administer a comprehensive live  
36 or live-online ethics training course and shall designate and train  
37 instructors to conduct such training. Such live course shall be designed  
38 to include practical application of the material covered and a ques-  
39 tion-and-answer participatory segment. Unless the commission grants an  
40 extension or waiver for good cause shown, statewide elected officials,  
41 members of the legislature and employees of the legislature, and state  
42 officers and employees as defined in sections seventy-three and seven-  
43 ty-three-a of the public officers law, and the political party chairman  
44 as is defined in section seventy-three-a of the public officers law,  
45 shall complete the live course within ninety days of appointment or  
46 employment and shall complete the live course every two years subse-  
47 quently.

48 (ii) The commission shall develop and administer an online ethics  
49 refresher course for all individuals listed under subparagraph (i) of  
50 this paragraph who have previously completed the live course. Such  
51 refresher course shall be designed to include any changes in law, regu-  
52 lation, or policy or in the interpretation thereof, and practical appli-  
53 cation of the material covered. Unless the commission grants an exten-  
54 sion or waiver for good cause shown, such individuals shall take such  
55 refresher course once every year after having completed the live course  
56 under subparagraph (i) of this paragraph.

1 (iii) The commission shall develop and administer an online live ques-  
2 tion and answer course for agency ethics officers.

3 (iv) The commission shall develop and administer training courses for  
4 lobbyists and clients of lobbyists.

5 (v) The provisions of this subdivision shall be applicable to the  
6 legislature except to the extent that an ethics training program is  
7 otherwise established by the assembly and/or senate for their respective  
8 members and employees and such program meets or exceeds each of the  
9 requirements set forth in this subdivision.

10 (vi) On an annual basis, the commission, in coordination with the  
11 legislative ethics commission, shall determine the status of compliance  
12 with the training requirements under this subdivision by each state  
13 agency and by the senate and the assembly. Such determination shall  
14 include aggregate statistics regarding participation in such training  
15 and shall be reported on a quarterly basis to the governor and the  
16 legislature in writing.

17 9. Financial disclosure statements. (a) The commission may delegate  
18 all or part of review, inquiry and advice in this section to the staff  
19 under the supervision of the executive director.

20 (b) The commission shall make available forms for annual statements of  
21 financial disclosure required to be filed pursuant to section seven-  
22 ty-three-a of the public officers law; and the commission shall update  
23 the financial disclosure form to include the term "domestic partner" on  
24 the form.

25 (c) The commission shall review the financial disclosure statements of  
26 the statewide elected officials and members of the legislature within  
27 sixty days of their filings to determine, among other things, deficien-  
28 cies and conflicts.

29 (d) The commission shall review financial disclosure statements filed  
30 in accordance with the provisions of this section and (i) inquire  
31 into any disclosed conflict to recommend how best to address such  
32 conflict; and

33 (ii) ascertain whether any person subject to the reporting require-  
34 ments of section seventy-three-a of the public officers law has failed  
35 to file such a statement, has filed a deficient statement or has filed a  
36 statement which reveals a possible violation of section seventy-three,  
37 seventy-three-a or seventy-four of the public officers law.

38 (e) If a person required to file a financial disclosure statement with  
39 the commission has failed to file a disclosure statement or has filed a  
40 deficient statement, the commission shall notify the reporting person in  
41 writing, state the failure to file or detail the deficiency, provide the  
42 person with a fifteen-day period to cure the deficiency, and advise the  
43 person of the penalties for failure to comply with the reporting  
44 requirements. This first notice of deficiency shall be confidential. If  
45 the person fails to make such filing or fails to cure the deficiency  
46 within the specified time period, the commission shall send a notice of  
47 delinquency (i) to the reporting person; (ii) in the case of a statewide  
48 elected official, to the chief of staff or counsel to the statewide  
49 elected official; (iii) in the case of a member of the legislature or a  
50 legislative employee, to the temporary president of the senate and the  
51 speaker of the assembly; and (iv) in the case of a state officer,  
52 employee or board member, to the appointing authority for such person.  
53 Such notice of delinquency may be sent at any time during the reporting  
54 person's service as a statewide elected official, state officer or  
55 employee, member of the assembly or the senate, or a legislative employ-  
56 ee or a political party chair or while a candidate for statewide office,



1 or within one year after termination of such service or candidacy. A  
2 copy of any notice of delinquency or report shall be included in the  
3 reporting person's file and be available for public inspection and  
4 copying pursuant to the provisions of this section. The jurisdiction of  
5 the commission, when acting pursuant to this subdivision with respect to  
6 financial disclosure, shall continue notwithstanding that the reporting  
7 person separates from state service, or ceases to hold public or poli-  
8 tical party office, or ceases to be a candidate, provided the commission  
9 notifies such person of the alleged failure to file or deficient filing  
10 pursuant to this subdivision.

11 (f) The commission shall adopt a procedure whereby a person who is  
12 required to file an annual financial disclosure statement with the  
13 commission may request an additional period of time within which to  
14 file such statement, other than members of the legislature, candidates  
15 for members of the legislature and legislative employees, due to justi-  
16 fiable cause or undue hardship.

17 (g) The commission may permit any person who is required to file a  
18 financial disclosure statement with the commission to request that the  
19 commission delete from the copy thereof made available for public  
20 inspection and copying one or more items of information which may be  
21 deleted by the commission upon a finding by the commission that the  
22 information which would otherwise be required to be made available  
23 for public inspection and copying will have no material bearing on the  
24 discharge of the reporting person's official duties. If such request  
25 for deletion is denied, the commission, in its notification of denial,  
26 shall inform the person of their right to appeal the commission's  
27 determination in a proceeding commenced against the commission, pursuant  
28 to article seventy-eight of the civil practice law and rules.

29 (h) The commission may permit any person who is required to file a  
30 financial disclosure statement with the commission to request an  
31 exemption from any requirement to report one or more items of infor-  
32 mation which pertain to such person's spouse, domestic partner, or  
33 unemancipated children which item or items may be exempted by the  
34 commission upon a finding by the commission that the reporting individ-  
35 ual's spouse, domestic partner, on their own behalf, or on behalf of an  
36 unemancipated child, objects to providing the information necessary to  
37 make such disclosure and that the information which would otherwise  
38 be required to be reported shall have no material bearing on the  
39 discharge of the reporting person's official duties. If such  
40 request for exemption is denied, the commission, in its notification of  
41 denial, shall inform the person of their right to appeal the commis-  
42 sion's determination, pursuant to article seventy-eight of the civil  
43 practice law and rules.

44 (i) The commission may permit any person required to file a financial  
45 disclosure statement to request an exemption from any requirement to  
46 report the identity of a client pursuant to the question under subpara-  
47 graph (b) of paragraph eight of subdivision three of section seventy-  
48 three-a of the public officers law in such statement based upon an  
49 exemption set forth in such question. The reporting individual need not  
50 seek an exemption to refrain from disclosing the identity of any  
51 client with respect to any matter where they or their firm provided  
52 legal representation to the client in connection with an investi-  
53 gation or prosecution by law enforcement authorities, bankruptcy, or  
54 domestic relations matters. In addition, clients or customers  
55 receiving medical or dental services, mental health services, residen-  
56 tial real estate brokering services, or insurance brokering



1 services need not be disclosed. Pending any application for deletion or  
2 exemption to the commission relating to the filing of a financial  
3 disclosure statement, all information which is the subject or part of  
4 the application shall remain confidential. Upon an adverse determination  
5 by the commission, the reporting individual may request, and upon  
6 such request the commission shall provide, that any information that is  
7 the subject or part of the application remain confidential for a peri-  
8 od of thirty days following notice of such determination. In the event  
9 that the reporting individual resigns their office and holds no  
10 other office subject to the jurisdiction of the commission, the informa-  
11 tion shall not be made public and shall be expunged in its entirety.

12 (j) The commission shall permit any person who has not been determined  
13 by the person's appointing authority to hold a policy-making posi-  
14 tion, but who is otherwise required to file a financial disclo-  
15 sure statement to request an exemption from such requirement in  
16 accordance with rules and regulations governing such exemptions. Such  
17 rules and regulations shall provide for exemptions to be granted either  
18 on the application of an individual or on behalf of persons who share  
19 the same job title or employment classification which the commission  
20 deems to be comparable for purposes of this section. Such rules  
21 and regulations may permit the granting of an exemption where, in the  
22 discretion of the commission, the public interest does not require  
23 disclosure and the applicant's duties do not involve the negotiation,  
24 authorization or approval of:

25 (i) contracts, leases, franchises, revocable consents, concessions,  
26 variances, special permits, or licenses as such terms are defined in  
27 section seventy-three of the public officers law;

28 (ii) the purchase, sale, rental or lease of real property, goods or  
29 services, or a contract therefor;

30 (iii) the obtaining of grants of money or loans; or

31 (iv) the adoption or repeal of any rule or regulation having the force  
32 and effect of law.

33 10. Investigation and enforcement. (a) The commission shall receive  
34 complaints and referrals alleging violations of section seventy-three,  
35 seventy-three-a or seventy-four of the public officers law, article  
36 one-A of the legislative law, or section one hundred seven of the civil  
37 service law.

38 (b) The commission shall conduct any investigation necessary to carry  
39 out the provisions of this section. Pursuant to this power and duty, the  
40 commission may administer oaths or affirmations, subpoena witnesses,  
41 compel their attendance and testimony, and require the production of any  
42 books or records which it may deem relevant or material.

43 (c) The commission staff shall review and investigate, as appropriate,  
44 any information in the nature of a complaint or referral received by the  
45 commission or initiated by the commission, including through its review  
46 of media reports and other information, where there is specific and  
47 credible evidence that a violation of section seventy-three, seventy-  
48 three-a, or seventy-four of the public officers law, section one hundred  
49 seven of the civil service law or article one-A of the legislative law  
50 by a person or entity subject to the jurisdiction of the commission  
51 including members of the legislature and legislative employees and  
52 candidates for members of the legislature.

53 (d) Upon the conclusion of an investigation, if the commission deter-  
54 mines there is credible evidence of a violation of the laws under its  
55 jurisdiction, it shall provide the respondent timely notice for a due  
56 process hearing. The commission shall also inform the respondent of its

1 rules regarding the conduct of adjudicatory proceedings and appeals and  
2 the other due process procedural mechanisms available to the respondent.

3 (e) The hearing shall be conducted before an independent arbitrator.  
4 Such hearing shall afford the respondent with a reasonable opportunity  
5 to appear in person, and by attorney, give sworn testimony, present  
6 evidence, and cross-examine witnesses.

7 (f) The commission may, at any time, develop procedures and rules for  
8 resolution of de minimus or minor violations that can be resolved  
9 outside of the enforcement process, including the sending of a confiden-  
10 tial guidance or educational letter.

11 (g) The jurisdiction of the commission when acting pursuant to this  
12 section shall continue notwithstanding that a statewide elected official  
13 or a state officer or employee or member of the legislature or legisla-  
14 tive employee separates from state service, or a political party chair  
15 ceases to hold such office, or a candidate ceases to be a candidate, or  
16 a lobbyist or client of a lobbyist ceases to act as such, provided that  
17 the commission notifies such individual or entity of the alleged  
18 violation of law within two years from the individual's separation from  
19 state service or termination of party service or candidacy, or from the  
20 last report filed pursuant to article one-A of the legislative law.  
21 Nothing in this section shall serve to limit the jurisdiction of the  
22 commission in enforcement of subdivision eight of section seventy-three  
23 of the public officers law.

24 (i) An individual subject to the jurisdiction of the commission who  
25 knowingly and intentionally violates the provisions of subdivisions two  
26 through five-a, seven, eight, twelve or fourteen through seventeen of  
27 section seventy-three of the public officers law, section one hundred  
28 seven of the civil service law, or a reporting individual who knowingly  
29 and willfully fails to file an annual statement of financial disclosure  
30 or who knowingly and willfully with intent to deceive makes a false  
31 statement or fraudulent omission or gives information which such indi-  
32 vidual knows to be false on such statement of financial disclosure filed  
33 pursuant to section seventy-three-a of the public officers law, shall be  
34 subject to a civil penalty in an amount not to exceed forty thousand  
35 dollars and the value of any gift, compensation or benefit received as a  
36 result of such violation.

37 (ii) An individual who knowingly and intentionally violates the  
38 provisions of paragraph a, b, c, d, e, g, or i of subdivision three of  
39 section seventy-four of the public officers law, shall be subject to a  
40 civil penalty in an amount not to exceed ten thousand dollars and the  
41 value of any gift, compensation or benefit received as a result of such  
42 violation.

43 (iii) An individual subject to the jurisdiction of the commission who  
44 knowingly and willfully violates article one-A of the legislative law  
45 shall be subject to civil penalty as provided for in that article.

46 (iv) With respect to a potential violation of any criminal law where  
47 the commission finds sufficient cause by a majority vote, it shall refer  
48 such matter to the appropriate law enforcement authority for further  
49 investigation.

50 (v) In assessing the amount of the civil penalties to be imposed, the  
51 commission shall consider the seriousness of the violation, the amount  
52 of gain to the individual and whether the individual previously had any  
53 civil or criminal penalties imposed pursuant to this section, and any  
54 other factors the commission deems appropriate.

55 (vi) A civil penalty for false filing shall not be imposed under this  
56 subdivision in the event a category of "value" or "amount" reported

1 hereunder is incorrect unless such reported information is falsely  
2 understated.

3 (vii) Notwithstanding any other provision of law to the contrary, no  
4 other penalty, civil or criminal may be imposed for a failure to file,  
5 or for a false filing, of such statement, or a violation of subdivision  
6 six of section seventy-three of the public officers law, except that the  
7 commission may recommend that the individual in violation of such subdi-  
8 vision or section be disciplined.

9 (viii) The commission shall be deemed to be an agency within the mean-  
10 ing of article three of the state administrative procedure act and shall  
11 adopt rules governing the conduct of adjudicatory proceedings and  
12 appeals taken pursuant to a proceeding commenced under article seventy-  
13 eight of the civil practice law and rules relating to the assessment of  
14 the civil penalties or the recommendation of employee discipline herein  
15 authorized. Such rule shall provide for due process procedural mech-  
16 anisms substantially similar to those set forth in article three of the  
17 state administrative procedure act but such mechanisms need not be iden-  
18 tical in terms or scope.

19 (h) (i) The commission shall have jurisdiction to investigate, but  
20 shall have no jurisdiction to impose penalties or discipline upon  
21 members of or candidates for member of the legislature or legislative  
22 employees for any violation of the public officers law. If, after inves-  
23 tigation and a due process hearing, the commission has found, by a  
24 majority vote, a substantial basis to conclude that a member of the  
25 legislature or a legislative employee or candidate for member of the  
26 legislature has violated any provisions of such laws, it shall prepare a  
27 written report of its findings and provide a copy of that report to the  
28 legislative ethics commission, and to such individual in violation of  
29 such law. The commission shall provide to the legislative ethics  
30 commission copies of the full investigative file and hearing record.

31 (ii) With respect to the investigation of any individual who is not a  
32 member of the legislature or a legislative employee or candidate for  
33 member of the legislature, if after its investigation and due process  
34 hearing, the commission has found a substantial basis to conclude that  
35 the individual has violated the public officers law or the legislative  
36 law, the commission shall determine whether, in addition to or in lieu  
37 of any fine authorized by this article, the respondent should be  
38 referred to their employer for discipline with a warning, admonition,  
39 censure, suspension or termination or other appropriate discipline. With  
40 regard to statewide elected officials, the commission may not order  
41 suspension or termination but may recommend impeachment. The commission  
42 shall then issue a report containing its determinations including its  
43 findings of fact and conclusions of law to the respondent. The commis-  
44 sion shall publish such report on its website within twenty days of its  
45 delivery to the respondent.

46 11. Confidentiality. (a) When an individual becomes a commissioner or  
47 staff of the commission, such individual shall be required to sign a  
48 non-disclosure statement.

49 (b) Except as otherwise required or provided by law, testimony  
50 received, or any other information obtained by a commissioner or staff  
51 of the commission, shall not be disclosed by any such individual to any  
52 person or entity outside of the commission during the pendency of any  
53 matter. Any confidential communication to any person or entity outside  
54 the commission related to the matters before the commission shall occur  
55 only as authorized by the commission. For the purposes of this para-

1 graph, "matter" shall mean any complaint, review, inquiry, or investi-  
2 gation into alleged violations of this chapter.

3 (c) The commission shall establish procedures necessary to prevent the  
4 unauthorized disclosure of any information received by any member of the  
5 commission or staff of the commission. Any breaches of confidentiality  
6 may be investigated by the New York state office of the inspector gener-  
7 al, attorney general, or other appropriate law enforcement authority  
8 upon a majority vote of the commission to refer, and appropriate action  
9 shall be taken.

10 (d) Any commission member or person employed by the commission who  
11 intentionally and without authorization releases confidential informa-  
12 tion received or generated by the commission shall be guilty of a class  
13 A misdemeanor.

14 12. Annual report. (a) The commission shall make an annual public  
15 report prioritizing transparency and summarizing the activities of the  
16 commission during the previous year and recommending any changes in the  
17 laws governing the conduct of persons subject to the jurisdiction of the  
18 commission, or the rules, regulations and procedures governing the  
19 commission's conduct. Such report shall include, but is not limited to:

20 (i) information on the number and type of complaints received by the  
21 commission and the status of such complaints;

22 (ii) information relating to the investigation or investigations  
23 opened by the commission, including the current status of each such  
24 investigation;

25 (iii) where a matter has been resolved, the date and nature of the  
26 disposition and any sanction imposed; provided, however, that such annu-  
27 al report shall not contain any information for which disclosure is not  
28 permitted pursuant to this section or other laws;

29 (iv) information regarding financial disclosure compliance for the  
30 preceding year; and

31 (v) information regarding lobbying law filing compliance for the  
32 preceding year.

33 (b) Such a report shall be filed in the office of the governor and  
34 with the legislature on or before the first day of February for the  
35 preceding year.

36 13. Website. (a) Within one hundred twenty days of the effective date  
37 of this section, the commission shall create and thereafter maintain a  
38 publicly accessible website which shall set forth the procedure for  
39 filing a complaint with the commission, the filing of financial disclo-  
40 sure statements filed by state officers or employees or legislative  
41 employees, the filing of statements required by article one-A of the  
42 legislative law, and any other records or information which the commis-  
43 sion determines to be appropriate.

44 (b) The commission shall post on its website the following documents:

45 (i) the information set forth in an annual statement of financial  
46 disclosure filed pursuant to section seventy-three-a of the public offi-  
47 cers law except information deleted pursuant to paragraph (g) of subdivi-  
48 vision nine of this section;

49 (ii) notices of delinquency sent under subdivision nine of this  
50 section;

51 (iii) notices of civil assessments imposed under this section which  
52 shall include a description of the nature of the alleged wrongdoing, the  
53 procedural history of the complaint, the findings and determinations  
54 made by the commission, and any sanction imposed;

55 (iv) the terms of any settlement or compromise of a complaint or  
56 referral which includes a fine, penalty or other remedy;

1 (v) those required to be held or maintained publicly available pursu-  
2 ant to article one-A of the legislative law; and

3 (vi) reports issued by the commission pursuant to this section.

4 14. Additional powers. In addition to any other powers and duties  
5 specified by law, the commission shall have the power and duty to admin-  
6 ister and enforce all the provisions of this section.

7 15. Severability. If any part or provision of this section or the  
8 application thereof to any person or organization is adjudged by a court  
9 of competent jurisdiction to be unconstitutional or otherwise invalid,  
10 such judgment shall not affect or impair any other part or provision or  
11 the application thereof to any other person or organization, but shall  
12 be confined in its operation to such part or provision.

13 § 3. Subdivision (f) of section 1-c of the legislative law, as amended  
14 by chapter 14 of the laws of 2007, is amended to read as follows:

15 (f) The term "commission" shall mean the independent commission on  
16 [public integrity] ethics and lobbying in government created by section  
17 ninety-four of the executive law.

18 § 4. Subdivisions 7, 9, 10, 12 and 13 of section 80 of the legislative  
19 law, as amended by section 9 of part A of chapter 399 of the laws of  
20 2011, are amended to read as follows:

21 7. The commission shall:

22 a. Appoint an executive director who shall act in accordance with the  
23 policies of the commission, provided that the commission may remove the  
24 executive director for neglect of duty, misconduct in office, or inabil-  
25 ity or failure to discharge the powers or duties of office;

26 b. Appoint such other staff as are necessary to assist it to carry out  
27 its duties under this section;

28 c. Adopt, amend, and rescind policies, rules and regulations consist-  
29 ent with this section to govern procedures of the commission which shall  
30 not be subject to the promulgation and hearing requirements of the state  
31 administrative procedure act;

32 d. Administer the provisions of this section;

33 e. Specify the procedures whereby a person who is required to file an  
34 annual financial disclosure statement with the commission may request an  
35 additional period of time within which to file such statement, due to  
36 justifiable cause or undue hardship; such rules or regulations shall  
37 provide for a date beyond which in all cases of justifiable cause or  
38 undue hardship no further extension of time will be granted;

39 f. Promulgate guidelines to assist appointing authorities in determin-  
40 ing which persons hold policy-making positions for purposes of section  
41 seventy-three-a of the public officers law and may promulgate guidelines  
42 to assist firms, associations and corporations in separating affected  
43 persons from net revenues for purposes of subdivision ten of section  
44 seventy-three of the public officers law, and promulgate guidelines to  
45 assist any firm, association or corporation in which any present or  
46 former statewide elected official, state officer or employee, member of  
47 the legislature or legislative employee, or political party chairman is  
48 a member, associate, retired member, of counsel or shareholder, in  
49 complying with the provisions of subdivision ten of section seventy-  
50 three of the public officers law with respect to the separation of such  
51 present or former statewide elected official, state officer or employee,  
52 member of the legislature or legislative employee, or political party  
53 chairman from the net revenues of the firm, association or corporation.  
54 Such firm, association or corporation shall not be required to adopt the  
55 procedures contained in the guidelines to establish compliance with  
56 subdivision ten of section seventy-three of the public officers law, but

1 if such firm, association or corporation does adopt such procedures, it  
2 shall be deemed to be in compliance with such subdivision ten;

3 g. Make available forms for financial disclosure statements required  
4 to be filed pursuant to subdivision six of section seventy-three and  
5 section seventy-three-a of the public officers law as provided by the  
6 [joint] independent commission on [public] ethics and lobbying in  
7 government;

8 h. Review financial disclosure statements in accordance with the  
9 provisions of this section, provided however, that the commission may  
10 delegate all or part of the review function relating to financial  
11 disclosure statements filed by legislative employees pursuant to  
12 sections seventy-three and seventy-three-a of the public officers law to  
13 the executive director who shall be responsible for completing staff  
14 review of such statements in a manner consistent with the terms of the  
15 commission's delegation;

16 i. Upon written request from any person who is subject to the juris-  
17 diction of the commission and the requirements of sections seventy-  
18 three, seventy-three-a and seventy-four of the public officers law,  
19 render formal advisory opinions on the requirements of said provisions.  
20 A formal written opinion rendered by the commission, until and unless  
21 amended or revoked, shall be binding on the legislative ethics commis-  
22 sion in any subsequent proceeding concerning the person who requested  
23 the opinion and who acted in good faith, unless material facts were  
24 omitted or misstated by the person in the request for an opinion. Such  
25 opinion may also be relied upon by such person, and may be introduced  
26 and shall be a defense in any criminal or civil action. The [joint]  
27 independent commission on [public] ethics and lobbying in government  
28 shall not investigate an individual for potential violations of law  
29 based upon conduct approved and covered in its entirety by such an opin-  
30 ion, except that such opinion shall not prevent or preclude an investi-  
31 gation of and report to the legislative ethics commission concerning the  
32 conduct of the person who obtained it by the [joint] independent commis-  
33 sion on [public] ethics and lobbying in government for violations of  
34 section seventy-three, seventy-three-a or seventy-four of the public  
35 officers law to determine whether the person accurately and fully  
36 represented to the legislative ethics commission the facts relevant to  
37 the formal advisory opinion and whether the person's conduct conformed  
38 to those factual representations. The [joint] independent commission on  
39 ethics and lobbying in government shall be authorized and shall have  
40 jurisdiction to investigate potential violations of the law arising from  
41 conduct outside of the scope of the terms of the advisory opinion; and

42 j. Issue and publish generic advisory opinions covering questions  
43 frequently posed to the commission, or questions common to a class or  
44 defined category of persons, or that will tend to prevent undue repe-  
45 tition of requests or undue complication, and which are intended to  
46 provide general guidance and information to persons subject to the  
47 commission's jurisdiction;

48 k. Develop educational materials and training with regard to legisla-  
49 tive ethics for members of the legislature and legislative employees  
50 including an online ethics orientation course for newly-hired employees  
51 and, as requested by the senate or the assembly, materials and training  
52 in relation to a comprehensive ethics training program; and

53 l. Prepare an annual report to the governor and legislature summariz-  
54 ing the activities of the commission during the previous year and recom-  
55 mending any changes in the laws governing the conduct of persons subject  
56 to the jurisdiction of the commission, or the rules, regulations and

1 procedures governing the commission's conduct. Such report shall  
2 include: (i) a listing by assigned number of each complaint and report  
3 received from the [joint] independent commission on [public] ethics and  
4 lobbying in government which alleged a possible violation within its  
5 jurisdiction, including the current status of each complaint, and (ii)  
6 where a matter has been resolved, the date and nature of the disposition  
7 and any sanction imposed, subject to the confidentiality requirements of  
8 this section. Such annual report shall not contain any information for  
9 which disclosure is not permitted pursuant to subdivision twelve of this  
10 section.

11 9. (a) An individual subject to the jurisdiction of the commission  
12 with respect to the imposition of penalties who knowingly and inten-  
13 tionally violates the provisions of subdivisions two through five-a,  
14 seven, eight, twelve, fourteen or fifteen of section seventy-three of  
15 the public officers law or a reporting individual who knowingly and  
16 wilfully fails to file an annual statement of financial disclosure or  
17 who knowingly and wilfully with intent to deceive makes a false state-  
18 ment or gives information which such individual knows to be false on  
19 such statement of financial disclosure filed pursuant to section seven-  
20 ty-three-a of the public officers law shall be subject to a civil penal-  
21 ty in an amount not to exceed forty thousand dollars and the value of  
22 any gift, compensation or benefit received as a result of such  
23 violation. Any such individual who knowingly and intentionally violates  
24 the provisions of paragraph a, b, c, d, e, g, or i of subdivision three  
25 of section seventy-four of the public officers law shall be subject to a  
26 civil penalty in an amount not to exceed ten thousand dollars and the  
27 value of any gift, compensation or benefit received as a result of such  
28 violation. Assessment of a civil penalty hereunder shall be made by the  
29 commission with respect to persons subject to its jurisdiction. In  
30 assessing the amount of the civil penalties to be imposed, the commis-  
31 sion shall consider the seriousness of the violation, the amount of gain  
32 to the individual and whether the individual previously had any civil or  
33 criminal penalties imposed pursuant to this section, and any other  
34 factors the commission deems appropriate. For a violation of this  
35 section, other than for conduct which constitutes a violation of subdi-  
36 vision twelve, fourteen or fifteen of section seventy-three or section  
37 seventy-four of the public officers law, the legislative ethics commis-  
38 sion may, in lieu of or in addition to a civil penalty, refer a  
39 violation to the appropriate prosecutor and upon such conviction, but  
40 only after such referral, such violation shall be punishable as a class  
41 A misdemeanor. Where the commission finds sufficient cause, it shall  
42 refer such matter to the appropriate prosecutor. A civil penalty for  
43 false filing may not be imposed hereunder in the event a category of  
44 "value" or "amount" reported hereunder is incorrect unless such reported  
45 information is falsely understated. Notwithstanding any other provision  
46 of law to the contrary, no other penalty, civil or criminal may be  
47 imposed for a failure to file, or for a false filing, of such statement,  
48 or a violation of subdivision six of section seventy-three of the public  
49 officers law, except that the appointing authority may impose discipli-  
50 nary action as otherwise provided by law. The legislative ethics commis-  
51 sion shall be deemed to be an agency within the meaning of article three  
52 of the state administrative procedure act and shall adopt rules govern-  
53 ing the conduct of adjudicatory proceedings and appeals taken pursuant  
54 to a proceeding commenced under article seventy-eight of the civil prac-  
55 tice law and rules relating to the assessment of the civil penalties  
56 herein authorized. Such rules, which shall not be subject to the promul-

1 gation and hearing requirements of the state administrative procedure  
2 act, shall provide for due process procedural mechanisms substantially  
3 similar to those set forth in such article three but such mechanisms  
4 need not be identical in terms or scope. Assessment of a civil penalty  
5 shall be final unless modified, suspended or vacated within thirty days  
6 of imposition, with respect to the assessment of such penalty, or unless  
7 such denial of request is reversed within such time period, and upon  
8 becoming final shall be subject to review at the instance of the  
9 affected reporting individuals in a proceeding commenced against the  
10 legislative ethics commission, pursuant to article seventy-eight of the  
11 civil practice law and rules.

12 (b) Not later than forty-five calendar days after receipt from the  
13 [joint] independent commission on [public] ethics and lobbying in  
14 government of a written substantial basis investigation report and any  
15 supporting documentation or other materials regarding a matter before  
16 the commission pursuant to [subdivision fourteen-a of] section ninety-  
17 four of the executive law, unless requested by a law enforcement agency  
18 to suspend the commission's action because of an ongoing criminal inves-  
19 tigation, the legislative ethics commission shall make public such  
20 report in its entirety; provided, however, that the commission may with-  
21 hold such information for not more than one additional period of the  
22 same duration or refer the matter back to the [joint] independent  
23 commission on [public] ethics and lobbying in government once for addi-  
24 tional investigation, in which case the legislative ethics commission  
25 shall, upon the termination of such additional period or upon receipt of  
26 a new report by the [joint] independent commission on [public] ethics  
27 and lobbying in government after such additional investigation, make  
28 public the written report and publish it on the commission's website. If  
29 the legislative ethics commission fails to make public the written  
30 report received from the [joint] independent commission on ethics and  
31 lobbying in government in accordance with this paragraph, the [joint]  
32 independent commission on ethics and lobbying in government shall  
33 release such report publicly promptly and in any event no later than ten  
34 days after the legislative ethics commission is required to release such  
35 report. The legislative ethics commission shall not refer the matter  
36 back to the [joint] independent commission on [public] ethics and lobby-  
37 ing in government for additional investigation more than once. If the  
38 commission refers the matter back to the [joint] independent commission  
39 on ethics and lobbying in government for additional fact-finding, the  
40 [joint commission's] independent commission on ethics and lobbying in  
41 government's original report shall remain confidential.

42 10. Upon receipt of a written report from the [joint] independent  
43 commission on [public] ethics and lobbying in government pursuant to  
44 subdivision fourteen-a of section seventy-three of the public officers  
45 law, the legislative ethics commission shall commence its review of the  
46 matter addressed in such report. No later than ninety days after receipt  
47 of such report, the legislative ethics commission shall dispose of the  
48 matter by making one or more of the following determinations:

49 a. whether the legislative ethics commission concurs with the [joint  
50 commission's] independent commission on ethics and lobbying in govern-  
51 ment's conclusions of law and the reasons therefor;

52 b. whether and which penalties have been assessed pursuant to applica-  
53 ble law or rule and the reasons therefor; and

54 c. whether further actions have been taken by the commission to punish  
55 or deter the misconduct at issue and the reasons therefor.

1 The commission's disposition shall be reported in writing and  
2 published on its website no later than ten days after such disposition  
3 unless requested by a law enforcement agency to suspend the commission's  
4 action because of an ongoing criminal investigation.

5 12. a. Notwithstanding the provisions of article six of the public  
6 officers law, the only records of the commission which shall be avail-  
7 able for public inspection and copying are:

8 (1) the terms of any settlement or compromise of a complaint or refer-  
9 ral or report which includes a fine, penalty or other remedy reached  
10 after the commission has received a report from the [joint] independent  
11 commission on [public] ethics and lobbying in government pursuant to  
12 [subdivision fourteen-a of] section ninety-four of the executive law;

13 (2) generic advisory opinions;

14 (3) all reports required by this section; and

15 (4) all reports received from the [joint] independent commission on  
16 [public] ethics and lobbying in government pursuant to [subdivision  
17 fourteen-a of] section ninety-four of the executive law and in conform-  
18 ance with paragraph (b) of subdivision [nine-b] nine of this section.

19 b. Notwithstanding the provisions of article seven of the public offi-  
20 cers law, no meeting or proceeding of the commission shall be open to  
21 the public, except if expressly provided otherwise by this section or  
22 the commission.

23 13. Within one hundred twenty days of the effective date of this  
24 subdivision, the commission shall create and thereafter maintain a  
25 publicly accessible website which shall set forth the procedure for  
26 filing a complaint with the [joint] independent commission on [public]  
27 ethics and lobbying in government, and which shall contain any other  
28 records or information which the commission determines to be appropri-  
29 ate.

30 § 5. Paragraphs (c), (d) and (d-1) of subdivision 1 of section 73-a of  
31 the public officers law, paragraphs (c) and (d) as amended and paragraph  
32 (d-1) as added by section 5 of part A of chapter 399 of the laws of  
33 2011, are amended to read as follows:

34 (c) The term "state officer or employee" shall mean:

35 (i) heads of state departments and their deputies and assistants;

36 (ii) officers and employees of statewide elected officials, officers  
37 and employees of state departments, boards, bureaus, divisions, commis-  
38 sions, councils or other state agencies, who receive annual compensation  
39 in excess of the filing rate established by paragraph (1) of this subdivi-  
40 sion or who hold policy-making positions, as annually determined by  
41 the appointing authority and set forth in a written instrument which  
42 shall be filed with the [joint] independent commission on [public]  
43 ethics and lobbying in government established by section ninety-four of  
44 the executive law during the month of February, provided, however, that  
45 the appointing authority shall amend such written instrument after such  
46 date within thirty days after the undertaking of policy-making responsi-  
47 bilities by a new employee or any other employee whose name did not  
48 appear on the most recent written instrument; and

49 (iii) members or directors of public authorities, other than multi-  
50 state authorities, public benefit corporations and commissions at least  
51 one of whose members is appointed by the governor, and employees of such  
52 authorities, corporations and commissions who receive annual compen-  
53 sation in excess of the filing rate established by paragraph (1) of this  
54 subdivision or who hold policy-making positions, as determined annually  
55 by the appointing authority and set forth in a written instrument which  
56 shall be filed with the [joint] independent commission on [public]

1 ethics and lobbying in government established by section ninety-four of  
2 the executive law during the month of February, provided, however, that  
3 the appointing authority shall amend such written instrument after such  
4 date within thirty days after the undertaking of policy-making responsi-  
5 bilities by a new employee or any other employee whose name did not  
6 appear on the most recent written instrument.

7 (d) The term "legislative employee" shall mean any officer or employee  
8 of the legislature who receives annual compensation in excess of the  
9 filing rate established by paragraph (1) below or who is determined to  
10 hold a policy-making position by the appointing authority as set forth  
11 in a written instrument which shall be filed with the legislative ethics  
12 commission and the [joint] independent commission on [public] ethics and  
13 lobbying in government.

14 (d-1) A financial disclosure statement required pursuant to section  
15 seventy-three of this article and this section shall be deemed "filed"  
16 with the [joint] independent commission on [public] ethics and lobbying  
17 in government upon its filing, in accordance with this section, with the  
18 legislative ethics commission for all purposes including, but not limit-  
19 ed to, [subdivision fourteen of] section ninety-four of the executive  
20 law, subdivision nine of section eighty of the legislative law and  
21 subdivision four of this section.

22 § 6. Subdivision 2 of section 73-a of the public officers law, as  
23 amended by section 5 of part A of chapter 399 of the laws of 2011, is  
24 amended to read as follows:

25 2. (a) Every statewide elected official, state officer or employee,  
26 member of the legislature, legislative employee and political party  
27 chairman and every candidate for statewide elected office or for member  
28 of the legislature shall file an annual statement of financial disclo-  
29 sure containing the information and in the form set forth in subdivision  
30 three of this section. On or before the fifteenth day of May with  
31 respect to the preceding calendar year: (1) every member of the legisla-  
32 ture, every candidate for member of the legislature and legislative  
33 employee shall file such statement with the legislative ethics commis-  
34 sion which shall provide such statement along with any requests for  
35 exemptions or deletions to the [joint] independent commission on  
36 [public] ethics and lobbying in government for filing and rulings with  
37 respect to such requests for exemptions or deletions, on or before the  
38 thirtieth day of June; and (2) all other individuals required to file  
39 such statement shall file it with the [joint] independent commission on  
40 [public] ethics and lobbying in government, except that:

41 (i) a person who is subject to the reporting requirements of this  
42 subdivision and who timely filed with the internal revenue service an  
43 application for automatic extension of time in which to file his or her  
44 individual income tax return for the immediately preceding calendar or  
45 fiscal year shall be required to file such financial disclosure state-  
46 ment on or before May fifteenth but may, without being subjected to any  
47 civil penalty on account of a deficient statement, indicate with respect  
48 to any item of the disclosure statement that information with respect  
49 thereto is lacking but will be supplied in a supplementary statement of  
50 financial disclosure, which shall be filed on or before the seventh day  
51 after the expiration of the period of such automatic extension of time  
52 within which to file such individual income tax return, provided that  
53 failure to file or to timely file such supplementary statement of finan-  
54 cial disclosure or the filing of an incomplete or deficient supplementa-  
55 ry statement of financial disclosure shall be subject to the notice and  
56 penalty provisions of this section respecting annual statements of

1 financial disclosure as if such supplementary statement were an annual  
2 statement;

3 (ii) a person who is required to file an annual financial disclosure  
4 statement with the [joint] independent commission on [public] ethics and  
5 lobbying in government, and who is granted an additional period of time  
6 within which to file such statement due to justifiable cause or undue  
7 hardship, in accordance with required rules and regulations [on the  
8 subject] adopted pursuant to [paragraph c of subdivision nine of]  
9 section ninety-four of the executive law shall file such statement with-  
10 in the additional period of time granted; and the legislative ethics  
11 commission shall notify the [joint] independent commission on [public]  
12 ethics and lobbying in government of any extension granted pursuant to  
13 this paragraph;

14 (iii) candidates for statewide office who receive a party designation  
15 for nomination by a state committee pursuant to section 6-104 of the  
16 election law shall file such statement within ten days after the date of  
17 the meeting at which they are so designated;

18 (iv) candidates for statewide office who receive twenty-five percent  
19 or more of the vote cast at the meeting of the state committee held  
20 pursuant to section 6-104 of the election law and who demand to have  
21 their names placed on the primary ballot and who do not withdraw within  
22 fourteen days after such meeting shall file such statement within ten  
23 days after the last day to withdraw their names in accordance with the  
24 provisions of such section of the election law;

25 (v) candidates for statewide office and candidates for member of the  
26 legislature who file party designating petitions for nomination at a  
27 primary election shall file such statement within ten days after the  
28 last day allowed by law for the filing of party designating petitions  
29 naming them as candidates for the next succeeding primary election;

30 (vi) candidates for independent nomination who have not been desig-  
31 nated by a party to receive a nomination shall file such statement with-  
32 in ten days after the last day allowed by law for the filing of inde-  
33 pendent nominating petitions naming them as candidates in the next  
34 succeeding general or special election;

35 (vii) candidates who receive the nomination of a party for a special  
36 election shall file such statement within ten days after the date of the  
37 meeting of the party committee at which they are nominated;

38 (viii) a candidate substituted for another candidate, who fills a  
39 vacancy in a party designation or in an independent nomination, caused  
40 by declination, shall file such statement within ten days after the last  
41 day allowed by law to file a certificate to fill a vacancy in such party  
42 designation or independent nomination;

43 (ix) with respect to all candidates for member of the legislature, the  
44 legislative ethics commission shall within five days of receipt provide  
45 the [joint] independent commission on [public] ethics and lobbying in  
46 government the statement filed pursuant to subparagraphs (v), (vi),  
47 (vii) and (viii) of this paragraph.

48 (b) As used in this subdivision, the terms "party", "committee" (when  
49 used in conjunction with the term "party"), "designation", "primary",  
50 "primary election", "nomination", "independent nomination" and "ballot"  
51 shall have the same meanings as those contained in section 1-104 of the  
52 election law.

53 (c) If the reporting individual is a senator or member of assembly,  
54 candidate for the senate or member of assembly or a legislative employ-  
55 ee, such statement shall be filed with both the legislative ethics  
56 commission established by section eighty of the legislative law and the

1 [joint] independent commission on [public] ethics and lobbying in  
2 government in accordance with paragraph (d-1) of subdivision one of this  
3 section. If the reporting individual is a statewide elected official,  
4 candidate for statewide elected office, a state officer or employee or a  
5 political party chairman, such statement shall be filed with the [joint]  
6 independent commission on [public] ethics and lobbying in government  
7 established by section ninety-four of the executive law.

8 (d) The [joint] independent commission on [public] ethics and lobbying  
9 in government shall obtain from the state board of elections a list of  
10 all candidates for statewide office and for member of the legislature,  
11 and from such list, shall determine and publish a list of those candi-  
12 dates who have not, within ten days after the required date for filing  
13 such statement, filed the statement required by this subdivision.

14 (e) Any person required to file such statement who commences employ-  
15 ment after May fifteenth of any year and political party chairman shall  
16 file such statement within thirty days after commencing employment or of  
17 taking the position of political party chairman, as the case may be. In  
18 the case of members of the legislature and legislative employees, such  
19 statements shall be filed with the legislative ethics commission within  
20 thirty days after commencing employment, and the legislative ethics  
21 commission shall provide such statements to the [joint] independent  
22 commission on [public] ethics and lobbying in government within forty-  
23 five days of receipt.

24 (f) A person who may otherwise be required to file more than one annu-  
25 al financial disclosure statement with both the [joint] independent  
26 commission on [public] ethics and lobbying in government and the legis-  
27 lative ethics commission in any one calendar year may satisfy such  
28 requirement by filing one such statement with either body and by notify-  
29 ing the other body of such compliance.

30 (g) A person who is employed in more than one employment capacity for  
31 one or more employers certain of whose officers and employees are  
32 subject to filing a financial disclosure statement with the same ethics  
33 commission, as the case may be, and who receives distinctly separate  
34 payments of compensation for such employment shall be subject to the  
35 filing requirements of this section if the aggregate annual compensation  
36 for all such employment capacities is in excess of the filing rate  
37 notwithstanding that such person would not otherwise be required to file  
38 with respect to any one particular employment capacity. A person not  
39 otherwise required to file a financial disclosure statement hereunder  
40 who is employed by an employer certain of whose officers or employees  
41 are subject to filing a financial disclosure statement with the [joint]  
42 independent commission on [public] ethics and lobbying in government and  
43 who is also employed by an employer certain of whose officers or employ-  
44 ees are subject to filing a financial disclosure statement with the  
45 legislative ethics commission shall not be subject to filing such state-  
46 ment with either such commission on the basis that his aggregate annual  
47 compensation from all such employers is in excess of the filing rate.

48 (h) A statewide elected official or member of the legislature, who is  
49 simultaneously a candidate for statewide elected office or member of the  
50 legislature, shall satisfy the filing deadline requirements of this  
51 subdivision by complying only with the deadline applicable to one who  
52 holds a statewide elected office or who holds the office of member of  
53 the legislature.

54 (i) A candidate whose name will appear on both a party designating  
55 petition and on an independent nominating petition for the same office  
56 or who will be listed on the election ballot for the same office more

1 than once shall satisfy the filing deadline requirements of this subdi-  
2 vision by complying with the earliest applicable deadline only.

3 (j) A member of the legislature who is elected to such office at a  
4 special election prior to May fifteenth in any year shall satisfy the  
5 filing requirements of this subdivision in such year by complying with  
6 the earliest applicable deadline only.

7 (k) The [joint] independent commission on [public] ethics and lobbying  
8 in government shall post for at least five years beginning for filings  
9 made on January first, two thousand thirteen the annual statement of  
10 financial disclosure and any amendments filed by each person subject to  
11 the reporting requirements of this subdivision who is an elected offi-  
12 cial on its website for public review within thirty days of its receipt  
13 of such statement or within ten days of its receipt of such amendment  
14 that reflects any corrections of deficiencies identified by the commis-  
15 sion or by the reporting individual after the reporting individual's  
16 initial filing. Except upon an individual determination by the commis-  
17 sion that certain information may be deleted from a reporting individ-  
18 ual's annual statement of financial disclosure, none of the information  
19 in the statement posted on the commission's website shall be otherwise  
20 deleted.

21 § 7. Subparagraphs (b), (b-2) and (c) of paragraph 8 of subdivision 3  
22 of section 73-a of the public officers law, as amended by section 6 of  
23 part K of chapter 286 of the laws of 2016, are amended to read as  
24 follows:

25 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE  
26 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER  
27 THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING  
28 CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON  
29 OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER  
30 THIRTY-FIRST, TWO THOUSAND FIFTEEN:

31 If the reporting individual personally provides services to any person  
32 or entity, or works as a member or employee of a partnership or corpo-  
33 ration that provides such services (referred to hereinafter as a  
34 "firm"), then identify each client or customer to whom the reporting  
35 individual personally provided services, or who was referred to the firm  
36 by the reporting individual, and from whom the reporting individual or  
37 his or her firm earned fees in excess of \$10,000 during the reporting  
38 period for such services rendered in direct connection with:

39 (i) A contract in an amount totaling \$50,000 or more from the state or  
40 any state agency for services, materials, or property;

41 (ii) A grant of \$25,000 or more from the state or any state agency  
42 during the reporting period;

43 (iii) A grant obtained through a legislative initiative during the  
44 reporting period; or

45 (iv) A case, proceeding, application or other matter that is not a  
46 ministerial matter before a state agency during the reporting period.

47 For purposes of this question, "referred to the firm" shall mean:  
48 having intentionally and knowingly taken a specific act or series of  
49 acts to intentionally procure for the reporting individual's firm or  
50 knowingly solicit or direct to the reporting individual's firm in whole  
51 or substantial part, a person or entity that becomes a client of that  
52 firm for the purposes of representation for a matter as defined in  
53 subparagraphs (i) through (iv) of this paragraph, as the result of such  
54 procurement, solicitation or direction of the reporting individual. A  
55 reporting individual need not disclose activities performed while

1 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-  
2 sion seven of section seventy-three of this article.

3 The disclosure requirement in this question shall not require disclo-  
4 sure of clients or customers receiving medical or dental services,  
5 mental health services, residential real estate brokering services, or  
6 insurance brokering services from the reporting individual or his or her  
7 firm. The reporting individual need not identify any client to whom he  
8 or she or his or her firm provided legal representation with respect to  
9 investigation or prosecution by law enforcement authorities, bankruptcy,  
10 or domestic relations matters. With respect to clients represented in  
11 other matters, where disclosure of a client's identity is likely to  
12 cause harm, the reporting individual shall request an exemption from the  
13 [joint] independent commission on ethics and lobbying in government  
14 pursuant to [paragraph (i-1) of subdivision nine of] section ninety-four  
15 of the executive law, provided, however, that a reporting individual who  
16 first enters public office after July first, two thousand twelve, need  
17 not report clients or customers with respect to matters for which the  
18 reporting individual or his or her firm was retained prior to entering  
19 public office.

20 Client	Nature of Services Provided
21	
22	
23	
24	
25	

26 (b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES  
27 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR  
28 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
29 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
30 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN  
31 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

32 (i) With respect to reporting individuals who receive ten thousand  
33 dollars or more from employment or activity reportable under question  
34 8(a), for each client or customer NOT otherwise disclosed or exempted in  
35 question 8 or 13, disclose the name of each client or customer known to  
36 the reporting individual to whom the reporting individual provided  
37 services: (A) who paid the reporting individual in excess of five thou-  
38 sand dollars for such services; or (B) who had been billed with the  
39 knowledge of the reporting individual in excess of five thousand dollars  
40 by the firm or other entity named in question 8(a) for the reporting  
41 individual's services.

42 Client	Services	Category of Amount
43	Actually Provided	(in Table I)

44 FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF  
45 DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

- 46 \* REVIEWED DOCUMENTS AND CORRESPONDENCE;
- 47 \* REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
- 48 \* PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);

- 1 \* CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS  
 2 OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);  
 3 \* PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY  
 4 NAME);  
 5 \* REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR  
 6 REPRESENTATION OR CONSULTATION;  
 7 \* COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);  
 8 \* PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING  
 9 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);  
 10 \* COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).

11 (ii) With respect to reporting individuals who disclosed in question  
 12 8(a) that the reporting individual did not provide services to a client  
 13 but provided services to a firm or business, identify the category of  
 14 amount received for providing such services and describe the services  
 15 rendered.

16 Services Actually Provided Category of Amount (Table I)

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17 A reporting individual need not disclose activities performed while  
 18 lawfully acting in his or her capacity as provided in paragraphs (c),  
 19 (d), (e) and (f) of subdivision seven of section seventy-three of this  
 20 article.

21 The disclosure requirement in questions (b-1) and (b-2) shall not  
 22 require disclosing clients or customers receiving medical, pharmaceu-  
 23 tical or dental services, mental health services, or residential real  
 24 estate brokering services from the reporting individual or his or her  
 25 firm or if federal law prohibits or limits disclosure. The reporting  
 26 individual need not identify any client to whom he or she or his or her  
 27 firm provided legal representation with respect to investigation or  
 28 prosecution by law enforcement authorities, bankruptcy, family court,  
 29 estate planning, or domestic relations matters, nor shall the reporting  
 30 individual identify individuals represented pursuant to an insurance  
 31 policy but the reporting individual shall in such circumstances only  
 32 report the entity that provides compensation to the reporting individ-  
 33 ual; with respect to matters in which the client's name is required by  
 34 law to be kept confidential (such as matters governed by the family  
 35 court act) or in matters in which the reporting individual represents or  
 36 provides services to minors, the client's name may be replaced with  
 37 initials. To the extent that the reporting individual, or his or her  
 38 firm, provided legal representation with respect to an initial public  
 39 offering, and professional disciplinary rules, federal law or regu-  
 40 lations restrict the disclosure of information relating to such work,  
 41 the reporting individual shall (i) disclose the identity of the client  
 42 and the services provided relating to the initial public offering to the  
 43 office of court administration, who will maintain such information  
 44 confidentially in a locked box; and (ii) include in his or her response  
 45 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-  
 46 sure to the office of court administration has been made. Upon such time  
 47 that the disclosure of information maintained in the locked box is no  
 48 longer restricted by professional disciplinary rules, federal law or  
 49 regulation, the reporting individual shall disclose such information in  
 50 an amended disclosure statement in response to the disclosure require-  
 51 ments in questions (b-1) and (b-2). The office of court administration  
 52 shall develop and maintain a secure portal through which information  
 53 submitted to it pursuant to this paragraph can be safely and confiden-

1 tially stored. With respect to clients represented in other matters not  
2 otherwise exempt, the reporting individual may request an exemption to  
3 publicly disclosing the name of that client from the [joint] independent  
4 commission on ethics and lobbying in government pursuant to [paragraph  
5 (i-1) of subdivision nine of] section ninety-four of the executive law,  
6 or from the office of court administration. In such application, the  
7 reporting individual shall state the following: "My client is not  
8 currently receiving my services or seeking my services in connection  
9 with:

10 (i) A proposed bill or resolution in the senate or assembly during the  
11 reporting period;

12 (ii) A contract in an amount totaling \$10,000 or more from the state  
13 or any state agency for services, materials, or property;

14 (iii) A grant of \$10,000 or more from the state or any state agency  
15 during the reporting period;

16 (iv) A grant obtained through a legislative initiative during the  
17 reporting period; or

18 (v) A case, proceeding, application or other matter that is not a  
19 ministerial matter before a state agency during the reporting period."

20 In reviewing the request for an exemption, the [joint] independent  
21 commission on ethics and lobbying in government or the office of court  
22 administration may consult with bar or other professional associations  
23 and the legislative ethics commission for individuals subject to its  
24 jurisdiction and may consider the rules of professional conduct. In  
25 making its determination, the [joint] independent commission on ethics  
26 and lobbying in government or the office of court administration shall  
27 conduct its own inquiry and shall consider factors including, but not  
28 limited to: (i) the nature and the size of the client; (ii) whether the  
29 client has any business before the state; and if so, how significant the  
30 business is; and whether the client has any particularized interest in  
31 pending legislation and if so how significant the interest is; (iii)  
32 whether disclosure may reveal trade secrets; (iv) whether disclosure  
33 could reasonably result in retaliation against the client; (v) whether  
34 disclosure may cause undue harm to the client; (vi) whether disclosure  
35 may result in undue harm to the attorney-client relationship; and (vii)  
36 whether disclosure may result in an unnecessary invasion of privacy to  
37 the client.

38 The [joint] independent commission on ethics and lobbying in govern-  
39 ment or, as the case may be, the office of court administration shall  
40 promptly make a final determination in response to such request, which  
41 shall include an explanation for its determination. The office of court  
42 administration shall issue its final determination within three days of  
43 receiving the request. Notwithstanding any other provision of law or any  
44 professional disciplinary rule to the contrary, the disclosure of the  
45 identity of any client or customer in response to this question shall  
46 not constitute professional misconduct or a ground for disciplinary  
47 action of any kind, or form the basis for any civil or criminal cause of  
48 action or proceeding. A reporting individual who first enters public  
49 office after January first, two thousand sixteen, need not report  
50 clients or customers with respect to matters for which the reporting  
51 individual or his or her firm was retained prior to entering public  
52 office.

53 (c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE  
54 PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR  
55 NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE

1 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
2 SAND FIFTEEN:

3 If the reporting individual receives income of ten thousand dollars or  
4 greater from any employment or activity reportable under question 8(a),  
5 identify each registered lobbyist who has directly referred to such  
6 individual a client who was successfully referred to the reporting indi-  
7 vidual's business and from whom the reporting individual or firm  
8 received a fee for services in excess of five thousand dollars. Report  
9 only those referrals that were made to a reporting individual by direct  
10 communication from a person known to such reporting individual to be a  
11 registered lobbyist at the time the referral is made. With respect to  
12 each such referral, the reporting individual shall identify the client,  
13 the registered lobbyist who has made the referral, the category of value  
14 of the compensation received and a general description of the type of  
15 matter so referred. A reporting individual need not disclose activities  
16 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and  
17 (f) of subdivision seven of section seventy-three of this article. The  
18 disclosure requirements in this question shall not require disclosing  
19 clients or customers receiving medical, pharmaceutical or dental  
20 services, mental health services, or residential real estate brokering  
21 services from the reporting individual or his or her firm or if federal  
22 law prohibits or limits disclosure. The reporting individual need not  
23 identify any client to whom he or she or his or her firm provided legal  
24 representation with respect to investigation or prosecution by law  
25 enforcement authorities, bankruptcy, family court, estate planning, or  
26 domestic relations matters, nor shall the reporting individual identify  
27 individuals represented pursuant to an insurance policy but the report-  
28 ing individual shall in such circumstances only report the entity that  
29 provides compensation to the reporting individual; with respect to  
30 matters in which the client's name is required by law to be kept confi-  
31 dential (such as matters governed by the family court act) or in matters  
32 in which the reporting individual represents or provides services to  
33 minors, the client's name may be replaced with initials. To the extent  
34 that the reporting individual, or his or her firm, provided legal repre-  
35 sentation with respect to an initial public offering, and federal law or  
36 regulations restricts the disclosure of information relating to such  
37 work, the reporting individual shall (i) disclose the identity of the  
38 client and the services provided relating to the initial public offering  
39 to the office of court administration, who will maintain such informa-  
40 tion confidentially in a locked box; and (ii) include in his or her  
41 response a statement that pursuant to this paragraph, a disclosure to  
42 the office of court administration has been made. Upon such time that  
43 the disclosure of information maintained in the locked box is no longer  
44 restricted by federal law or regulation, the reporting individual shall  
45 disclose such information in an amended disclosure statement in response  
46 to the disclosure requirements of this paragraph. The office of court  
47 administration shall develop and maintain a secure portal through which  
48 information submitted to it pursuant to this paragraph can be safely and  
49 confidentially stored. With respect to clients represented in other  
50 matters not otherwise exempt, the reporting individual may request an  
51 exemption to publicly disclosing the name of that client from the  
52 [joint] independent commission on ethics and lobbying in government  
53 pursuant to [paragraph (i-1) of subdivision nine of] section ninety-four  
54 of the executive law, or from the office of court administration. In  
55 such application, the reporting individual shall state the following:

1 "My client is not currently receiving my services or seeking my services  
2 in connection with:

3 (i) A proposed bill or resolution in the senate or assembly during the  
4 reporting period;

5 (ii) A contract in an amount totaling \$10,000 or more from the state  
6 or any state agency for services, materials, or property;

7 (iii) A grant of \$10,000 or more from the state or any state agency  
8 during the reporting period;

9 (iv) A grant obtained through a legislative initiative during the  
10 reporting period; or

11 (v) A case, proceeding, application or other matter that is not a  
12 ministerial matter before a state agency during the reporting period."

13 In reviewing the request for an exemption, the [joint] independent  
14 commission on ethics and lobbying in government or the office of court  
15 administration may consult with bar or other professional associations  
16 and the legislative ethics commission for individuals subject to its  
17 jurisdiction and may consider the rules of professional conduct. In  
18 making its determination, the [joint] independent commission on ethics  
19 and lobbying in government or the office of court administration shall  
20 conduct its own inquiry and shall consider factors including, but not  
21 limited to: (i) the nature and the size of the client; (ii) whether the  
22 client has any business before the state; and if so, how significant the  
23 business is; and whether the client has any particularized interest in  
24 pending legislation and if so how significant the interest is; (iii)  
25 whether disclosure may reveal trade secrets; (iv) whether disclosure  
26 could reasonably result in retaliation against the client; (v) whether  
27 disclosure may cause undue harm to the client; (vi) whether disclosure  
28 may result in undue harm to the attorney-client relationship; and (vii)  
29 whether disclosure may result in an unnecessary invasion of privacy to  
30 the client.

31 The [joint] independent commission on ethics and lobbying in govern-  
32 ment or, as the case may be, the office of court administration shall  
33 promptly make a final determination in response to such request, which  
34 shall include an explanation for its determination. The office of court  
35 administration shall issue its final determination within three days of  
36 receiving the request. Notwithstanding any other provision of law or any  
37 professional disciplinary rule to the contrary, the disclosure of the  
38 identity of any client or customer in response to this question shall  
39 not constitute professional misconduct or a ground for disciplinary  
40 action of any kind, or form the basis for any civil or criminal cause of  
41 action or proceeding. A reporting individual who first enters public  
42 office after December thirty-first, two thousand fifteen, need not  
43 report clients or customers with respect to matters for which the  
44 reporting individual or his or her firm was retained prior to entering  
45 public office.

Client	Name of Lobbyist	Description of Matter	Category of Amount (in Table 1)

53 § 8. Subdivisions 4 and 7 of section 73-a of the public officers law,  
54 subdivision 4 as amended by section 5 of part A of chapter 399 of the

1 laws of 2011 and subdivision 7 as added by section 3 of part CC of chap-  
2 ter 56 of the laws of 2015, are amended to read as follows:

3 4. A reporting individual who knowingly and wilfully fails to file an  
4 annual statement of financial disclosure or who knowingly and wilfully  
5 with intent to deceive makes a false statement or gives information  
6 which such individual knows to be false on such statement of financial  
7 disclosure filed pursuant to this section shall be subject to a civil  
8 penalty in an amount not to exceed forty thousand dollars. Assessment of  
9 a civil penalty hereunder shall be made by the [joint] independent  
10 commission on [public] ethics and lobbying in government or by the  
11 legislative ethics commission, as the case may be, with respect to  
12 persons subject to their respective jurisdictions. The [joint] inde-  
13 pendent commission on [public] ethics and lobbying in government acting  
14 pursuant to subdivision fourteen of section ninety-four of the executive  
15 law or the legislative ethics commission acting pursuant to subdivision  
16 eleven of section eighty of the legislative law, as the case may be,  
17 may, in lieu of or in addition to a civil penalty, refer a violation to  
18 the appropriate prosecutor and upon such conviction, but only after such  
19 referral, such violation shall be punishable as a class A misdemeanor. A  
20 civil penalty for false filing may not be imposed hereunder in the event  
21 a category of "value" or "amount" reported hereunder is incorrect unless  
22 such reported information is falsely understated. Notwithstanding any  
23 other provision of law to the contrary, no other penalty, civil or crim-  
24 inal may be imposed for a failure to file, or for a false filing, of  
25 such statement, except that the appointing authority may impose disci-  
26 plinary action as otherwise provided by law. The [joint] independent  
27 commission on [public] ethics and lobbying in government and the legis-  
28 lative ethics commission shall each be deemed to be an agency within the  
29 meaning of article three of the state administrative procedure act and  
30 shall adopt rules governing the conduct of adjudicatory proceedings and  
31 appeals relating to the assessment of the civil penalties herein author-  
32 ized. Such rules, which shall not be subject to the approval require-  
33 ments of the state administrative procedure act, shall provide for due  
34 process procedural mechanisms substantially similar to those set forth  
35 in such article three but such mechanisms need not be identical in terms  
36 or scope. Assessment of a civil penalty shall be final unless modified,  
37 suspended or vacated within thirty days of imposition and upon becoming  
38 final shall be subject to review at the instance of the affected report-  
39 ing individual in a proceeding commenced against the [joint] independent  
40 commission on [public] ethics and lobbying in government or the legisla-  
41 tive ethics commission, pursuant to article seventy-eight of the civil  
42 practice law and rules.

43 7. With respect to an application to either the [joint] independent  
44 commission on ethics and lobbying in government or the office of court  
45 administration for an exemption to disclosing the name of a client or  
46 customer in response to questions 8 (b-1), 8 (b-2) and 8 (c), all infor-  
47 mation which is the subject of or a part of such application shall  
48 remain confidential. The name of the client need not be disclosed by the  
49 reporting individual unless and until the [joint] independent commission  
50 on ethics and lobbying in government or the office of court adminis-  
51 tration formally advises the reporting individual that he or she must  
52 disclose such names and the reporting individual agrees to represent the  
53 client. Any commissioner or person employed by the [joint] independent  
54 commission on ethics and lobbying in government or any person employed  
55 by the office of court administration who, intentionally and without  
56 authorization from a court of competent jurisdiction releases confiden-

1 tial information related to a request for an exemption received by the  
2 commission or the office of court administration shall be guilty of a  
3 class A misdemeanor.

4 § 9. Paragraph (d) of subdivision 1 of section 172-e of the executive  
5 law, as added by section 1 of part F of chapter 286 of the laws of 2016,  
6 is amended to read as follows:

7 (d) "Recipient entity" shall mean any corporation or entity that is  
8 qualified as an exempt organization or entity by the United States  
9 Department of the Treasury under I.R.C. 501(c)(4) that is required to  
10 file a source of funding report with the [joint] independent commission  
11 on [public] ethics and lobbying in government pursuant to sections one-h  
12 and one-j of the legislative law.

13 § 10. The closing paragraph of paragraph four of subdivision (c) of  
14 section 1-h of the legislative law, as added by section 1 of part D of  
15 chapter 286 of the laws of 2016, is amended to read as follows:

16 The [joint] independent commission on [public] ethics and lobbying in  
17 government shall promulgate regulations to implement these requirements.

18 § 11. The closing paragraph of paragraph four of subdivision (c) of  
19 section 1-j of the legislative law, as amended by section 2 of part D of  
20 chapter 286 of the laws of 2016, is amended to read as follows:

21 The [joint] independent commission on [public] ethics and lobbying in  
22 government shall promulgate regulations to implement these requirements.

23 § 12. Paragraph (a) of subdivision 1 of section 73 of the public offi-  
24 cers law, as amended by section 1 of part A of chapter 399 of the laws  
25 of 2011, is amended to read as follows:

26 (a) The term "compensation" shall mean any money, thing of value or  
27 financial benefit conferred in return for services rendered or to be  
28 rendered. With regard to matters undertaken by a firm, corporation or  
29 association, compensation shall mean net revenues, as defined in accord-  
30 ance with generally accepted accounting principles as defined by the  
31 [joint] independent commission on [public] ethics and lobbying in  
32 government or legislative ethics commission in relation to persons  
33 subject to their respective jurisdictions.

34 § 13. Paragraph (a) of subdivision 6 of section 73 of the public offi-  
35 cers law, as amended by section 3 of part K of chapter 286 of the laws  
36 of 2016, is amended to read as follows:

37 (a) Every legislative employee not subject to the provisions of  
38 section seventy-three-a of this chapter shall, on and after December  
39 fifteenth and before the following January fifteenth, in each year, file  
40 with the [joint] independent commission on [public] ethics and lobbying  
41 in government and the legislative ethics commission a financial disclo-  
42 sure statement of

43 (1) each financial interest, direct or indirect of himself or herself,  
44 his or her spouse and his or her unemancipated children under the age of  
45 eighteen years in any activity which is subject to the jurisdiction of a  
46 regulatory agency or name of the entity in which the interest is had and  
47 whether such interest is over or under five thousand dollars in value.

48 (2) every office and directorship held by him or her in any corpo-  
49 ration, firm or enterprise which is subject to the jurisdiction of a  
50 regulatory agency, including the name of such corporation, firm or  
51 enterprise.

52 (3) any other interest or relationship which he or she determines in  
53 his or her discretion might reasonably be expected to be particularly  
54 affected by legislative action or in the public interest should be  
55 disclosed.

1 § 14. Paragraph (h) of subdivision 8 of section 73 of the public offi-  
2 cers law, as amended by section 10 of part A of chapter 399 of the laws  
3 of 2011, is amended to read as follows:

4 (h) Notwithstanding the provisions of subparagraphs (i) and (ii) of  
5 paragraph (a) of this subdivision, a former state officer or employee  
6 may contract individually, or as a member or employee of a firm, corpo-  
7 ration or association, to render services to any state agency when the  
8 agency head certifies in writing to the [joint] independent commission  
9 on [public] ethics and lobbying in government that the services of such  
10 former officer or employee are required in connection with the agency's  
11 response to a disaster emergency declared by the governor pursuant to  
12 section twenty-eight of the executive law.

13 § 15. Subdivisions 8-a, 8-b and 10 of section 73 of the public offi-  
14 cers law, subdivision 8-a as amended by chapter 357 of the laws of 2001,  
15 the opening paragraph of subdivision 8-a as amended by section 11 and  
16 subdivision 8-b as amended by section 12 of part A of chapter 399 of the  
17 laws of 2011, and subdivision 10 as amended by section 5 of part K of  
18 chapter 286 of the laws of 2016, are amended to read as follows:

19 8-a. The provisions of subparagraphs (i) and (ii) of paragraph (a) of  
20 subdivision eight of this section shall not apply to any such former  
21 state officer or employee engaged in any of the specific permitted  
22 activities defined in this subdivision that are related to any civil  
23 action or proceeding in any state or federal court, provided that the  
24 attorney general has certified in writing to the [joint] independent  
25 commission on [public] ethics and lobbying in government, with a copy to  
26 such former state officer or employee, that the services are rendered on  
27 behalf of the state, a state agency, state officer or employee, or other  
28 person or entity represented by the attorney general, and that such  
29 former state officer or employee has expertise, knowledge or experience  
30 which is unique or outstanding in a field or in a particular matter or  
31 which would otherwise be generally unavailable at a comparable cost to  
32 the state, a state agency, state officer or employee, or other person or  
33 entity represented by the attorney general in such civil action or  
34 proceeding. In those instances where a state agency is not represented  
35 by the attorney general in a civil action or proceeding in state or  
36 federal court, a former state officer or employee may engage in permit-  
37 ted activities provided that the general counsel of the state agency,  
38 after consultation with the [joint] independent commission on [public]  
39 ethics and lobbying in government, provides to the [joint] independent  
40 commission on [public] ethics and lobbying in government a written  
41 certification which meets the requirements of this subdivision. For  
42 purposes of this subdivision the term "permitted activities" shall mean  
43 generally any activity performed at the request of the attorney general  
44 or the attorney general's designee, or in cases where the state agency  
45 is not represented by the attorney general, the general counsel of such  
46 state agency, including without limitation:

47 (a) preparing or giving testimony or executing one or more affidavits;

48 (b) gathering, reviewing or analyzing information, including documen-  
49 tary or oral information concerning facts or opinions, attending deposi-  
50 tions or participating in document review or discovery;

51 (c) performing investigations, examinations, inspections or tests of  
52 persons, documents or things;

53 (d) performing audits, appraisals, compilations or computations, or  
54 reporting about them;

55 (e) identifying information to be sought concerning facts or opinions;

56 or

1 (f) otherwise assisting in the preparation for, or conduct of, such  
2 litigation.

3 Nothing in this subdivision shall apply to the provision of legal  
4 representation by any former state officer or employee.

5 8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of  
6 paragraph (a) of subdivision eight of this section, a former state offi-  
7 cer or employee may contract individually, or as a member or employee of  
8 a firm, corporation or association, to render services to any state  
9 agency if, prior to engaging in such service, the agency head certifies  
10 in writing to the [joint] independent commission on [public] ethics and  
11 lobbying in government that such former officer or employee has exper-  
12 tise, knowledge or experience with respect to a particular matter which  
13 meets the needs of the agency and is otherwise unavailable at a compara-  
14 ble cost. Where approval of the contract is required under section one  
15 hundred twelve of the state finance law, the comptroller shall review  
16 and consider the reasons for such certification. The [joint] independent  
17 commission on [public] ethics and lobbying in government must review and  
18 approve all certifications made pursuant to this subdivision.

19 10. Nothing contained in this section, the judiciary law, the educa-  
20 tion law or any other law or disciplinary rule shall be construed or  
21 applied to prohibit any firm, association or corporation, in which any  
22 present or former statewide elected official, state officer or employee,  
23 or political party chairman, member of the legislature or legislative  
24 employee is a member, associate, retired member, of counsel or share-  
25 holder, from appearing, practicing, communicating or otherwise rendering  
26 services in relation to any matter before, or transacting business with  
27 a state agency, or a city agency with respect to a political party  
28 chairman in a county wholly included in a city with a population of more  
29 than one million, otherwise proscribed by this section, the judiciary  
30 law, the education law or any other law or disciplinary rule with  
31 respect to such official, member of the legislature or officer or  
32 employee, or political party chairman, where such statewide elected  
33 official, state officer or employee, member of the legislature or legis-  
34 lative employee, or political party chairman does not share in the net  
35 revenues, as defined in accordance with generally accepted accounting  
36 principles by the [joint] independent commission on [public] ethics and  
37 lobbying in government or by the legislative ethics commission in  
38 relation to persons subject to their respective jurisdictions, resulting  
39 therefrom, or, acting in good faith, reasonably believed that he or she  
40 would not share in the net revenues as so defined; nor shall anything  
41 contained in this section, the judiciary law, the education law or any  
42 other law or disciplinary rule be construed to prohibit any firm, asso-  
43 ciation or corporation in which any present or former statewide elected  
44 official, member of the legislature, legislative employee, full-time  
45 salaried state officer or employee or state officer or employee who is  
46 subject to the provisions of section seventy-three-a of this article is  
47 a member, associate, retired member, of counsel or shareholder, from  
48 appearing, practicing, communicating or otherwise rendering services in  
49 relation to any matter before, or transacting business with, the court  
50 of claims, where such statewide elected official, member of the legisla-  
51 ture, legislative employee, full-time salaried state officer or employee  
52 or state officer or employee who is subject to the provisions of section  
53 seventy-three-a of this article does not share in the net revenues, as  
54 defined in accordance with generally accepted accounting principles by  
55 the [joint] independent commission on [public] ethics and lobbying in  
56 government or by the legislative ethics commission in relation to



1 persons subject to their respective jurisdictions, resulting therefrom,  
2 or, acting in good faith, reasonably believed that he or she would not  
3 share in the net revenues as so defined.

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

6 PART AA

7 Section 1. The criminal procedure law is amended by adding a new  
8 section 160.57 to read as follows:

9 § 160.57 Automatic sealing of convictions.

10 1. For purposes of this section, "expiration of sentence" shall mean  
11 the maximum date on which either any sentence of incarceration, whether  
12 in a local jail or state correctional facility, including any term of  
13 post release supervision, or any sentence of probation would expire if  
14 such sentence were to run from the date such sentence was imposed by the  
15 court without consideration of any conditional or supervised release  
16 from custody, credits or reductions a defendant may be due, may earn,  
17 and/or may have earned.

18 2. Convictions for certain traffic infractions and violations or any  
19 crime defined in the laws of this state shall be sealed in accordance  
20 with paragraph (c) of this subdivision as follows:

21 (a) Convictions for subdivision one of section eleven hundred ninety-  
22 two of the vehicle and traffic law shall be sealed three years after the  
23 completion of any sentence imposed including the payment of any fine  
24 imposed.

25 (b) Convictions for misdemeanors and felonies shall be sealed upon  
26 satisfaction of the following conditions:

27 (i) if the conviction to be sealed is a misdemeanor, at least three  
28 years have passed from the expiration of such sentence and if the  
29 conviction to be sealed is a felony at least seven years have passed  
30 since the expiration of sentence;

31 (ii) the conviction is not defined as a sex offense under section one  
32 hundred sixty-eight-a of the correction law;

33 (iii) the defendant is not currently incarcerated or under supervision  
34 of any parole or probation department; and

35 (iv) the defendant does not have a pending criminal case in this  
36 state.

37 (c) Where a conviction is eligible for sealing pursuant to this para-  
38 graph before, on, or after the effective date of this section, the  
39 office of court administration shall immediately notify the division of  
40 criminal justice services, the court of conviction, and the heads of all  
41 appropriate police and sheriff departments that the conviction is  
42 sealed.

43 (d) Records of convictions sealed pursuant to this paragraph shall not  
44 be accessed, made available to any person or public or private agency,  
45 or used by any state agency covered by subdivision three of this section  
46 except for:

47 (i) the defendant and such defendant's attorney;

48 (ii) any court or prosecutor for the purposes of a pending criminal  
49 action;

50 (iii) qualified agencies, as defined in subdivision nine of section  
51 eight hundred thirty-five of the executive law, and federal and state  
52 law enforcement agencies, when acting within the scope of their law  
53 enforcement duties or other specific statutory authority;

1 (iv) the court, prosecutor, and defense counsel if the defendant  
2 becomes a witness in a criminal proceeding, or the claimant and respond-  
3 ent if the defendant becomes a witness in a civil proceeding;

4 (v) when an individual is a defendant in a criminal action and the  
5 sealed records of conviction of a third-party are integral to their  
6 defense. In such instances, use of sealed records shall be requested  
7 upon ex parte motion in any superior court, or in any district court,  
8 city court or the criminal court of the city of New York provided that  
9 such court is where the action is pending. The applicant must demon-  
10 strate to the satisfaction of the court that the records will be used  
11 for the purpose of this subparagraph;

12 (vi) any prospective employer of a police officer or peace officer as  
13 those terms are defined in subdivisions thirty-three and thirty-four of  
14 section 1.20 of this chapter, in relation to an application for employ-  
15 ment as a police officer, provided, however, that every person who is an  
16 applicant shall be furnished with a copy of all records obtained under  
17 this paragraph and afforded an opportunity to make an explanation there-  
18 to;

19 (vii) any federal, state or local officer or agency with responsibil-  
20 ity for the issuance of licenses to possess a firearm, rifle or shotgun  
21 or with responsibility for conducting background checks before transfer  
22 or sale of a firearm or explosive, when the officer or agency is acting  
23 pursuant to such responsibility. This includes the criminal justice  
24 information services division of the federal bureau of investigation,  
25 for the purposes of responding to queries to the national instant back-  
26 ground check system regarding attempts to purchase or otherwise take  
27 possession of firearms, rifles or shotguns, as defined in 18 U.S.C. §  
28 921 (A) (3);

29 (viii) for the purposes of civilian investigation or evaluation of a  
30 civilian complaint or civil action concerning law enforcement or prose-  
31 cution actions, upon ex parte motion in any superior court, or in any  
32 district court, city court or the criminal court of the city of New York  
33 provided that such court sealed the record; the applicant must demon-  
34 strate to the satisfaction of the court that the records will be used  
35 for the purposes of this subparagraph; and

36 (ix) for information provided to an individual or entity pursuant to  
37 paragraph (e) of subdivision four of section eight hundred thirty-seven  
38 of the executive law or for bona fide research purposes provided all  
39 identifying information is removed.

40 (e) Where the sealing required by this paragraph has not taken place,  
41 or where supporting court records cannot be located or have been  
42 destroyed, and a defendant or their attorney submits notification of  
43 such fact to the office of the court administration, the conviction  
44 shall be sealed as set forth in this subdivision.

45 3. Where a conviction is eligible for sealing pursuant to this section  
46 the office of court administration shall immediately notify the division  
47 of criminal justice services, the court of conviction and the heads of  
48 all appropriate police departments, prosecutors' offices and law  
49 enforcement agencies that the conviction is sealed. Upon receipt of such  
50 notification, records of or relating to such conviction, including every  
51 photograph of such defendant and photographic plates or proof, and all  
52 palmprints, fingerprints and retina scans taken or made of such individ-  
53 ual pursuant to the provisions of this article in regard to the eligible  
54 conviction, and all duplicates, reproductions, and copies thereof, shall  
55 be sealed and shall not be released except as provided by paragraph (d)  
56 of subdivision two of this section. Every official record and paper and

1 duplicates and copies thereof, including, but not limited to, judgments  
2 and orders of a court but not including published court decisions or  
3 opinions or records and briefs on appeal, relating to the conviction, on  
4 file with the agency shall be marked as sealed by conspicuously indicat-  
5 ing on the face of the record or at the beginning of the digitized file  
6 of the record that the record has been designated as sealed.

7 4. (a) Nothing in this section requires the destruction of DNA infor-  
8 mation maintained in the New York state DNA database of such individual  
9 pursuant to the provisions of the executive law in regard to the eligi-  
10 ble conviction.

11 (b) Nothing in this section requires the sealing or destruction of  
12 records maintained by the department of motor vehicles, and nothing in  
13 this section shall be construed to contravene the vehicle and traffic  
14 law, the federal driver's privacy protection act (18 U.S.C 2721 et.  
15 seq.), or the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C.  
16 31311).

17 (c) In any civil action, an official record of a conviction that has  
18 been sealed pursuant to this section may not be introduced as evidence  
19 of negligence against a person or entity that provided employment,  
20 contract labor or services, volunteer work, licensing, tenancy, a home  
21 purchase, a mortgage, an education, a loan, or insurance if such record  
22 was sealed and was not provided to the person or entity by or on behalf  
23 of a governmental entity in accordance with this section in response to  
24 such person's or entity's authorized and timely request for conviction  
25 history information.

26 (d) A person or entity described in this subdivision, acting reason-  
27 ably and in good faith, may not have a duty to investigate the fact of a  
28 prior conviction that has been sealed pursuant to this section.

29 5. No defendant shall be required or permitted to waive eligibility  
30 for sealing pursuant to this section as part of a plea of guilty,  
31 sentence or any agreement related to a conviction for a violation of the  
32 laws of this state. Any such waiver is void and unenforceable.

33 6. Sealing as set forth in subdivision three of this section is with-  
34 out prejudice to a defendant or their attorney seeking further relief  
35 pursuant to section 440.10 of this chapter. Nothing in this section  
36 shall diminish or abrogate any rights or remedies otherwise available to  
37 the defendant.

38 7. All records for a conviction subject to sealing under this section  
39 where the conviction was entered on or before the effective date of this  
40 section shall receive the appropriate relief promptly and, in any event,  
41 no later than two years after such effective date.

42 8. A conviction which is sealed pursuant to this section is included  
43 within the definition of a conviction for the purposes of any criminal  
44 proceeding in which the fact of a prior conviction would enhance a  
45 penalty or is an element of the offense charged.

46 § 2. Section 9 of the correction law, as added by section 2 of part 00  
47 of chapter 56 of the laws of 2010, the section heading as amended by  
48 chapter 322 of the laws of 2021, is amended to read as follows:

49 § 9. Access to information of incarcerated individuals via the inter-  
50 net. Notwithstanding any provision of law to the contrary, any informa-  
51 tion relating to the conviction of a person[, except for a person  
52 convicted of an offense that would make such person ineligible for merit  
53 time under section eight hundred three of this chapter or an offense for  
54 which registration as a sex offender is required as set forth in subdi-  
55 vision two or three of section one hundred sixty-eight-a of this chap-  
56 ter,] that is posted on a website maintained by or for the department,

1 under article six of the public officers law, may be posted on such  
2 website for a period not to exceed five years after the expiration of  
3 such person's sentence of imprisonment and at the conclusion of any  
4 period of parole or post-release supervision]; provided, however, that  
5 in the case of a person who has been committed to the department on more  
6 than one occasion, the department may post conviction information relat-  
7 ing to any prior commitment on such website for a period not to exceed  
8 five years after the expiration of such person's sentence of imprison-  
9 ment and any period of parole or post-release supervision arising from  
10 the most recent commitment to the department].

11 § 3. Severability. If any provision of this act or the application  
12 thereof to any person, corporation or circumstances is held invalid,  
13 such invalidity shall not affect other provisions or applications of the  
14 act which can be given effect without the invalid provision or applica-  
15 tion, and to this end the provisions of this act are declared to be  
16 severable.

17 § 4. This act shall take effect eighteen months after it shall have  
18 become a law.

19

## PART BB

20 Section 1. Subdivision 2 of section 170 of the correction law, as  
21 amended by chapter 322 of the laws of 2021, is amended to read as  
22 follows:

23 2. Notwithstanding any other provision of law, it shall be lawful for  
24 an incarcerated individual of the department to work in an institution  
25 of the department in the manufacture and production of goods, including  
26 but not limited to, license plates, identification plates and insignia  
27 for vehicles, and for the department to sell or otherwise dispose of for  
28 profit such goods to the government of the United States or to any state  
29 of the United States, or political subdivision thereof, or any public  
30 corporation or eleemosynary association or corporation funded in whole  
31 or in part by any federal, state or local funds. It shall also be lawful  
32 for incarcerated individuals to be employed by and be paid fair and just  
33 compensation by a private sector entity or to be paid as part of a pris-  
34 on industries certification program authorized by section one hundred  
35 seventy-two of this article and certified by the United States depart-  
36 ment of justice in accordance with 18 U.S.C. § 1761.

37 § 2. Subdivisions 1 and 2 of section 171 of the correction law, subdi-  
38 vision 1 as amended by chapter 322 of the laws of 2021 and subdivision 2  
39 as amended by chapter 364 of the laws of 1983, are amended to read as  
40 follows:

41 1. The commissioner and the superintendents [and officials of all  
42 penitentiaries in the state] may cause incarcerated individuals in the  
43 state correctional facilities [and such penitentiaries] who are phys-  
44 ically capable thereof to be employed for not to exceed eight hours of  
45 each day other than Sundays and public holidays. Notwithstanding any  
46 other provision of this section, however, the commissioner and super-  
47 intendents [of state correctional facilities] may employ incarcerated  
48 individuals on a volunteer basis on Sundays and public holidays in  
49 specialized areas of the facility, including kitchen areas, vehicular  
50 garages, rubbish pickup and grounds maintenance, providing, however,  
51 that incarcerated individuals so employed shall be allowed an alterna-  
52 tive free day within the normal work week.

53 2. Such labor shall be either for the purpose of the production of  
54 supplies for said institutions, or for the state, or any political

1 subdivision thereof, or for any public institution owned or managed and  
2 controlled by the state, or any political subdivision thereof; or for  
3 the purpose of industrial training and instruction, or partly for one,  
4 and partly for the other of such purposes. It shall also be lawful for  
5 incarcerated individuals to be employed by and be paid fair and just  
6 compensation by a private sector entity, or be paid as part of a prison  
7 industries certification program authorized by section one hundred  
8 seventy-two of this article and certified by the United States depart-  
9 ment of justice in accordance with 18 U.S.C. § 1761.

10 § 3. The correction law is amended by adding a new section 172 to read  
11 as follows:

12 § 172. Employment by private sector entities; prison industries  
13 certification program. 1. The commissioner may enter into contracts  
14 with private sector individuals, partnerships, corporations, or other  
15 business entities whereby an area within a correctional facility may be  
16 made available to such entity for use as a work site at which incarcer-  
17 ated individuals who volunteer may be employed by such entities. Except  
18 for the permissible offsets against wages, the laws of the state with  
19 respect to employment conditions shall apply to incarcerated individuals  
20 participating in employment through private sector entities or through a  
21 prison industries certification program.

22 2. The commissioner is hereby authorized and empowered to establish  
23 and implement a prison industries certification program in one or more  
24 correctional facilities of the department as provided for in 18 U.S.C. §  
25 1761. The commissioner shall promulgate rules and regulations consistent  
26 with such federal and state laws which shall include, but not be limited  
27 to, provisions defining incarcerated individual eligibility and ensuring  
28 incarcerated individuals are compensated at wages which are comparable  
29 to the wages paid for work of similar nature in the locality in which  
30 the work is performed, and provisions providing for the gross wages of  
31 incarcerated individuals to be offset in an aggregate amount not to  
32 exceed fifty percent for taxes, support of family, restitution for crime  
33 victims, and other lawful obligations.

34 § 4. Section 177 of the correction law is amended by adding a new  
35 subdivision 8 to read as follows:

36 8. Notwithstanding any other provision of law to the contrary, the  
37 commissioner may enter into a contract or contracts with private sector  
38 individuals, partnerships, corporations or other business entities  
39 whereby an area within a correctional facility may be made available to  
40 such entity for use as a work site at which incarcerated individuals who  
41 volunteer may be employed by such entity or employed as part of a prison  
42 industries certification program established pursuant to section one  
43 hundred seventy-two of this article.

44 § 5. Section 178 of the correction law, as amended by chapter 322 of  
45 the laws of 2021, is amended to read as follows:

46 § 178. Participation in work release and other community activities;  
47 employment by private entities or participation in a prison industries  
48 certification program. Nothing contained in this article shall be  
49 construed or applied so as to prohibit private employment of incarcerat-  
50 ed individuals in the community under a work release program, or a resi-  
51 dential treatment facility program formulated pursuant to any provision  
52 of this chapter, or the employment of incarcerated individuals by a  
53 private sector entity or participation in a prison industries program  
54 pursuant to section one hundred seventy-two of this article.

55 § 6. Section 187 of the correction law is amended by adding a new  
56 subdivision 5 to read as follows:

1 5. The compensation paid to incarcerated individuals employed by  
2 private entities under section one hundred seventy-two of this article  
3 shall be set in accordance with rules and regulations adopted by the  
4 commissioner. The compensation paid to incarcerated individuals partic-  
5 ipating in a prison industries program shall be set in accordance with  
6 18 U.S.C. § 1761.

7 § 7. This act shall take effect on the first of January next succeed-  
8 ing the date upon which the people shall approve and ratify amendments  
9 to section 24 of article 3 of the constitution by a majority of the  
10 electors voting thereon relating to authorizing incarcerated individuals  
11 to be employed by and be paid compensation by a private sector entity as  
12 part of a prison industries certification program authorized by the laws  
13 of the United States.

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

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

