

FY 2024 Executive Budget Amendments

**Amendments to Senate S.4005; Assembly A.3005  
(PPGG Article VII Bill)**

**Part B**, relating to setting bail where a court cannot be reasonably assured the principal will return to the court, is amended to:

- Make a technical amendment.

**Part C**, relating to authorizing body scanner utilization in the Department of Corrections and Community Supervision and the Office of Children and Family Services facilities, is amended to:

- To clarify that the State Commission of Corrections creates regulations for the facilities for which they are responsible, and the Office of Children and Family Services creates regulations for the facilities for which they are responsible.

**Part L**, relating to the issuance of temporary wholesale permits, is amended to:

- Make various technical amendments to eliminate references to manufacturers.

**Part V**, relating to the extension of the waiver of retiree income cap for public school employees, is amended to:

- Make an amendment to provide that the provisions of this act are not subject Section 25 of the Retirement and Social Security Law.

**Part Z**, relating to the first class of the Commission on Ethics and Lobbying in Government, is amended to:

- Add clarifying language stating that future terms will all be four years.

**Part CC**, relating to sweeps and transfers, is amended to:

- Insert UI Benefit Fund, Interest Assessment Account (50651) into section 1.

1 for custody of federal prisoners and requiring the closing of certain  
2 correctional facilities, as amended by section 22 of part A of chapter  
3 55 of the laws of 2021, is amended to read as follows:

4 § 8. This act shall take effect immediately; provided, however that  
5 sections five and six of this act shall expire and be deemed repealed  
6 September 1, [2023] 2025.

7 § 21. Section 3 of part C of chapter 152 of the laws of 2001, amending  
8 the military law relating to military funds of the organized militia, as  
9 amended by section 23 of part A of chapter 55 of the laws of 2021, is  
10 amended to read as follows:

11 § 3. This act shall take effect immediately; provided however that the  
12 amendments made to subdivision 1 of section 221 of the military law by  
13 section two of this act shall expire and be deemed repealed September 1,  
14 [2023] 2025.

15 § 22. Section 5 of chapter 554 of the laws of 1986, amending the  
16 correction law and the penal law relating to providing for community  
17 treatment facilities and establishing the crime of absconding from the  
18 community treatment facility, as amended by section 24 of part A of  
19 chapter 55 of the laws of 2021, is amended to read as follows:

20 § 5. This act shall take effect immediately and shall remain in full  
21 force and effect until September 1, [2023] 2025, and provided further  
22 that the commissioner of correctional services shall report each January  
23 first and July first during such time as this legislation is in effect,  
24 to the chairmen of the senate crime victims, crime and correction  
25 committee, the senate codes committee, the assembly correction commit-  
26 tee, and the assembly codes committee, the number of individuals who are  
27 released to community treatment facilities during the previous six-month  
28 period, including the total number for each date at each facility who  
29 are not residing within the facility, but who are required to report to  
30 the facility on a daily or less frequent basis.

31 § 23. Section 2 of part F of chapter 55 of the laws of 2018, amending  
32 the criminal procedure law relating to pre-criminal proceeding settle-  
33 ments in the city of New York, as amended by section 25 of part A of  
34 chapter 55 of the laws of 2021, is amended to read as follows:

35 § 2. This act shall take effect immediately and shall remain in full  
36 force and effect until March 31, [2023] 2025, when it shall expire and  
37 be deemed repealed.

38 § 24. This act shall take effect immediately.

39

#### PART B

40 Section 1. The opening paragraph of subdivision 1 of section 510.10 of  
41 the criminal procedure law, as amended by section 1 of subpart C of part  
42 UU of chapter 56 of the laws of 2022, is amended and a new subdivision  
43 1-a is added to read as follows:

44 When a principal, other than a principal charged with a qualifying  
45 offense for which monetary bail is authorized under this article or a  
46 principal for whom the court is otherwise authorized to fix bail or  
47 commit to the custody of the sheriff, whose future court attendance at a  
48 criminal action or proceeding is or may be required, comes under the  
49 control of a court, such court shall, in accordance with this title, by  
50 a securing order release the principal on the principal's own recogni-  
51 zance[, ] or release the principal under non-monetary conditions[, or,  
52 where authorized, fix bail or commit the principal to the custody of the  
53 sheriff]. In all such cases, except where another type of securing order  
54 is shown to be required by law, the court shall release the principal

1 discretion release the principal pending trial on the principal's own  
2 recognizance or under non-monetary conditions, fix bail, or, where the  
3 defendant is charged with a qualifying offense which is a felony, the  
4 court may commit the principal to the custody of the sheriff. The court  
5 shall explain its choice of release, release with conditions, bail or  
6 remand on the record or in writing. A principal stands charged with a  
7 qualifying offense for the purposes of this subdivision when he or she  
8 stands charged with:

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

11 PART C

12 Section 1. Subparagraphs (i) and (ii) of paragraph (a), paragraph (b),  
13 subparagraphs (i), (ii), (iii) and (v) of paragraph (c), paragraph (e)  
14 and the opening paragraph and subparagraphs (i) and (ii) of paragraph  
15 (f) of subdivision 6 of section 3502 of the public health law, subpara-  
16 graph (ii) of paragraph (a), paragraph (b), subparagraphs (i), (iii) and  
17 (v) of paragraph (c), paragraph (e) and the opening paragraph of para-  
18 graph (f) as added by chapter 313 of the laws of 2018, subparagraph (i)  
19 of paragraph (a), subparagraph (ii) of paragraph (c), and subparagraphs  
20 (i) and (ii) of paragraph (f) as amended by chapter 486 of the laws of  
21 2022, are amended to read as follows:

22 (i) Notwithstanding the provisions of this section or any other  
23 provision of law, rule or regulation to the contrary, licensed practi-  
24 tioners, persons licensed under this article and unlicensed personnel  
25 employed at a state or local correctional facility, secure or special-  
26 ized secure detention facility, or facility for youth placed with or  
27 committed to the office of children and family services may, in a manner  
28 permitted by the regulations promulgated pursuant to this subdivision,  
29 utilize body imaging scanning equipment that applies ionizing radiation  
30 to humans for purposes of screening [incarcerated] individuals detained  
31 in or committed to such facility and visitors visiting such facility, in  
32 connection with the implementation of such facility's security program.

33 (ii) The utilization of such body imaging scanning equipment shall be  
34 in accordance with regulations promulgated by the department, or for  
35 local correctional facilities in cities having a population of two  
36 million or more, such utilization shall be in accordance with regu-  
37 lations promulgated by the New York city department of health and mental  
38 hygiene. The state commission of correction, in consultation with the  
39 department of corrections and community supervision and the office of  
40 children and family services, shall promulgate regulations establishing  
41 when body imaging scanning equipment will be used to screen visitors in  
42 state and local correctional facilities, ~~secure or specialized secure~~  
43 detention facilities, and secure facilities ~~for youth placed with or~~  
committed

44 to operated by the office of children and family services. The office of  
children and family services shall promulgate regulations establishing when  
body imaging scanning equipment will be used to screen visitors in secure  
detention facilities and all facilities, other than secure facilities,  
operated by the office.

45 (b) Prior to establishing, maintaining or operating in a state or  
46 local correctional facility, secure or specialized secure detention  
47 facility, or facility for youth placed with or committed to the office  
48 of children and family services, any body imaging scanning equipment,  
49 the chief administrative officer of the facility shall ensure that such  
50 facility is in compliance with the regulations promulgated pursuant to  
51 this subdivision and otherwise applicable requirements for the installa-  
52 tion, registration, maintenance, operation and inspection of body imag-



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

25 § 2. Section 16 of the state finance law, as amended by chapter 681 of  
 26 the laws of 1982, is amended to read as follows:

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

38 § 3. This act shall take effect immediately, and shall be deemed to  
 39 have been in full force and effect on and after April 1, 2023.

40 PART V

41 Section 1. ~~Section 2 of part~~ Part HH of chapter 56 of the laws of  
 42 2022,  
 43 amending the retirement and social security law relating to waiving  
 44 approval and income limitations on retirees employed in school districts  
 45 and board of cooperative educational services, is amended to read as  
 46 follows:

47 § 2. Notwithstanding any other provision of law to the contrary, none of  
 48 the provisions of this act shall be subject to section 25 of the retirement  
 49 and social security law.

50 § ~~23~~. This act shall take effect immediately and shall expire and be  
 51 deemed repealed June 30, [2023] 2024.

52 § 2. This act shall take effect immediately.

49 PART W

50 Section 1. Paragraphs 2 and 3 of subdivision e of section 19-a of the  
 51 retirement and social security law, as amended by chapter 48 of the laws

52 of 2017, are amended to read as follows:

1 inconsistent. Consequently, it is difficult for the industry and regu-  
2 lators to understand, implement, enforce, and comply with the law.

3 The State believes that with an open, transparent legislative review  
4 process, the alcoholic beverage control law can be properly rewritten.  
5 To begin the process of modernizing the state's alcoholic beverage  
6 control laws, the New York State Liquor Authority ("SLA") is hereby  
7 directed to undertake a review of those laws and recommend changes. Such  
8 recommended changes shall focus on clearly and rationally delineating  
9 policies, procedures, criteria, and legal standards that are in current  
10 law but not in an intelligible form. The SLA shall prepare an amended  
11 version of the law containing the proposed changes and post it on their  
12 website for public review.

13 § 2. This act shall take effect immediately.

14 PART L

15 Section 1. The alcoholic beverage control law is amended by adding a  
16 new section 97-d to read as follows:

17 § 97-d. Temporary wholesale permit. 1. Any person may apply to the  
18 liquor authority for a temporary permit to operate any alcoholic bever-  
19 age wholesale business as may be licensed under this chapter. Such  
20 application shall be in writing and verified and shall contain informa-  
21 tion as the liquor authority shall require. Such application shall be  
22 accompanied by a check or draft in the amount of one hundred twenty-five  
23 dollars for such permit.

24 2. Upon application, the liquor authority may issue such temporary  
25 permit when:

26 (a) the applicant has a wholesale license application at the same  
27 premises pending before the liquor authority, together with all required  
28 filing and license fees;

29 (b) the applicant has obtained and provided evidence of all permits,  
30 licenses and other documents necessary for the operation of such a busi-  
31 ness; and

32 (c) any current license in effect at the premises that may not under  
33 law operate concurrently has been surrendered or placed in safekeeping,  
34 or has been deemed abandoned by the authority.

35 3. The liquor authority in granting such permit shall ensure that:

36 (a) issuance of the permit will not inordinately hinder the operation  
37 or effective administration of this chapter;

38 (b) the applicant would in all likelihood be able to ultimately obtain  
39 the ~~manufacturing~~ wholesale license being applied for; and

40 (c) the applicant has substantially complied with the requirements  
41 necessary to obtain such license.

42 4. The application for a permit shall be approved or denied by the  
43 liquor authority within forty-five days after the receipt of such appli-  
44 cation.

45 5. A temporary permit shall authorize the permittee to operate a ~~manu-~~  
46 ~~facturing~~ wholesale facility for the ~~manufacture and~~ sale of alcoholic  
beverages

47 according to the laws applicable to the type of ~~manufacturing~~ wholesale  
license

48 being applied for.

49 6. Such temporary permit shall remain in effect for six months or  
50 until the wholesale license being applied for is approved and the  
51 license granted, whichever is shorter. Such permit may be extended at  
52 the discretion of the liquor authority for additional three-month peri-  
53 ods of time upon payment of an additional fee of fifty dollars for each  
54 such extension.

1 under the age of eighteen, if the widow or widower has died, or to the  
2 deceased member's parents if the member has no widow, widower, children  
3 under the age of eighteen, or a student under the age of twenty-three,  
4 on account of the death of the deceased member:

5 1. Any death benefit and any supplementation thereto paid by the said  
6 county, city, town or village in the form of a pension, and

7 e. There shall be appropriated to the [local assistance fund in the]  
8 general fund [to the department of audit and control] an amount equal to  
9 the special accidental death benefits paid pursuant to subdivisions b  
10 and c of this section during each preceding state fiscal year, as certi-  
11 fied to the comptroller by the appropriate municipal official, for the  
12 purposes of reimbursing such special accidental death benefits.

13 The monies appropriated [to the department of audit and control] and  
14 made available pursuant to this subdivision shall be paid under rules  
15 and regulations adopted by the comptroller and subject to the approval  
16 of the director of the budget upon the audit and warrant of the comp-  
17 troller on vouchers certified or approved as provided by law.

18 k. In the case of a deceased county member who died prior to the  
19 effective date of this subdivision, the payment of the benefit to the  
20 deceased member's beneficiaries pursuant to subdivision f of this  
21 section, shall commence on the effective date of this subdivision,  
22 provided, however that the benefit amount shall be deemed to have been  
23 subject to annual increases pursuant to subdivision b of this section  
24 and escalation pursuant to subdivision c of this section, from the date  
25 of such member's death.

26 § 2. This act shall take effect immediately, and shall be deemed to  
27 have been in full force and effect on and after April 1, 2023.

28

## PART Z

29 Section 1. Paragraph (a) of subdivision 4 of section 94 of the execu-  
30 tive law, as added by section 2 of part QQ of chapter 56 of the laws of  
31 2022, is amended to read as follows:

32 (a) The first class of members of the commission shall serve stag-  
33 gered terms to ensure continuity. For the first class of the commis-  
34 sion, [five members shall serve a term of four years, three members  
35 shall serve a term of two years, and one member shall serve a term of  
36 one year. All subsequent members shall serve a term of four years] the  
37 governor's first appointee shall serve an initial term of four years,  
38 their second appointee shall serve an initial term of two years, and  
39 their third appointee shall serve an initial term of one year; the  
40 attorney general's appointee shall serve an initial term of four years;  
41 the comptroller's appointee shall serve an initial term of four years;  
42 the temporary president of the senate's first appointee shall serve an  
43 initial term of four years and their second appointee shall serve a term  
44 of two years; the minority leader of the senate's first appointee shall  
45 serve an initial term of four years; the speaker of the assembly's first  
46 appointee shall serve initial terms of four years and their second  
47 appointee shall serve a term of two years; and the minority leader of  
48 the assembly's appointee shall serve a term of four years. All  
49 subsequent members shall serve a term of four years. No member  
50 shall be selected to the commission for more than two full consec-  
51 utive terms, except that a member who has held the position by filling  
52 a vacancy can only be selected to the commission for an additional two  
53 full consecutive terms.

53 § 2. This act shall take effect immediately.

- 1 76. Commercial gaming regulation account (23702).
- 2 77. Highway use tax administration account (23801).
- 3 78. New York state secure choice administrative account (23806).
- 4 79. New York state cannabis revenue fund (24800).
- 5 80. Fantasy sports administration account (24951).
- 6 81. Mobile sports wagering fund (24955).
- 7 82. Highway and bridge capital account (30051).
- 8 83. State university residence hall rehabilitation fund (30100).
- 9 84. State parks infrastructure account (30351).
- 10 85. Clean water/clean air implementation fund (30500).
- 11 86. Hazardous waste remedial cleanup account (31506).
- 12 87. Youth facilities improvement account (31701).
- 13 88. Housing assistance fund (31800).
- 14 89. Housing program fund (31850).
- 15 90. Highway facility purpose account (31951).
- 16 91. New York racing account (32213).
- 17 92. Capital miscellaneous gifts account (32214).
- 18 93. Information technology capital financing account (32215).
- 19 94. New York environmental protection and spill remediation account
- 20 (32219).
- 21 95. Mental hygiene facilities capital improvement fund (32300).
- 22 96. Correctional facilities capital improvement fund (32350).
- 23 97. New York State Storm Recovery Capital Fund (33000).
- 24 98. OGS convention center account (50318).
- 25 99. Empire Plaza Gift Shop (50327).
100. Unemployment insurance benefit fund, interest assessment account (50651).
- 26 ~~100~~101. Centralized services fund (55000).
- 27 ~~101~~102. Archives records management account (55052).
- 28 ~~102~~103. Federal single audit account (55053).
- 29 ~~103~~104. Civil service administration account (55055).
- 30 ~~104~~105. Civil service EHS occupational health program account (55056).
- 31 ~~105~~106. Banking services account (55057).
- 32 ~~106~~107. Cultural resources survey account (55058).
- 33 ~~107~~108. Neighborhood work project account (55059).
- 34 ~~108~~109. Automation & printing chargeback account (55060).
- 35 ~~109~~110. OFT NYT account (55061).
- 36 ~~110~~111. Data center account (55062).
- 37 ~~111~~112. Intrusion detection account (55066).
- 38 ~~112~~113. Domestic violence grant account (55067).
- 39 ~~113~~114. Centralized technology services account (55069).
- 40 ~~114~~115. Labor contact center account (55071).
- 41 ~~115~~116. Human services contact center account (55072).
- 42 ~~116~~117. Tax contact center account (55073).
- 43 ~~117~~118. Department of law civil recoveries account (55074).
- 44 ~~118~~119. Executive direction internal audit account (55251).
- 45 ~~119~~120. CIO Information technology centralized services account (55252).
- 46 ~~120~~121. Health insurance internal service account (55300).
- 47 ~~121~~122. Civil service employee benefits division administrative account
- 48 (55301).
- 49 ~~122~~123. Correctional industries revolving fund (55350).
- 50 ~~123~~124. Employees health insurance account (60201).
- 51 ~~124~~125. Medicaid management information system escrow fund (60900).
- 52 ~~125~~126. Virtual currency assessments account.
- 53 § 1-a. The state comptroller is hereby authorized and directed to loan
- 54 money in accordance with the provisions set forth in subdivision 5 of
- 55 section 4 of the state finance law to any account within the following
- 56 federal funds, provided the comptroller has made a determination that