

FY 2025 NEW YORK STATE EXECUTIVE BUDGET

PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION

MEMORANDUM IN SUPPORT

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MEMORANDUM IN SUPPORT

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

AN ACT to amend the penal law, in relation to assault in the second degree of a retail worker (Part A); to amend the penal law, in relation to establishing the crime of fostering the sale of stolen goods (Part B); to amend the penal law, in relation to specified offenses that constitute a hate crime (Part C); relating to the closure of correctional facilities; and providing for the repeal of such provisions upon the expiration thereof (Part D); 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 E); to amend the judiciary law, the penal law and the election law, in relation to increasing the safety and security of court officials and their immediate families (Part F); to amend the cannabis law, in relation to providing additional enforcement powers to the office of cannabis management and to authorize localities to create business registries for the purpose of combating illicit cannabis (Part G); to amend the alcoholic beverage control law, in relation to notifying municipalities of the filing of certain applications, changes of ownership of certain licensed businesses, and providing for certain temporary permits; and to repeal certain provisions of such law related thereto (Part H); to amend the alcoholic beverage control law, in relation to establishing a temporary wholesale permit and allowing multiple wholesale licenses owned by the same person or entity to be located at the

same premises (Part I); to amend chapter 118 of the laws of 2012 amending the alcoholic beverage control law relating to the powers of the chairman and members of the authority, in relation to the effectiveness of certain provisions thereof (Part J); 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 K); to amend the alcoholic beverage control law, in relation to permitting the use of contiguous and non-contiguous municipal public space by certain licensees; and to repeal chapter 238 of the laws of 2021 (Part L); to amend the workers' compensation law, in relation to providing benefits for prenatal care (Part M); to amend the workers' compensation law and the insurance law, in relation to the New York state average weekly wage, and to increasing disability benefits (Part N); to amend the general business law, in relation to enacting the Stop Addictive Feeds Exploitation (SAFE) for Kids act prohibiting the provision of an addictive feed to a minor (Part O); to amend the general business law, in relation to establishing the New York child data protection act (Part P); to amend the state finance law, in relation to eliminating the alternate procedure for the payment of salaries for certain employees and the withholding of five days of salary for certain employees (Part Q); 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 R); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part S); to amend the civil service law, in relation to the ability to charge interest on past

due balances for the New York state health insurance program, and to authorize the director of the budget to withhold certain state aid to participating employers with past due balances (Part T); to amend the general municipal law, in relation to county-wide shared services panels (Part U); to amend the public authorities law, in relation to bonds issued by the New York city transitional finance authority (Part V); to amend the state finance law, in relation to reforming the local government efficiency grant program (Part W); and to provide for the administration of certain funds and accounts related to the 2023-2024 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and accounts, and in relation to the effectiveness thereof; 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 the private housing finance law, in relation to housing program bonds and notes; to amend the public authorities law, in relation to the issuance of bonds and notes by the dedicated highway and bridge trust fund, to amend the public authorities law, in relation to the issuance of bonds and notes for city university facilities; to amend the public authorities law, in relation to the issuance of bonds for library construction projects; to amend the public authorities law, in relation to the issuance of bonds for state university educational facilities; to amend the public authorities law, in relation to the issuance of bonds and notes for locally sponsored community colleges; to amend chapter 392 of the laws of 1973, constituting the medical care

facilities finance agency act, in relation to the issuance of mental health services facilities improvement bonds and notes; to amend part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of bonds and notes to finance capital costs related to homeland security; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds and notes for purposes of funding office of information technology services project costs; 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 funds to the thruway authority; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds and notes to fund costs for statewide equipment; to amend the public authorities law, in relation to the issuance of bonds for purposes of financing environmental infrastructure projects; 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 bonds and notes for the youth facilities improvement fund; to amend the public authorities law, in relation to the issuance of bonds and notes for the purpose of financing peace bridge projects and capital costs of state and local highways; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds for economic development initiatives; 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 bonds and notes for the purpose of financing capital projects for the division of military and naval affairs; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds for special education and other educational facilities; to amend the public authorities law, in relation to the issuance of bonds and notes for the purpose of financing the construction of the New York state agriculture and markets food laboratory; to amend chapter 392 of the laws of 1973, constituting the medical care facilities finance agency act, in relation to including comprehensive psychiatric emergency programs and housing for mentally ill persons in the definition of mental health services facility; to amend the state finance law, in relation to the private sale of certain revenue bonds, and in relation to including assets that provide a long-term interest in land in the definition of fixed assets; to amend the public authorities law, in relation to bond issuance charges; to amend the state finance law, in relation to the redemption price of certain revenue bonds; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of personal income tax revenue anticipation notes; to amend the public authorities law, in relation to the issuance of bonds or notes for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities; and providing for the repeal of certain provisions upon expiration thereof (Part X)

PURPOSE:

This bill contains provisions needed to implement the Public Protection and General Government portion of the FY 2025 Executive Budget.

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

Part A – Increase Penalties for Assault of Retail Workers

Purpose:

This bill would amend the Penal Law to elevate assault of a retail worker to the class D felony of assault in the second degree.

Summary of Provisions and Statement in Support:

This bill would elevate assault of a retail worker to the class D felony of assault in the second degree, affording retail workers the same protections as first responders.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget as it is a vital component of the Governor’s comprehensive efforts to stop retail theft.

Effective Date:

This bill would take effect 180 days after it shall have become law

Part B – Make it Illegal to Foster the Sale of Stolen Goods Online

Purpose:

This bill would amend the Penal Law to establish criminal penalties for fostering the sale of stolen goods, including online.

Summary of Provisions and Statement in Support:

This bill would create a class A misdemeanor for fostering the sale of stolen goods. A person would be guilty for fostering the sale of stolen goods if they host, advertise, or otherwise assist in the sale of stolen goods and either know or should have known that the goods were stolen.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget as it is a vital component of the Governor's comprehensive efforts to stop organized retail theft.

Effective Date:

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

Part C – Expand Hate Crime Eligibility

Purpose:

This bill would amend the Penal Law to expand the list of offenses eligible to be prosecuted as a hate crime.

Summary of Provisions and Statement in Support:

This bill would expand the list of offenses eligible for prosecution as hate crimes to include, among other offenses, gang assaults, aggravated murder, murder in the first degree, making graffiti, and various additional sex crimes.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget as it is a vital component of the Governor's comprehensive efforts to stop hate crimes.

Effective Date:

This bill would take effect 60 days after it shall have become law.

Part D – Correctional Facility Closures

Purpose:

This bill would authorize the closure of up to five correctional facilities with 90-day notice.

Summary of Provisions and Statement in Support:

The Department of Corrections and Community Supervision's (DOCCS) incarcerated individual population continues to decline and is currently at approximately 32,500 incarcerated individuals, down from a high of approximately 72,000 in 1999.

This bill would allow the State to act expeditiously to right-size and eliminate excess capacity to ensure effective and efficient operation of the correctional system. The bill requires 90-day notice prior to facility closures.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2024-25 Executive Budget to ensure the efficient operation of the State's correctional system.

Effective Date:

This bill would take effect on April 1, 2024, and expire and be deemed repealed March 31, 2025.

Part E – Extend the Suspension of the Subsidy to Revolving Loan Fund from Cell Surcharge Revenue

Purpose:

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

Summary of Provisions and Statement in Support:

This bill would extend the existing suspension of the annual transfer of \$1.5 million from the Public Safety Communications Account to the Emergency Services Revolving Loan Fund for two fiscal years. This transfer was previously suspended for FY 2022-23 and 2023-24.

The Emergency Services Revolving Loan Fund is a means to assist local governments, fire districts and not-for-profit fire/ambulance corporations in financing emergency response equipment, such as firefighter apparatus, fire engines and ambulances, and construction costs related to the housing of such equipment. Since it is structured as a revolving loan fund (i.e., payments of principal and interest are deposited into the fund) and presently there is a robust balance, eliminating the annual transfer from the Public Safety Communications Account should not diminish the ability of Revolving Loan Fund's administrators to make new loans.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2024-25 Executive Budget because it would ensure that the Public Safety Communications Account has sufficient funds to support other statutorily authorized purposes, including interoperable communication grants to counties.

Effective Date:

This bill would take effect immediately upon enactment.

Part F – Judicial Protection

Purpose:

This bill would help protect judges and court personnel from the disclosure of their sensitive and confidential personal information. Disclosure of such information threatens their safety and security. Such information has been used by disgruntled litigants and others to commit crimes, including threats and murder, against judicial officers and their families. The bill would also enhance criminal penalties for assaulting, stalking, harassing and threatening judges.

Summary of Provisions and Statement in Support:

For the past several years, there have been increasing instances of judges being assaulted, threatened, stalked and murdered due to their unique role as public servants. In July 2020, in New Jersey, a federal judge watched her son die and her husband be shot three times by an angry litigant in their home. In October 2023, in Maryland, a judge was shot by a disgruntled litigant in the driveway of his home after issuing an adverse ruling in a child custody case.

This bill would establish a process for New York State judges and federal judges in New York State, as well as certain court personnel, and their immediate families to request the removal of their personal information from public disclosure. Recipients of such requests would be required to comply.

Additionally, the bill would enhance criminal liability for assaulting, stalking or harassing a judge.

Budget Implications:

This bill is necessary to implement the FY 2025 Executive Budget in order to improve the safety and security of judges, court personnel, and their immediate families.

Effective Date:

This bill would take effect 90 days after becoming law, with certain sections taking effect on the November 1st succeeding the effective date.

Part G – Combat Unlicensed Sale of Cannabis

Purpose:

This bill would strengthen the enforcement authority of the Office of Cannabis Management (OCM) to expedite the closure of unlicensed businesses selling cannabis illegally. The proposal would also provide additional enforcement authority to localities, allowing them to combat illicit cannabis sales through their own laws and resources.

Summary of Provisions and Statement in Support:

This bill would expand OCM's authority to seal a building or premises of an illicit cannabis operator upon the presence of certain factors and following issuance of a notice of violation and order to cease unlicensed activity. If OCM determines that the business is an imminent threat to public health and safety, OCM could issue and execute a seal order with an immediate effective date provided that a hearing is held within 3 days of a request for such a hearing. This bill would also increase the civil penalties for any person engaging in unlicensed activity who refuses to let OCM perform a regulatory inspection from \$4,000 to \$20,000 for a first refusal and \$8,000 to \$40,000 for subsequent refusals.

Additionally, the bill would authorize localities to adopt their own laws to establish a process for the locality to execute closure orders, seize and destroy illicit cannabis, and to establish their own civil penalties against the illicit operators. The bill would also require those localities that adopt a local law or ordinance to establish a local registry with all licensees in their municipality, mirroring OCM's licensee registry. This bill would allow localities to receive penalty revenue from any legal actions they take related to unlicensed activity.

Finally, this bill would strengthen existing provisions of the Cannabis Law relating to the powers of the Cannabis Control Board and OCM concerning the enforcement of unlicensed businesses and individuals engaging in activities for which a license is required.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2024-25 Executive Budget in order to take additional steps in combatting the sale of unlicensed cannabis and preserving the new legal Adult-Use cannabis market that is expected to generate millions of dollars for the State.

Effective Date:

This bill would take effect immediately.

Part H – ABC Law Commission Recommendations

Purpose:

This proposal would amend the Alcoholic Beverage Control (ABC) Law to enact certain recommendations made by the Commission to Study Reform of the ABC Law, as well as other reforms to sections of the ABC Law.

Summary of Provisions and Statement in Support:

This bill would enact some of the recommendations made by the ABC Law Commission and would simplify existing provisions of the ABC Law that State Liquor Authority (SLA) has identified as obsolete. The bill would streamline the licensing process and alleviate some of the administrative burden for review on SLA.

The bill would allow individuals to apply for a license with the SLA without having to wait 30 days for the municipal notice period to lapse, which was recommended by ABC Law Commission.

The bill would require SLA to act on changes in membership or other corporate structure to a limited liability company (LLC) within 90 days of receipt of an application. If SLA takes no action on the application within the 90 days, the application would be deemed approved, which was recommended by ABC Law Commission.

The bill would also rescind the requirement that catering permits be issued only for indoor events, which was not considered by ABC Law Commission, and add cider, mead, braggot, and liquor as permissible beverage types for temporary one-day permits for functions or events, which was recommended by ABC Law Commission. Current ABC Law only allows sales of beer and wine for one-day permits. This section would also remove the requirement that the alcoholic products be manufactured in New York State.

Additionally, the bill would remove the requirement that liquor and wine stores be located at street level, which was not considered by ABC Law Commission.

Budget Implications:

This bill is necessary to implement the FY 2025 Executive Budget as it would continue the process of modernizing the ABC Law by enacting reforms recommended by the ABC Law Commission.

Effective Date:

This bill would take effect immediately.

Part I – Temporary Wholesale Permit & Multiple Wholesale Licenses

Purpose:

This bill would authorize the State Liquor Authority (SLA) to issue temporary permits to wholesalers while their applications for permanent wholesale licenses are reviewed. A temporary permit currently does not exist for wholesalers. This bill would ensure that wholesalers are able to operate their businesses without unnecessary delay. This proposal was included as a recommendation by the Commission to Study Reform of the Alcoholic Beverage Control (ABC) Law. The proposal would also allow multiple wholesale licenses held by the same entity to operate on the same licensed premises.

Summary of Provisions and Statement in Support:

This bill would amend the Alcoholic Beverage Control Law to allow individuals to apply for a temporary permit to operate any alcoholic beverage wholesale facility as long as:

- the applicant has a wholesale license application at the same premises pending before the SLA;
- the applicant has obtained all permits, licenses, and other documents necessary for the operation of the business; and
- any current license in effect at the same premises that may not operate concurrently has been surrendered prior to the application.

The bill would require the SLA to make a determination on the temporary wholesale permit within 45 days of receipt. A temporary permit would be in effect for six months or until the permanent license is approved for the applicant; whichever is sooner. The SLA could extend such permits for subsequent three-month periods upon the payment of fees. The SLA would also have the authority to cancel or suspend a temporary permit for good cause shown.

This bill would also allow multiple wholesaler licenses (i.e. cider, wine, beer, and/or liquor) at one location. The ABC Law currently does not allow wholesale licenses to be held by the same licensee at the same premises, but it does allow this authorization for manufacturers.

This bill would help to ensure that new businesses can begin sales quickly if they meet the requisite standards. It would also provide parity between wholesalers and manufacturers by allowing wholesalers to hold multiple licenses at the same premises.

Budget Implications:

This bill is necessary to implement the FY 2025 Executive Budget as it allows applicants for wholesale licenses to operate their businesses on a temporary basis while they await final approval for a permanent license with the SLA and to operate multiple wholesale licenses in one location.

Effective Date:

This bill would take effect immediately.

Part J – Sole Administrative Authority (Powers of the Chair and Members of the Authority)

Purpose:

This proposal would permanently codify the delegation of exclusive executive authority over the State Liquor Authority (SLA) and the Division of Alcoholic Beverage Control (ABC) to the SLA Chair. This authorization is set to lapse on July 18, 2024.

Summary of Provisions and Statement in Support:

Chapter 118 of the Laws of 2012 granted the SLA Chair exclusive executive authority over SLA and ABC, including the authority to hire, assign, and fire ABC staff within the limits of the agency appropriation, in consultation with the other SLA Board members. This authority was previously granted to the full SLA Board, and the statute was amended at the recommendation of the NYS Law Revision Commission (2009). This authorization has been extended four times since enactment (2013, 2015, 2018, and 2021).

Budget Implications:

This bill is necessary to implement the FY 2025 Executive Budget as it would ensure that the SLA Chair continues to have exclusive executive authority over ABC and SLA.

Effective Date:

This bill would take effect immediately.

Part K – Temporary Permit Extender

Purpose:

This bill would extend a provision in section 97-a of the Alcoholic Beverage Control (ABC) Law that allows the State Liquor Authority (SLA) to issue temporary permits to certain retail applicants while they await a full review of their license applications. This section is set to lapse on October 12, 2024. This proposal would extend the lapse date to October 12, 2025. This section has been extended annually since 2011.

Summary of Provisions and Statement in Support:

This bill would extend the authority of the SLA to issue temporary permits to retail applicants by one year. The Authority's ability to issue temporary permits while license applications await review provides a critical financial bridge for thousands of businesses per year, who are able to begin alcoholic beverage sales weeks and months prior to the full review of their application.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget as it would allow SLA to continue to issue temporary retail permits.

Effective Date:

This bill would take effect immediately.

Part L – Noncontiguous/Outdoor Cafes Licensing

Purpose:

This bill would allow State Liquor Authority (SLA) licensees to continue to utilize municipal public space for their licensed premises, including non-contiguous municipal space. This authorization was originally granted on a temporary basis by Chapter 238 of the Laws of 2021 in order to provide expanded outdoor seating for on-premises licensees during the COVID-19 pandemic, and the authorization is set to lapse on June 30, 2025. This proposal would permanently codify the ability for licensees to seek this authorization in the Alcoholic Beverage Control (ABC) Law.

Summary of Provisions and Statement in Support:

This proposal would allow retail on-premises licensees to file an application with SLA seeking permission to utilize municipal public space for their licensed premises. In order to receive approval from SLA, licensees must receive a permit or written authorization

from the impacted municipality. The licensee must also provide a diagram of the municipal space to be used and proof of community notification to the municipality.

This proposal would allow licensees to utilize both contiguous and non-contiguous space as part of their licensed premises. The space could be non-contiguous as long as it does not extend further than the midline of any public roadway. If the space is separated from the rest of the licensed premises by a bicycle lane, the licensee would be responsible for displaying appropriate signage to warn patrons of the oncoming bicycles.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2024-25 Executive Budget in order to allow businesses to continue using municipal public space for their outdoor dining operations, generating revenue for the alcoholic beverage industry.

Effective Date:

This bill would take effect immediately.

Part M – Establish First-in-Nation Paid Prenatal Leave

Purpose:

This bill would provide eligible pregnant employees the ability to take up to 40 additional hours of leave for prenatal medical appointments in addition to New York’s current 12 weeks of Paid Family Leave. Leave for prenatal visits could be taken in hourly increments.

Summary of Provisions and Statement in Support:

This bill would amend Workers’ Compensation Law to provide 40 additional hours of leave to New York’s Paid Family Leave Law for eligible pregnant employees to attend appointments for prenatal care, including physical exams, monitoring and testing, and discussions with a health care provider. The amendment would provide 40 hours within a 52-week calendar period, available in hourly increments. The leave for prenatal care would not reduce the 12 weeks of Paid Family Leave or 26 weeks of disability leave for eligible employees. Leave benefits would be paid hourly and written notice or proof to the employer for leave would be due within 30 days following the appointment.

Access to prenatal care leads to lower infant and parent mortality rates. Prenatal visits also allow health care providers to complete recommended screenings, assess the well-being of both the baby and the parent, reassure the parent, and provide relevant

prenatal education. Removing barriers to prenatal care would improve the health and safety of parents and babies in New York State.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2024-25 Executive Budget.

Effective Date:

This bill would take effect January 1, 2025.

Part N – Increase Short-Term Disability Leave Benefits

Purpose:

The maximum paid benefit available to New Yorkers who need time off from work to address their own health needs, including for any pregnancy-related conditions, has been capped at \$170/week since 1989. Adjusting for inflation, \$170 today was worth approximately \$69 in 1989. The benefit today is worth less than half of what it was worth when the cap was set.

This bill would increase the maximum weekly payment for eligible employees on short-term disability from \$170 to two-thirds of an employee's average weekly wage, capped at two-thirds of the Statewide Average Weekly Wage (SAWW) by 2029 for the first twelve weeks of disability. Thereafter the benefit would be capped at \$280 weekly for weeks thirteen through twenty-six. The increase to the weekly benefit would roll out in annual increments, starting at half of an employee's average weekly wage in 2025, capped at \$400, and ending at two-thirds of the SAWW by 2029. The bill would provide a more robust benefit for New Yorkers to take leave for their own medical needs, and tying the benefit to the SAWW ensures the weekly payments would keep pace with wage growth over time.

Summary of Provisions and Statement in Support:

This bill would amend Article 9 of the Workers' Compensation Law (WKC), now titled the Disability and Paid Family Leave Benefits Law, and Articles 42 and 26 of Insurance Law (ISC) to provide incremental increases to the maximum benefit for short-term disability.

The bill would provide for incremental annual increases to the maximum benefit for short-term disability in New York for the first twelve weeks of leave. The Superintendent of the Department of Financial Services (DFS) would defer the increases for varying reasons. The amendments would tie the maximum weekly benefit to the SAWW, with caps in interim years between 2025 and 2029. The annual increases for benefits paid for the first twelve weeks of leave would be:

- 2025: 50% AWW up to \$400
- 2026: 50% AWW up to \$630
- 2027: 50% AWW up to 50% SAWW
- 2028: 60% AWW up to 60% SAWW
- 2029: 67% AWW up to 67% SAWW

For weekly payments between the twelfth and twenty-sixth week of disability, the steps would be as follows:

- 2025: 50% AWW up to \$280
- 2028: 60% AWW up to \$280
- 2029: 67% AWW up to \$280

The minimum short-term disability benefit would set to \$100 in 2025 and beyond, except when the employee's weekly wage is below \$100; when the employee's wage is below \$100, the employee would receive their full wage.

The bill would also cap the employee contribution to short-term disability benefits, starting in 2025, to not exceed one-half of one percent of the employee's wages. The contribution also could not exceed forty percent of the average of the combination of all contributions to disability benefits from employees and employers in the prior year. The bill would replicate some changes in WKC to ISC, provide guidance for the calculation of the maximum contribution and reporting dates, and permit penalties for violating WKC to reach \$2,500 per violation.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2024-25 Executive Budget to ensure that the Workers' Compensation Board has the resources to onboard new staff and to implement the bill's proposed increase to short-term disability benefits.

Effective Date:

This bill shall take effect immediately and shall apply to all policies issued, renewed, modified, altered, or amended on or after January 1, 2025.

Part O – Stop Addictive Feeds Exploitation (SAFE) for Kids Act

Purpose:

This bill would amend the General Business Law to protect the mental health and safety of children from addictive algorithmic feeds used by social media platforms.

Summary of Provisions and Statement in Support:

The bill would prohibit social media platforms from providing an addictive feed to children younger than age 18 and require such platforms to obtain parental consent before permitting notifications to children between 12:00 AM and 6:00 AM. Additionally, operators would be required to provide options for parents to limit their child's access to addictive social media to a length of time per day.

The bill would empower the Office of the Attorney General to enforce the SAFE for Kids Act and bring an action to obtain injunctive relief, restitution, disgorgement of profits obtained from a violation, damages and civil penalties of up to \$5,000 per violation. Covered users, or their parent or guardian, could also bring an action for violations to obtain damages of up to \$5,000 or actual damages, whichever is greater as well as injunctive or declaratory relief. The bill also contains provisions for notice and an opportunity to cure in certain circumstances.

Addictive feeds have had an increasingly devastating effect on children and teenagers. This bill would make clear that the children of New York do not have to subject themselves to risk of serious mental health consequences in order to connect with each other online.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget because it furthers the State's efforts to protect the mental health of children from addictive feeds.

Effective Date:

This bill will take effect on the 180th day after the rules and regulations promulgated by the Office of the Attorney General become effective.

Part P – Child Data Protection Act

Purpose:

This bill amends General Business Law by creating the New York Child Data Protection Act. The Act prohibits websites from collecting, using, sharing, or selling personal data of anyone under the age of 18, unless they receive informed consent or when doing so is strictly necessary for the purpose of the website. The bill authorizes the Attorney General of New York to enforce the law to seek injunctive relief and damages and creates a private right of action.

Summary of Provisions and Statement in Support:

This bill amends General Business Law by adding a new Article 39-FF to enact the New York Child Data Protection Act. The Act protects the data of covered users under eighteen, permits data collection only when necessary for the site or application to function, or upon receiving informed consent. For users under thirteen, data is protected except for processing covered under 15 U.S.C. § 6502.

Informed consent must be made through device communication or signal and consent must be optional, revocable, and not requestable again until the following calendar year. Data covered under the Act must be deleted within fourteen days unless informed consent is obtained or is necessary for maintaining specific products or services. Third parties must receive such covered users' data via a binding agreement that requires that the third parties be able to delete or return data, provide data to the operator upon request, or prove compliance to the Act through a qualified assessor. They must inform the operator in advance if personal data of a covered user will be disclosed or transferred to another party. Operators must treat users as covered users if signals regarding settings, such as age settings, are received from users' devices.

Upon discovery of violations of the Act, the Attorney General of New York could bring a legal action for injunctive relief, restitution, disgorgement of profits, damages and civil penalties of up to \$5000 per violation. Covered users or parents of minors could bring an action for violations to seek injunctive relief and damages of the greater of up to \$5000 or actual damages. The bill would require that notice and an opportunity to cure be provided in certain instances.

With few existing protections, children in New York are vulnerable to having their personal data tracked and shared. The New York Child Data Protection Act would ensure that children under eighteen can interact online without concern of monitoring and recording and would provide for legal repercussions for violations.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2024-25 Executive Budget.

Effective Date:

This bill would take effect one year after enactment, provided that immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

Part Q – Eliminate the Lag Payroll and Salary Withholding Program for newly hired State employees.

Purpose:

This bill would amend section 200 of the State Finance Law to eliminate the Lag Payroll and Salary Withholding Program for newly hired State employees with an effective date of appointment on or after July 1, 2024, pursuant to agreements with labor unions representing State employees, and at the election of the judiciary and Legislature for employees under their purview.

Summary of Provisions and Statement in Support:

The Lag Payroll requires employees to wait approximately one month before receiving their first paycheck, and the Salary Withholding Program requires a 10% pay reduction over the first ten weeks of employment. The continuation of these measures is not feasible in today's ultra-competitive labor market.

The elimination of these decades-old, collectively negotiated mechanisms is necessary to improve the State's recruitment of new employees, particularly for entry-level positions.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget because it will assist with the recruitment of the State's workforce.

Effective Date:

This bill would be effective immediately and would end the Lag Payroll and Salary Withholding Program for all employees hired on or after July 1, 2024.

Part R – Market-Based Interest Rate on Court Judgments

Purpose:

This bill would permit a variable market-based, rather than fixed, interest rate to be assessed on court judgments and accrued claims, resulting in lower State taxpayer costs and relief to local governments.

Summary of Provisions and Statement in Support:

The variable market-based interest rate is based on the weekly average one-year constant maturity Treasury yield, which is the same rate permitted for civil money judgments recovered in federal district court.

Currently, the interest rate is established at 9% per year on judgments and accrued claims. This fixed rate was increased to the current level in the early 1980's at a time when the prevailing interest rates exceeded 12%. The intent of the legislation was to provide claimants with a reasonably equitable interest rate on judgments and claims while mitigating the fiscal impact on taxpayers. The economic climate has changed since then and with current interest rates much lower, shifting to a prevailing market rate will help ensure that neither side in a lawsuit will be disadvantaged by an interest rate that is above or below what otherwise could be earned while cases are being adjudicated.

The bill would provide for the use of the weekly average one-year constant maturity Treasury yield in calculating interest on court judgments and accrued claims. This rate would not apply to provisions of the State Tax Law setting forth interest rates or to judgments arising from consumer debt, which are subject to an interest rate of 2% per year. Similarly, the bill would provide for the use of the weekly average one-year constant maturity Treasury yield in calculating interest on all court judgments and accrued claims against the State and would likewise not apply to provisions of the State Tax Law which may provide for annual rates of interest on judgements or accrued claims.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget because it would reduce the amount of interest paid by the State on court judgments and accrued claims by approximately \$2.5 million annually. Additionally, passage of this bill would provide fiscal relief to local governments and businesses.

Effective Date:

This bill would take effect April 1, 2024.

Part S – Cease reimbursement of the Medicare Income Related Monthly Adjustment Amounts to high income retirees and their dependents in the New York State Health Insurance Program

Purpose:

This bill would eliminate the State's reimbursement of the Income Related Monthly Adjustment Amounts (IRMAA) to high income State retirees and their dependents enrolled in the New York State Health Insurance Program (NYSHIP), lowering taxpayer funded costs to the program.

Summary of Provisions and Statement in Support:

Under current law, which was enacted in the 1960s, the State provides for the reimbursement of the Medicare Part B premium for eligible State retirees and their dependents enrolled in NYSHIP. In 2007, a federal law implemented IRMAA, requiring higher-income enrollees to pay more into Medicare to reduce federal Medicare expenses. Since the Federal law's enactment, the State has been reimbursing these higher income retirees both the standard Medicare premium and the IRMAA premium. This bill would amend Section 167-a of Civil Service Law to clarify the law's original intent to only provide for the reimbursement of the standard Medicare premium. In addition, the bill would further clarify that there shall be no reimbursement of the IRMAA premium.

This subsidy is worth \$694 annually for retirees with an Adjusted Gross Income (AGI) between \$87,000 and \$109,000, growing to a taxpayer subsidy of \$4,164 annually for retirees with an AGI above \$500,000. Costs for the IRMAA reimbursement has more than doubled over the last five years from \$17 million in 2019 to an estimated \$34.5 million in 2024.

Rising health insurance costs, which are expected to exceed 10 percent in 2024, are unsustainable and challenge the State's ability to remain economically competitive. Reasonable actions such as this seek to mitigate this spending growth.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget as it reduces the State's NYSHIP costs by \$5.7 million in FY 2025 and \$23.5 million in FY 2026. Out-year savings are valued at roughly \$28 million in FY 2027 and \$33 million in FY 2028.

Effective Date:

This bill would take effect on January 1, 2024, for premiums incurred on or after that date.

Part T – NYSHIP Interest and Intercept for Premiums in Arrears

Purpose:

This bill would permit the Department of Civil Service (DCS) to charge interest to New York State Health Insurance Program (NYSHIP) participating employers that do not pay their NYSHIP premiums by the due date. This bill would also authorize the Division of

Budget to intercept certain State aid to participating employers that have past due premiums.

Summary of Provisions and Statement in Support:

Past due premiums create ongoing liquidity issues for NYSHIP throughout the year, as any unmet payment obligations result in incurred claims for those employers' enrollees without the premium needed to support such claims. As certain participating employers have substantial amounts of NYSHIP premiums in arrears, these arrearages result in premium increases for all NYSHIP participating employers, plan members, and the State. The Department of Civil Service (DCS) currently has no statutory authority to charge interest to NYSHIP participating employers for any incurred loss due to late or non-payment. Furthermore, there is currently no mechanism for the State to recoup unpaid premiums.

This bill would provide DCS with the authority to apply interest to a participating employer that fails to make a timely premium payment. The interest amount imposed would be no greater than the interest incurred by the health insurance plan because of such late payment and would be imposed solely at the discretion of the president of the state civil service commission.

The bill would also authorize the Budget Director, at his or her discretion, to intercept any funds appropriated by the State from all participating NYSHIP employers that fail to pay their NYSHIP premium on schedule, and to direct such amounts to the Health Insurance Fund to meet its obligations.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget because it would reduce State NYSHIP costs by \$20 million in FY 2025 and \$80 million in FY 2026. This bill will reduce premium costs for all NYSHIP participating employers, NYSHIP members, and the State.

Effective Date:

This bill would take effect immediately.

Part U – Sunset State Matching Funds for the County-Wide Shared Services Initiative

Purpose:

This bill would repeal parts of Section 239-bb of the General Municipal Law which provide for the submission of County-Wide Shared Services Plans to the Department of State and

for State matching funds of achieved Plan savings. Shared Services Panels may continue to be convened at local option.

Summary of Provisions and Statement in Support:

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

However, CWSSI is not a core local aid program, and savings from submitted plans are mostly joint purchasing agreements, not the new shared services intended to be generated by the program. Thus, CWSSI is less effective at producing meaningful and longstanding local operational savings compared to other local aid incentives, such as the Local Government Efficiency Grant Program.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget because it achieves \$11 million in savings in FY 2025 and \$20 million annually thereafter.

Effective Date:

This bill would take effect April 1, 2024.

Part V – Increase the Bonding Limit for the New York City Transitional Finance Authority

Purpose:

This bill would increase the current New York City Transitional Finance Authority (TFA) bond limit to enable New York City to issue additional bonds in support of its capital program.

Summary of Provisions and Statement in Support:

This bill would increase the TFA's bond limit from the current limit of \$13.5 billion to \$19.5 billion beginning July 1, 2024, and to \$25.5 billion beginning July 1, 2025. The current bond cap has been in existence since 2009.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget in order to ensure sufficient financing availability for New York City's capital program.

Effective Date:

This bill would take effect immediately.

Part W – Improve the Effectiveness of the Local Government Efficiency Grant Program

Purpose:

This bill would reform the Local Government Efficiency Grant Program to improve the overall effectiveness of the program by increasing various maximum thresholds.

Summary of Provisions and Statement in Support:

This bill would increase the maximum award for Local Government Efficiency Grant planning and implementation grants. Currently, planning grants may be up to a maximum of \$12,500 per municipality and \$100,000 total per grant. Beginning in FY 2025, the new maximum would be up to \$20,000 per municipality and up to \$100,000 total per grant. Implementation grant maximums would be increased from \$200,000 per municipality and \$1.0 million total per grant to, beginning in FY 2025, \$250,000 per municipality and up to \$1.25 million total per grant.

Increasing these thresholds, combined with a larger annual procurement, will together allow for more effective projects and a greater number of projects to be funded, in order to increase local government efficiency and operations.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2025 Executive Budget because it will further incentivize and encourage implementation of projects funded by the Local Government Efficiency Grant Program.

Effective Date:

This bill would take effect April 1, 2024.

Part X – Authorization for transfers, temporary loans, and amendments to miscellaneous capital/debt provisions, including bond caps

Purpose:

This bill would provide the statutory authorization necessary for the administration of funds and accounts included in the fiscal year 2024-25 Executive Budget and propose certain modifications to improve the State's General Fund position in the upcoming fiscal year. Specifically, it would: (1) authorize temporary loans and the deposits of certain revenues to specific funds and accounts, (2) authorize the transfers and deposits of funds to and across various accounts, (3) extend various provisions of Chapter 56 of the Laws of 2022 in relation to capital projects and certain certifications, and (4) modify various debt and bond provisions necessary to implement the budget.

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

This bill is necessary to execute a balanced Financial Plan in accordance with the 2024-25 Executive Budget. Similar legislation is enacted annually to authorize the transfer of funds budgeted in the financial plan (that do not have permanent statutory authorization) and to provide for other transactions necessary to effectuate the provisions of the budget. The bill includes the following provisions:

- Section 1 of this bill would authorize the Comptroller to make temporary loans to specific State funds and accounts during fiscal year 2024-25.
- Section 2 of this bill would authorize the Comptroller to make temporary loans to accounts within specific Federal funds during fiscal year 2024-25.
- Sections 3 and 4 of this bill would authorize the Comptroller to make transfers between designated funds and accounts.
- Section 5 of this bill would authorize the Comptroller to deposit funds into the Banking Services Account.
- Section 6 of this bill would authorize the Comptroller, at the request of the Director of the Budget and upon consultation with the SUNY Chancellor, to transfer up to \$16 million to the General Fund for debt service costs related to capital project costs for the NY-SUNY 2020 Challenge Grant program at the University at Buffalo.
- Section 7 of this bill would authorize the Comptroller, at the request of the Director of Budget and upon consultation with the SUNY Chancellor, to transfer up to \$6.5 million to the General Fund for debt service costs related to capital project costs for the NY-SUNY 2020 Challenge Grant program at the University at Albany.

- Section 8 of this bill would authorize the SUNY Chancellor to transfer the estimated tuition revenue balances from the State University Collection Fund to the State University Fund, State University General Revenue Offset Account.
- Section 9 of this bill would authorize the Comptroller, at the request of the Director of the Budget, to transfer up to \$1.3 billion from the General Fund to the State University Income Fund, State University General Revenue Offset Account, during the period of July 1, 2024 through June 30, 2025.
- Section 10 of this bill would authorize the Comptroller, at the request of the Director of the Budget, to transfer up to \$103 million from the General Fund to the State University Income Fund, State University General Revenue Offset Account, during the period of April 1, 2024 through June 30, 2024.
- Section 11 of this bill would authorize the Comptroller to transfer up to \$49.6 million from the General Fund to the State University Income Fund, State University General Revenue Offset Account during the period of July 1, 2024 through June 30, 2025 to support Tuition Assistance Program payments.
- Section 12 of this bill would authorize the Comptroller to transfer up to \$20 million from the General Fund to the State University Income Fund, State University General Revenue Offset Account during the period of July 1, 2024 through June 30, 2025.
- Section 13 of this bill would authorize the Comptroller to transfer up to \$55 million from the State University Income Fund, State University Hospitals Income Reimbursable and Long Island Veterans' Home accounts, to the State University Capital Projects Fund.
- Section 14 of this bill would authorize the Comptroller, after consultation with the SUNY Chancellor, to transfer monies in the first instance from the State University Collection fund to the State University Income Fund, State University Hospitals Income Reimbursable Account, in the event that insufficient funds are available to permit the full transfer of moneys authorized for transfer from the State University Income Fund, Income Reimbursable Account to the General Fund for SUNY Hospitals' debt service.
- Section 15 of this bill would authorize the Comptroller, at the direction of the Director of the Budget and the SUNY Chancellor, to transfer up to \$100 million between the State University Dormitory Income Fund and the State University Residence Hall Rehabilitation Fund.

- Section 16 of this bill would authorize the Comptroller, at the request of the Director of the Budget, to transfer up to \$1 billion from the unencumbered balance of any Special Revenue Fund or Account, Agency Fund or Account, Internal Services Fund or Account, or Enterprise Fund or Account, or any combination thereof (excluding Federal funds, or any fund in which the eligibility for Federal benefits would be impacted), to the General Fund.
- Section 17 of this bill would authorize the Comptroller, at the request of the Director of the Budget, to transfer up to \$100 million from any non-general fund or account, or combination thereof (excluding funds in which the eligibility for Federal benefits would be impacted), to the Technology Financing Account, the Miscellaneous Capital Projects Fund, the Federal Capital Projects Account, the Information Technology Capital Financing Account, or the centralized technology services account for the consolidation of costs related to technology services.
- Section 18 of this bill would authorize the Comptroller, at the request of the Director of the Budget, to transfer up to \$400 million from any non-general fund or account, or combination thereof (excluding funds in which the eligibility for Federal benefits would be impacted), to the General Fund as reimbursement for costs related to technology services.
- Section 19 of this bill would authorize the transfer of up to \$20 million from the New York State Power Authority to the State Treasury to the credit of the General Fund, after April 1, 2024.
- Section 20 of this bill would authorize the transfer of up to \$25 million from the New York State Power Authority to the State Treasury to the credit of the General Fund, after April 1, 2024.
- Section 21 of this bill would authorize the transfer of up to \$913 thousand from the New York State Energy Research and Development Authority to the credit of the General Fund, on or before March 31, 2025.
- Section 22 of this bill would authorize the transfer of up to \$5 million from the New York State Energy Research and Development Authority to the credit of the Environmental Protection Fund, on or before March 31, 2025.
- Section 23 of this bill would amend State Finance Law (SFL) §97-rrr to allow the State Comptroller to deposit up to \$1.6 billion into the School Tax Relief Fund.
- Section 24 of this bill would authorize the Comptroller, at the request of the Director of the Budget, to transfer designated special revenue fund balances to

the capital projects fund for the purpose of reimbursement to that fund for expenses related to the maintenance and preservation of State assets.

- Section 25 of this bill would amend SFL § 4(6) to authorize the Comptroller to receive moneys for deposit to funds and accounts as identified by the Director of the Budget.
- Section 26 of this bill would amend SFL § 40(4) to permit payment of prior years' liabilities.
- Section 27 of this bill would continue the authorization to use any balance remaining in the debt service appropriation for Mental Hygiene facilities to make rebates necessary to protect the tax-exempt status of the bonds.
- Section 28 of this bill would increase the bond cap for financing correctional facilities from \$9.866 billion to \$10.299 billion.
- Section 29 of this bill would increase the bond cap for financing housing capital programs from \$13.635 billion to 13.929 billion.
- Section 30 of this bill would increase the bond cap for dedicated highway and bridge trust projects from \$20.649 billion to \$21.458 billion.
- Section 31 of this bill would increase the bond cap for financing CUNY educational facilities from \$11.314 billion to \$11.722 billion.
- Section 32 of this bill would increase the bond cap for financing library facilities from \$367 million to \$401 million.
- Section 33 of this bill would increase the bond cap for SUNY Educational Facilities from \$18.111 billion to \$18.774 billion.
- Section 34 of this bill would increase the bond cap for financing SUNY community colleges from \$1.227 billion to \$1.365 billion.
- Section 35 of this bill would increase the bond cap for financing mental health services facilities from \$12.418 billion to \$12.922 billion.
- Section 36 of this bill would increase the bond cap for homeland security and training facilities from \$501.5 million to \$522.5 million and increase the bond cap for financing improvements to State office buildings and other facilities from \$1.713 billion to \$1.855 billion.

- Section 37 of this bill would increase the bond cap for financing the Office of Information and Technology from \$1.354 billion to \$1.743 billion.
- Section 38 of this bill would increase the bond cap for financing the consolidated highway improvement program from \$13.949 billion to \$14.743 billion.
- Section 39 of this bill would increase the bond cap for financing the acquisition of equipment from \$493 million to \$593 million.
- Section 40 of this bill would increase the bond cap for financing environmental infrastructure projects from \$9.336 billion to \$10.596 billion.
- Section 41 of this bill would increase the bond cap for financing youth facilities from \$1.015 billion to \$1.067 billion.
- Section 42 of this bill would increase the bond cap for financing transportation initiatives from \$12.308 billion to \$15.177 billion.
- Section 43 of this bill would increase the bond cap for financing economic development initiatives from \$17.656 billion to \$20.254 billion.
- Section 44 of this bill would increase the bond cap for financing public protection facilities in the Division of Military and Naval affairs from \$247 million to \$297 million.
- Section 45 of this bill would increase the bond cap for financing special education and other education facilities from \$321.799 million to \$341.898 million.
- Section 46 of this bill would increase the bond cap for Food Lab from \$40.945 million to \$41.060 million.
- Section 47 of this bill updates the definition of Mental Health Services Facility to include comprehensive psychiatric emergency programs and/or psychiatric inpatient programs and housing for mentally ill persons.
- Section 48 of this bill would update the transfer authorization from the SUNY special revenue accounts to the general fund to reimburse the State for debt service on refinanced NYPA projects.
- Sections 49 and 50 of this bill would define the conditions for private (i.e. negotiated) New York State PIT (section 49) and Sales Tax (section 50) bond transactions, which the State Comptroller is required to review and approve.

- Section 51 of this bill updates the fixed asset definition to include conservation easements.
- Section 52 of this bill would update the schedule for the State assessed per bond fee by exempting it from refunding transactions, eliminating it on transactions for less than \$20 million, and reducing the fee for all transactions greater than \$20 million from \$8.4/bond to \$3.5/bond.
- Sections 53 and 54 of this bill would clarify that the State can purchase a bond from current holders to include instances where the redemption price paid provides an economic benefit to the state.
- Section 55 of this bill authorizes the State to issue notes annually to finance the budgetary needs of the state and increases the amount from \$3 billion to up to \$4 billion.
- Section 56 of this bill would extend the authorization to issue MTA projects for a maximum term of 50 years through FY 2025.

All of the sections of this bill would become permanent upon enactment except for sections one through eight, sections fourteen through twenty-four, and twenty-three, which are subject to expiration on March 31, 2025, sections nine through twelve, which are subject to expiration on June 30, 2025, and sections 25 and 26, which are subject to expiration on March 31, 2028.

Budget Implications:

Enactment of this bill is necessary to implement the 2024-25 Executive Budget, including the transfer of funds budgeted in the financial plan and the provision of temporary loans from the State Treasury for cash flow purposes. This bill is also necessary to reimburse projected Capital Projects Fund spending with the proceeds of bonds sold by public authorities, to ensure the continued borrowing necessary for certain State-supported debt issuances to implement the budget, and to permit the State to carry out basic administrative functions.

Effective Date:

This bill takes effect April 1, 2024.

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